

Greater Shepparton Planning Scheme  
Draft Amendment C117gshe  
Referral 9 – Shepparton South East Precinct Structure Plan  
and Development Contributions Plan

**VPA Projects Standing Advisory Committee Report**

*Planning and Environment Act 1987*

**29 October 2024**

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located, and the Yorta Yorta people as the as the traditional custodians of the area known as Shepparton South East. We pay our respects to their Elders past and present.

*Planning and Environment Act 1987*

VPA Projects Standing Advisory Committee Report pursuant to section 151 of the PE Act

Greater Shepparton Planning Scheme Draft Amendment C117gshe

Referral 9 – Shepparton South East Precinct Structure Plan and Development Contributions Plan

**29 October 2024**



Lisa Kendal, Chair



Sally Conway, Member



Kate Partenio, Member

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## Glossary and abbreviations

AEP	Annual Exceedance Probability
ASR Report	<i>South Shepparton Community Infrastructure Needs Assessment (ASR Research, March 2023)</i>
Background Report	Shepparton South East Background Report
CEMP	Construction Environmental Management Plan
CIL	Community Infrastructure Levy
Committee	Victorian Planning Authority Projects Standing Advisory Committee
Council	Greater Shepparton City Council
DCP	Development Contributions Plan
	<i>Note: DCP project codes are shown in Chapter 2.2(ii)</i>
DCPO5	Development Contributions Plan Schedule 5
Development Contributions Guidelines	Development Contributions Guidelines (Department of Sustainability and Environment, 2003 - as amended 2007)
DIL	Development Infrastructure Levy
draft Amendment	draft Greater Shepparton Planning Scheme Amendment C117gshe
DTP	Department of Transport and Planning
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority Victoria
Flood Intelligence Study	<i>Shepparton Mooroopna Flood Mapping and Flood Intelligence Study</i>
Flood Mapping Project	<i>Shepparton Mooroopna 1% AEP Flood Mapping Project</i>
G#	PSP Guideline
GMW	Goulburn Murray Water
GRZ	General Residential Zone
Heritage Study	<i>East of Shepparton Historical Heritage Study</i>
Historical Review	<i>East of Shepparton Historical Review, Anne Tyson, 2023</i>
ICP	Infrastructure Contributions Plan
LCA	<i>Desktop Land Capability Assessment, SMEC, 7 October 2022</i>
lot cap	infrastructure to be constructed prior to the issue of a permit for subdivision that results in a combined total of more than 800 residential lots
LSIO	Land Subject to Inundation Overlay

MD1	Ministerial Direction 1 – Potentially Contaminated Land
Ministerial Direction on development contributions	Ministerial Direction on the preparation and content of development contributions plans and Ministerial reporting requirements for development contributions plans
NDA	Net Developable Area
NDHa	Net Developable Hectare
PAO#	Public Acquisition Overlay (Schedule number)
PE Act	<i>Planning and Environment Act 1987</i>
the Petrovskis	Lyn and Arthur Petrovski
PFN	Principal Freight Network
Planning Scheme	Greater Shepparton Planning Scheme
PPN01	Planning Practice Note 1: Applying the Heritage Overlay
PPN30	Planning Practice Note 30: Potentially Contaminated Land
precinct	Shepparton South East precinct
PRSA	Preliminary Risk Screen Assessment
PSP	Shepparton South East Precinct Structure Plan
PSP Guidelines	Precinct Structure Planning Guidelines: New Communities in Victoria (VPA, 2021)
R#	PSP Requirement (number)
RDN 04-10	VicRoads' Road Design Note - Heavy Vehicle Network Access Considerations, RDN 04-01, 2019
SAR	Shepparton Alternate Route
TIA	Traffic Impact Assessment
UFZ	Urban Floodway Zone
UGZ	Urban Growth Zone
UGZ2	Urban Growth Zone Schedule 2
VPA	Victorian Planning Authority
Zurcas	V & D Zurcas Pty Ltd

## Overview

### Draft Amendment summary

The draft Amendment	Draft Greater Shepparton Planning Scheme Amendment C117gshe
Common name	Shepparton South East Precinct Structure Plan and Development Contributions Plan
Brief description	The draft Amendment seeks to facilitate development of the Shepparton South East precinct in accordance with the vision for urban growth outlined in the Shepparton South East Precinct Structure Plan. It proposes to introduce the Shepparton South East Precinct Structure Plan and Shepparton South East Development Contributions Plan to the Greater Shepparton Planning Scheme, and make associated changes
Subject land	Land in the Shepparton South East Precinct Structure Plan (see Figure 1)
The Proponent	Victorian Planning Authority, with Greater Shepparton City Council for the purposes of the Committee process
Planning Authority	Victorian Planning Authority
Council	Greater Shepparton City Council
Public consultation	12 February to 15 April 2024
Submissions	52 (see Appendix C)

### Committee process

The Committee	Lisa Kendal (Chair), Sally Conway and Kate Partenio
Supported by	Gabrielle Trowse, Project Officer and Chris Brennan, Senior Project Officer
Directions Hearing	12 July 2024, Planning Panels Victoria Hearing Rooms and online via video conference
Committee Hearing	Shepparton Art Museum, Shepparton and online via video conference: 20, 21, 22 and 23 August 2024 Planning Panels Victoria and online via video conference: 26, 27, 28 and 29 August and 2 and 4 September 2024
Site inspection	Unaccompanied, 19 and 22 August 2024

## Committee process

Parties to the Hearing	<p><b>Victorian Planning Authority and Greater Shepparton City Council (Proponent)</b> represented by James Lofting and Sonia Turnbull of Russell Kennedy Lawyers, calling the following expert evidence:</p> <ul style="list-style-type: none"> <li>- Hydrology and functional design from Nina Barich of Incitus</li> <li>- Hydrology and modelling from Warwick Bishop of Water Technology</li> <li>- Drainage/stormwater functional design from Jenny Butcher of Alluvium</li> <li>- Transport from Reece Humphreys of Stantec</li> <li>- Traffic functional design from James Dear of OneMileGrid</li> </ul> <p><b>V &amp; D Zurcas Pty Ltd</b> represented by Paul Waiting of Spiire</p> <p><b>Gordon Hamilton</b></p> <p><b>Rocky D'Agostino</b></p> <p><b>Committee for Greater Shepparton</b> represented by Linda Nieuwenhuizen</p> <p><b>Harchand Singh</b></p> <p><b>Maree McKenna</b></p> <p><b>Annemarie Close</b></p> <p><b>Northeast Auto Group</b> represented by Paul Beatty</p> <p><b>TB Innes-Irons &amp; JM Innes-Irons</b> represented by Adeline Lane and Jack Chiodo of Jackson Lane Legal</p> <p><b>Goldfields Shepparton Pty Ltd</b>, represented by Paul Chiappi of Counsel, instructed by Charlotte Townshend of Planning and Property Partners, calling the following expert evidence:</p> <ul style="list-style-type: none"> <li>- Traffic engineering from John-Paul Maina of Impact Australia</li> <li>- Drainage and stormwater from Chris Beardshaw of Afflux</li> </ul> <p><b>Bala Doyles Rd Unit Trust</b> represented by Paul Waiting of Spiire</p> <p><b>Rendevski Transport Pty Ltd</b> represented by Trevor Woodcock of Infrastructure Solutions</p> <p><b>Vince Tassoni</b> represented by Trevor Woodcock of Infrastructure Solutions</p> <p><b>Margaret Alexander</b> represented by Gemma Robinson of Rigby Cooke Lawyers</p> <p><b>Lyn and Arthur Petrovski</b> represented by Michael Petrovski</p>
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Citation	VPA Projects SAC Referral 9 – Shepparton South East [2024] PPV
Date of this report	29 October 2024

## Executive summary

The regional city of Shepparton in the Goulburn Valley of Victoria is located approximately 180 kilometres north of Melbourne.

The Shepparton South East Precinct (precinct) is a significant residential growth area that will provide diverse housing opportunities for Shepparton and the region.

The precinct's residential future has been envisaged in planning policy for approximately 30 years. The Victorian Planning Authority (VPA) has been working with the Greater Shepparton City Council (Council) to undertake detailed planning for the precinct. The Shepparton South East Precinct Structure Plan (PSP), Shepparton South East Development Contributions Plan (DCP) and the draft Greater Shepparton Planning Scheme Amendment C117gshe are the culmination of this planning process, and are intended to guide development of the precinct for the next 20 to 30 years.

The vision for the precinct is for a new residential neighbourhood accommodating more than 2,500 houses for more than 6,000 residents, and capacity for 275 jobs. The precinct proposes to include:

- open spaces, recreational areas, community facilities and services and local retail spaces
- upgraded and new roads and transport infrastructure providing for local bus routes, and bicycle and pedestrian paths.

The proposal has been developed with consideration of site values, opportunities and constraints, including surrounding land uses, flooding and drainage infrastructure, transport networks and the Broken River which abuts the southern boundary of the precinct.

The VPA advised it was piloting new approaches to inform and reflect emerging government policy for greenfield development. This included new approaches to development staging, including “*hard stage gates*”, planning cost recovery and full cost recovery apportionment for State significant road infrastructure. The hard stage gate proposed includes a lot cap to ensure critical transport infrastructure is delivered in a timely fashion on Doyles Road, which is part of the Principal Freight Network. The proposed lot cap requires the intersections at Poplar Avenue/Doyles Road (IN-01) and Channel Road/Doyles Road (IN-03) to be constructed prior to the issue of a permit for subdivision that results in a combined total of more than 800 residential lots.

The draft Greater Shepparton Planning Scheme Amendment C117gshe proposes to amend the Greater Shepparton Planning Scheme to, among other things:

- introduce the PSP, DCP, Urban Growth Zone Schedule 2 and Development Contributions Plan Overlay Schedule 5
- amend the Public Acquisition Overlay Schedule to include land for drainage and stormwater, transport and open space/local sports purposes
- apply the Environmental Audit Overlay to properties in the precinct identified as having high or medium potential for contamination
- amend the Heritage Overlay Schedule to include six heritage places.

The VPA undertook public consultation on the draft Greater Shepparton Planning Scheme Amendment C117gshe, PSP and DCP from 12 February to 15 April 2024. A total of 52 submissions were received including from landholders, government authorities, community and industry groups and community members.

The VPA referred all submissions to the Committee for advice and recommendations. It identified key issues including:

- the DCP rate
- drainage (riverine and stormwater management)
- staging and infrastructure delivery
- strategic justification of the Public Acquisition Overlay
- transport
- housing density and open space
- noise, amenity, interface treatments, and contamination of land.

The former Minister for Planning referred the matter to the VPA Projects Standing Advisory Committee on 22 July 2020. For the purposes of the Committee process the VPA and Council advised they would make submissions jointly and would be jointly represented at the Hearing.

### **Overarching findings**

The Committee considers that strategic justification for development of the precinct for residential growth is unequivocal. There is strong support in various relevant strategic plans and the Planning Scheme and the need for more housing in Shepparton is well established. The proposal will deliver net community benefit and sustainable development, and delivery of the PSP will facilitate much needed, well located and well serviced residential development within Shepparton's settlement boundary.

The Committee concludes the draft Greater Shepparton Planning Scheme Amendment C117gshe:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the specific issues as discussed in this Report.

### **Findings on key issues**

#### Flooding and drainage

The flood mapping is acceptable. The PSP area can be designed to ensure that development does not increase flood risk to properties beyond the precinct, and to minimise flood risks to properties inside the precinct. The location of drainage assets as set out in the Day 1 PSP is acceptable.

#### Transport

Duplication of Doyles Road is not expected to occur within the development timeframe of the precinct, has not been funded and may never occur. A single lane roundabout at the Channel Road/Doyles Road intersection will provide sufficient capacity to cater for the increase in traffic from the PSP area, and should be 100 per cent apportioned to the precinct.

Should the State government determine the Channel Road/Doyles Road roundabout (IN-03) should be designed to minimise redundant works in the event of duplication of Doyles Road or that additional left turn lanes are required then it should secure funding for the additional costs associated with these attributes, including land acquisition costs.

The PSP should note the need to consider the location of local park LP-05, which runs along the western side of Doyles Road, in the event that duplication of Doyles Road is not committed to by the time of land acquisition for local park LP-05.

The loss of right turns and cross traffic movements on Poplar Avenue at Doyles Road is appropriate.

#### Lot cap

The intent of the lot cap is to ensure that the intersection works are constructed by the occupation of dwellings and to ensure that funding to achieve this is made available. There would be no harm in allowing some discretion for subdivision permits to be issued once certainty of the timing of the completion of the intersection upgrades are known. The Urban Growth Zone Schedule 2 should allow discretion for subdivision permits to be issued after the lot cap is reached.

#### Pedestrian signals

The Orrvale Primary School is not within walking or cycling distance to Stage 1 development areas for primary school students. The installation of pedestrian signals on Doyles Road (PED-01) prior to the construction of the Channel Road/Doyles Road roundabout (IN-03c) may create road safety risks that have not been evaluated. The timing of the installation of PED-01 should be confirmed through a road safety audit or coincide with the completion of IN-03c.

#### Shared path along Broken River

The shared path along Broken River is justified and should be based on the revised alignment determined through the detailed survey work. The land to be acquired for the shared path is appropriate in the Day 1 Amendment documents as Public Acquisition Overlay 35. The detailed survey plan showing the exact location and width of the shared path should be included as an appendix in the PSP.

#### Community centre, sports reserve and school site

The size of the proposed community centre (C1-01) is justified, as shown in the Day 1 Amendment documents, and it is appropriate to fully apportion it to the precinct.

The reconfigured sports reserve (SR-01) as shown in the Day 1 documents is appropriate, and the Day 1 Development Contribution Plan costing for sports reserve facilities is appropriate.

The proposed size of the school site is supported.

#### State government health centre

It is appropriate to include in the PSP:

- a guideline requiring the land to be provided to a finished standard to the satisfaction of the Department of Health
- a sunset clause for the potential State government health facility land which includes the option of either the Department of Health advising in writing it is no longer required or a minimum of ten years following gazettal of the PSP.

#### Housing and density

The housing densities proposed in the Day 1 Amendment documents are appropriate. The Small Lot Housing Code should be included in the PSP and Urban Growth Zone Schedule 2, and as an incorporated document in the Greater Shepparton Planning Scheme.

It is not necessary to include a percentage requirement for affordable housing in the PSP.



### DCP rate

The DCP rate is acceptable, subject to amendments resulting from revised scope of specific infrastructure projects recommended by the Committee. Housing affordability will not be unduly affected by the DCP rate. The DCP rate should not be amended to reflect encumbered land values.

### Other issues

Findings on other issues include:

- Interface considerations between proposed residential development and existing farming uses are adequately addressed in the post exhibition changes to the draft Amendment.
- Further consideration should be given to ensure the potential noise impacts from existing uses at 286-288 Doyles Road are addressed before finalising the Amendment, including determining whether a buffer should be included on Plan 11.
- The EAO is the appropriate planning control to apply to land identified as having medium to high potential for contamination, where the environmental audit system is proposed to be deferred, unless otherwise agreed by the EPA that an “*other appropriate measure*” can be satisfied through a provision in the Urban Growth Zone Schedule 2.
- The approach to sodic soils is acceptable.
- Application of the Heritage Overlay to 630 Doyles Road (HO442), 26 Feiglin Road (HO443) and 32 Feiglin Road (HO445) has not been adequately justified.

### **Recommendations**

The Committee supports the Proponent’s Day 1 changes to the Amendment documentation unless otherwise specified in this Report. The Committee’s recommendations are based on the Proponent’s Day 1 versions of the Amendment documents.

Based on the reasons set out in this Report, the Committee recommends that Draft Greater Shepparton Planning Scheme Amendment C117gshe be adopted as exhibited subject to the following:

- 1. Amend the Urban Growth Zone Schedule 2, as shown in Appendix H.**
- 2. Amend the Development Contributions Plan Overlay Schedule 5, as shown in Appendix I, and to reflect any consequential changes resulting from the update to the Development Contributions Plan recommended by the Committee.**
- 3. Amend the Shepparton South East Precinct Structure Plan to reflect the Day 1 version and to make the changes as shown in Appendix J.**
- 4. Amend the Shepparton South East Development Contributions Plan to reflect the Day 1 version and to make the changes as shown in Appendix K.**
- 5. Apply Public Acquisition Overlay Schedule 35 to the shared path along the Broken River as shown in the Day 1 documents (see Figure 8).**
- 6. Apply the Environmental Audit Overlay to land identified in the Shepparton South East precinct as having medium or high potential for contamination, unless another appropriate measure is otherwise agreed by the Environment Protection Authority Victoria.**

- 7. Delete application of the Heritage Overlay to 630 Doyles Road (HO442), 26 Feiglin Road (HO443) and 32 Feiglin Road (HO445).**
- 8. Before finalising Greater Shepparton Planning Scheme Amendment C117gshe:**
  - a) Consider if a buffer is required to manage potential noise impacts from existing uses at 286-288 Doyles Road, and if a buffer is required, amend the Shepparton South East Precinct Structure Plan, Plan 11 Interface Impact Areas.**
  - b) Review and if necessary correct the Statements of Significance and citations for the HO444, HO446 and HO447 and/or if the documentation is not adequate to justify application of the Heritage Overlay, delete application of the Heritage Overlay from these properties.**

The Explanatory Report should be updated with any consequential changes resulting from the Committee's recommendations.

# 1 The Committee

## 1.1 Terms of Reference and letter of referral

The VPA Projects Standing Advisory Committee (Committee) was appointed by the former Minister for Planning on 22 July 2020. The Committee's purpose is set out in its Terms of Reference dated 17 July 2020 (Appendix A) as follows:

... to provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.

The Terms of Reference explains the Victorian Planning Authority (VPA) will provide a letter of referral to the Committee Chair:

...seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter.

The VPA referred the Shepparton South East Precinct Structure Plan (PSP), Shepparton South East Development Contributions Plan (DCP) and draft Greater Shepparton Planning Scheme Amendment C117gshe (draft Amendment) to the Committee on 18 June 2024 (see letter of referral at Appendix B). This is Referral 9 to the Committee.

The Terms of Reference allow the Committee to inform itself in anyway it sees fit, but it must consider:

- a. The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
- b. The referred submissions
- c. *Plan Melbourne*
- d. Any relevant Regional Growth Plan or Growth Corridor Plan
- e. The applicable Planning Scheme
- f. Relevant State and local policy
- g. Any other material referred to it.

### (i) Response to Terms of Reference

Table 1 sets out the Report outcomes specified at section 20 of the Committee's Terms of Reference and the relevant chapters where the matters are addressed.

**Table 1** Response to Terms of Reference outcomes

Outcome	Report Chapter/s
Whether the referred elements of the draft amendment are appropriate.	Executive Summary, Chapters 4 - 9
A summary and assessment of the issues raised in submissions referred to the Committee.	Executive Summary, Chapters 1.2, 4 – 9, Appendices E and F
Any other relevant matters raised in the course of the Committee process.	Chapters 3 - 9
A list of persons who made submissions considered by the Committee.	Appendix C

Outcome	Report Chapter/s
A list of tabled documents.	Appendix D
A list of persons consulted or heard, including via video conference.	Overview table

## 1.2 Submissions and issues

### (i) Consultation and key issues

The VPA undertook targeted public consultation on the draft Amendment including the PSP and DCP from 12 February to 15 April 2024. A total of 52 submissions (including one late submission) were received, including from:

- landholders
- government authorities and agencies including Goulburn Murray Water (GMW), Goulburn Valley Water, Department of Health, Powercor, Environment Protection Authority Victoria (EPA) and the Department of Education
- community/industry groups including the Committee for Greater Shepparton and Goulburn Valley Environment Group
- community members.

At the Directions Hearing the VPA advised that Greater Shepparton City Council (Council) had withdrawn its submission.<sup>1</sup>

The VPA and Council advised they would make joint submissions and be jointly represented at the Hearings, as the Proponent (see Appendix F).

The Proponent's Part A submission said its position represented a whole of government position, unless otherwise stated. In response to a question from the Committee the Proponent confirmed the only difference related to issues raised by the EPA.

The VPA referred all submissions to the Committee for advice and recommendations. It identified key issues, including:

- DCP rate
- drainage (riverine and stormwater management)
- staging and infrastructure delivery
- strategic justification of the Public Acquisition Overlay (PAO)
- transport
- housing density and open space
- noise, amenity, interface treatments, and contamination of land.

### (ii) Resolved and unresolved issues

The letter of referral stated:

The VPA will continue to seek to resolve matters with submitters, including the submissions that are not contained with the 'Key Issues'. VPA will advise the Committee and any parties if further matters are resolved, prior to and during the Hearing.

<sup>1</sup> Documents 8 and 9

The Committee issued the following direction:

16. The Proponent must update the Committee and parties if any matters are resolved prior to or during the Hearing, through its Part A, Part B and/or closing submissions, or periodically as relevant.

The Proponent clarified on Day 1 of the Hearing it was asking the Committee to focus on unresolved issues.

The Committee has only considered unresolved issues. It has not addressed issues the VPA advised were resolved or withdrawn. In the case where a number of submitters raised the same issue but not all submissions were resolved, the Committee has addressed the issue and unresolved submissions. Appendix E includes a VPA summary of resolved issues.

The VPA circulated updates on resolved or withdrawn matters as follows:

- initial submissions log, 22 July 2024 (Document 12.105)
- Part A submissions log, 5 August 2024 (Document 25a)
- Part B submissions log, 19 August 2024 (Document 37)
- updated submissions log with original and amended submitter numbering, 21 August 2024 (Document 60)
- emails showing issues resolved with submitters, 21 August 2024 (Document 61)
- updated Final day submissions log, 5 September 2024 (Document 100)
- email showing issue resolved with one landholder, 19 September 2024 (Document 108).

## 1.3 Committee process and approach

### (i) Procedural issues

The Overview Table above includes details of the Committee process. Procedural issues related to:

- VPA and Council as joint Proponent
- Submitter numbers
- Experts and expert meetings
- Documents requested
- Hearing and site inspection arrangements
- EPA submissions.

These procedural issues are documented in Appendix F.

### (ii) Amendment documentation

The Committee issued directions for the Proponent to circulate Day 1 versions of the Amendment Documentation before the Hearing started and Final day versions with its closing submissions.

Following the Hearing:

- parties were given the opportunity to comment on the Proponent's Final day Amendment documents (including at the request of a party any potentially new material)
- the Proponent was given an opportunity to respond to comments.

Three parties provided comment on the Proponent's Final day Amendment documents (Document 103 - 106), and the Proponent responded (Document 107 and 107a).

The Committee refers to the Amendment and documents in the following way:

- draft Amendment or the consultation version
- Day 1 version
- Final day version.

**(iii) Committee Report and recommendations**

The Committee's Report focuses on substantive issues and deals with the issues under the following headings:

- Shepparton South East
- Strategic context
- Flooding and drainage
- Transport infrastructure and lot cap
- Open space and community facilities
- Housing and density
- Development contributions
- Other issues.

Issues relating to application of the PAO and specific infrastructure costs are addressed in the chapters relating to the relevant infrastructure items.

The Committee has:

- considered all written submissions made in response to the public consultation of the draft Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing
- reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Committee in reaching its conclusions, regardless of whether they are specifically mentioned in the Report
- assessed the draft Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Committee's recommendations are based on the Proponent's Day 1 versions of the Amendment documents (Documents 26-31). The Committee has provided:

- its preferred version of the Urban Growth Zone Schedule 2 (UGZ2), showing tracked changes against the Day 1 version, at Appendix H
- its preferred version of the Development Contributions Plan Overlay Schedule 5 (DCPO5), showing tracked changes against the Day 1 version, at Appendix I
- recommended changes to the PSP in a summary table at Appendix J
- recommended changes to the DCP in a summary table at Appendix K.

Unless otherwise specified in this Report, the Committee supports:

- the Proponent's Day 1 changes to the Amendment documentation
- the Proponent's Final day changes made for consistency, to correct errors or improve clarity.

**(iv) Limitations**

The Committee:

- has accepted the costings of items as documented in the DCP and has not reviewed these
- has not undertaken a detailed review of Amendment documentation drafting beyond that relevant to issues considered by the Committee.

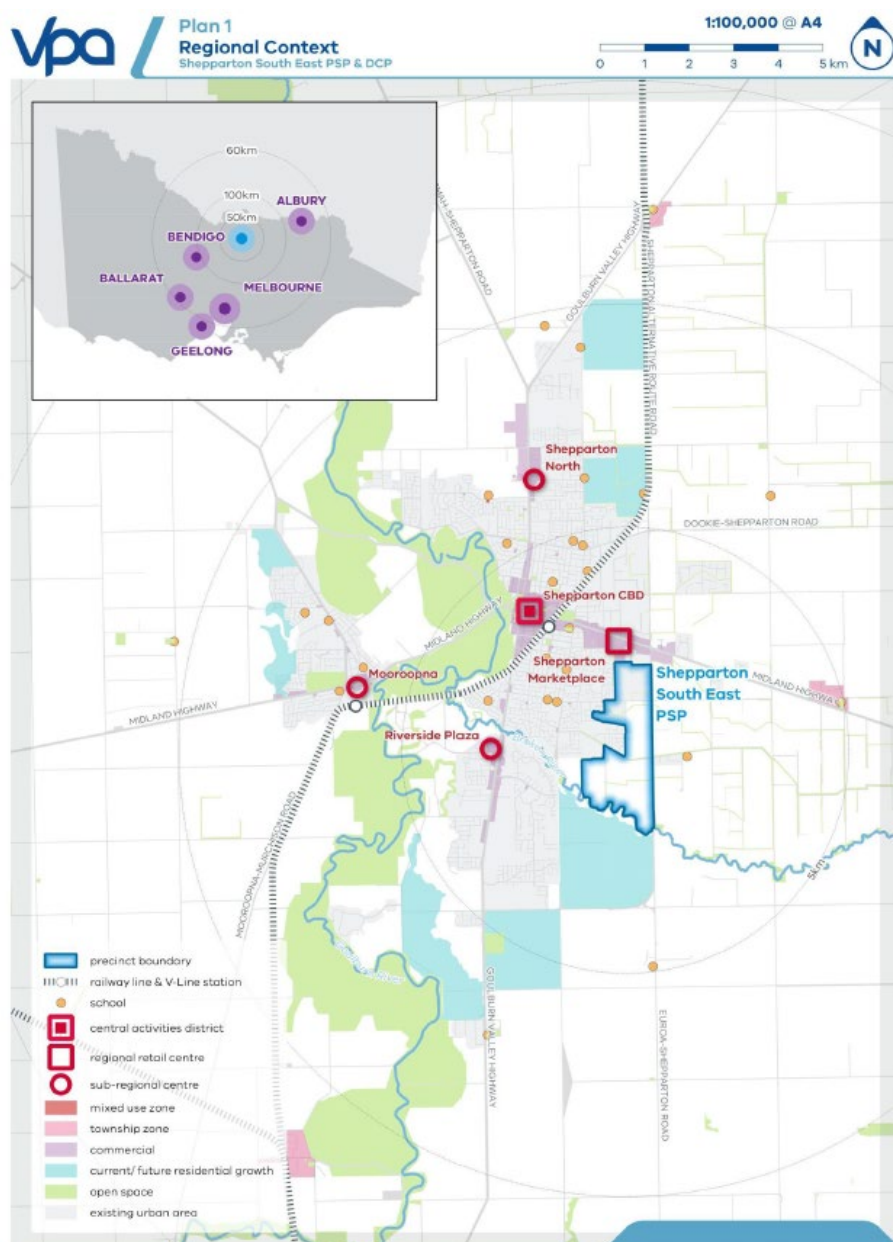
## 2 Shepparton South East

### 2.1 The precinct and context

#### (i) The precinct

The Shepparton South East precinct (the precinct) is approximately 385 hectares, located in the municipality of Greater Shepparton and approximately two kilometres from the centre of Shepparton (see Figure 1). It is bound by existing urban development to the north and west, Doyles Road to the east and Broken River to the south.

Figure 1 Regional context and location of the Shepparton South East precinct



Source: Shepparton South East PSP



## **(ii) Existing land use and surrounds**

The precinct is bound by existing residential development and an area of Urban Floodway Zone (UFZ) land to the west, Broken River to the south, farming land and a pocket of low density residential to the east and mixed land uses including farming, industrial and activity centre which are bound by Benalla Road to the north.

Current land use in the precinct includes:

- eighty-eight properties, consisting of medium to large lots and a small number of houses
- intensive horticulture, including orchards, and other agriculture, associated uses and infrastructure
- the Broken River corridor and environs and some native vegetation
- existing rural roads including Channel Road, Poplar Avenue and Feiglin Road.

The precinct is generally flat and falls gently to the south west towards the Broken River, with some raised areas where drainage assets and irrigation channels are located.

GMW irrigation channels and drains supply irrigation water for horticultural and agricultural land uses, and vary in width and depth. Irrigation channels form some of the boundary of the six sub-catchments in the precinct.

Doyles Road, the eastern extent of precinct, is part of the Principal Freight Network (PFN) and is identified for duplication from a two lane to a four lane arterial road as part of the Bypassing Shepparton program. To the east of Doyles Road is the Orrvale Primary School.

The Kialla North growth area land is to the south of the precinct, south of the Broken River.

## **2.2 The proposal**

### **(i) Shepparton South East Precinct Structure Plan**

The PSP has been prepared by the VPA in collaboration with Council and with the assistance of relevant government departments and agencies, service authorities and major stakeholders.<sup>2</sup>

The PSP is a long term plan to guide urban development of the precinct over the next 20 to 30 years. It includes:

- a vision and objectives
- plans, requirements and guidelines for achieving the outcomes
- precinct infrastructure plan and land use budget details.

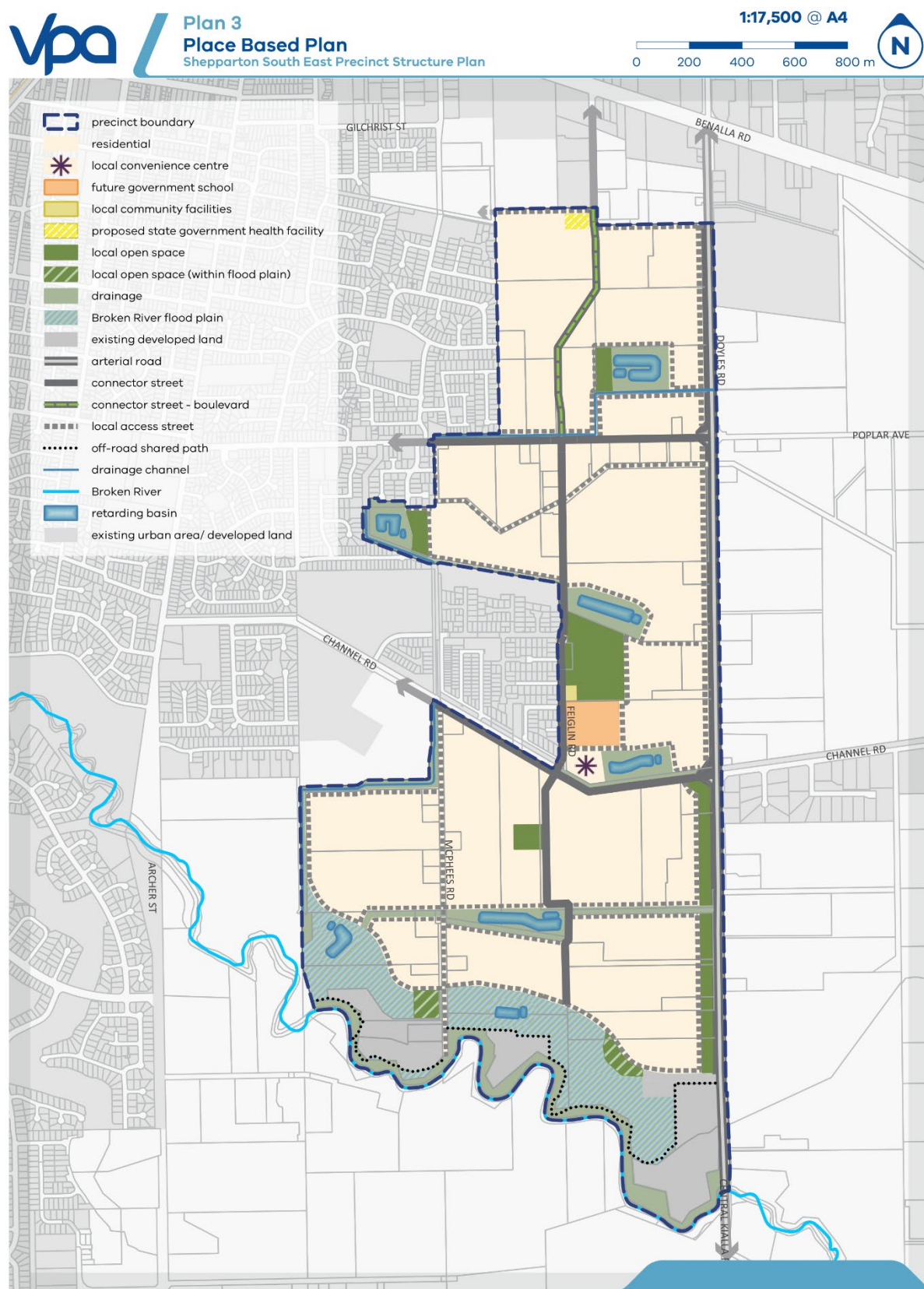
The PSP includes a number of plans including:

- a Place Based Plan (Plan 3) which shows the preferred location of land uses and infrastructure to guide development, subdivision and building permits (see Figure 2)
- an Infrastructure and Development Staging Plan (Plan 13) (see Figure 3).

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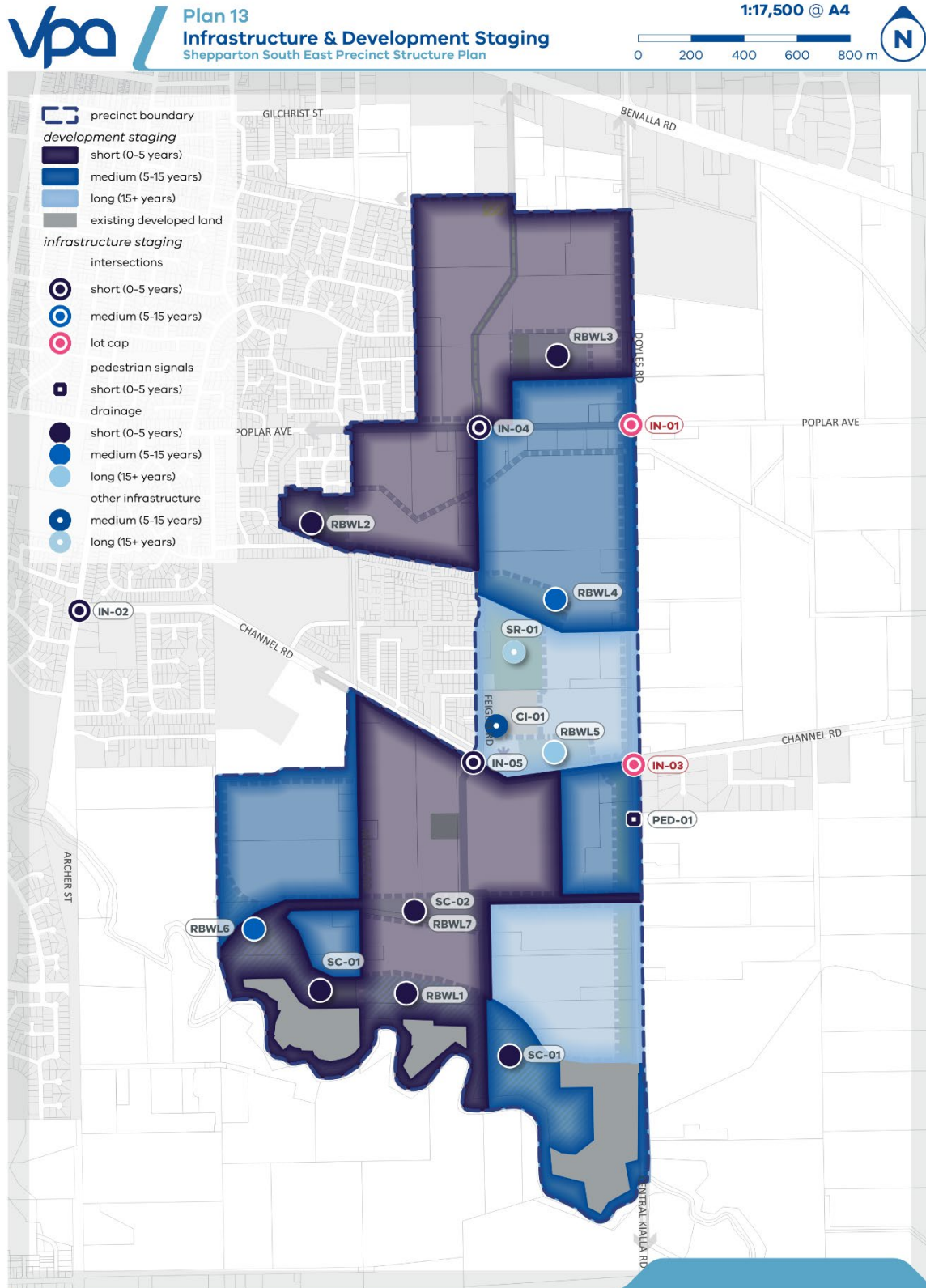
<sup>2</sup> PSP, page 2

Figure 2 Plan 3 Place Based Plan (Day 1 PSP version)



Copyright, Victorian Planning Authority, 2024. The state of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying upon such information does so on the basis that the state of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omission in the information. Created by: Verily Miles (X:\Drawings & Graphics\Precinct Structure Plans\1102.1 - Shepparton South East\GIS\PSP PlanSet\PSP - Print Layout Template\_2024.qgz)

Figure 3 Plan 13 Infrastructure and Development Staging (Day 1 PSP version)



**(ii) Shepparton South East Development Contributions Plan**

The DCP includes details of:

- development and community infrastructure items to be funded by development contributions
- total cost of funded infrastructure items and proportion of cost attributed to the precinct
- calculation of contributions
- timing for delivery of the funded infrastructure
- implementation and administration.

The DCP refers to projects using the following project codes:

- Transport projects
  - IN – Intersection projects
  - PED – Pedestrian operated signal projects
- Community projects
  - CI – Community Centre projects
  - SR – Sports Reserve projects
  - LP – Local Park projects
  - PCP – Shared Pedestrian and Cycle Path projects
- Drainage projects
  - RBWL – Retarding basin [wetland] projects
  - SC – Stormwater Conveyance and floodplain storage
- Strategic Planning
  - SP – Strategic Planning Costs
- Early Developer Works
  - EDW – Financing for early delivery of DCP items.

**(iii) Background studies**

The overarching Shepparton South East Background Report (Background Report) provides detailed background information, including:

- local and regional context of the precinct and its history, landform and topography, biodiversity, drainage, open space, transport infrastructure, employment, and community facilities
- summaries of background technical studies that have informed the PSP.

Other background studies placed on consultation with the draft Amendment relate to:

- flooding and drainage
- land valuations and DCP
- bushfire assessment
- heritage
- transport
- utilities
- economics and retail
- community infrastructure
- land capability and land use
- amenity and noise
- biodiversity and environment.

Details of these background studies are included in other chapters of this Report where relevant.

#### **(iv) Proposal details**

##### **Precinct vision, infrastructure and facilities**

The vision:

- is for a new residential neighbourhood accommodating 2,500 houses for approximately 6,000 residents, and capacity for 275 jobs
- acknowledges the precinct and surrounding areas are significant cultural heritage places for the Yorta Yorta people, with rich biodiversity and landscapes
- encourages increased diversity in housing in proximity to existing services in Shepparton
- embraces historical and natural characteristics of the area, including Broken River and heritage sites
- features open spaces and recreational areas, community facilities and services and local retail services
- connects with the existing road network and provides an enhanced, safe road and transport network providing for local bus routes, shared bicycle and pedestrian paths linking the community with facilities, services and open space.

The proposal includes:

- a local community centre including early children's centre, three maternal and child health consulting rooms and two community meeting spaces
- a local convenience centre
- a State government health facility and new government primary school (not DCP projects and the timing of securing the land and delivery is subject to a separate State government process)
- five local parks and one linear open space
- one multipurpose sports reserve with ovals, pavilion and playground
- drainage and stormwater infrastructure, including the Broken River floodplain providing a key floodplain and drainage function
- transport projects including road widening along Feiglin Road, seven intersection projects, one signalised pedestrian crossing at Doyles Road, upgrades to the connector and arterial road networks and provision for bus capable roads, on-road cycle lanes and off-road shared paths, including a shared path along the Broken River corridor.

##### **Land use budget**

The proposal includes a land use budget which identifies the land needed for transport, community, health and education facilities and infrastructure, and land available for development. The Net Developable Area (NDA) of 250.44 hectares is approximately 65% of the land.

The NDA is established by:

deducting the land requirements for transport, community facilities, public and private education facilities, open space (sports reserves and local parks), drainage corridors, conservation areas and other encumbered land from the Gross Developable Area (GDA).

### **Early Development Works**

Upgrade of two intersections on Doyles Road (IN-01 and IN-03<sup>3</sup>) have been identified for Early Developer Works funding to ensure Council can deliver the intersection upgrades ahead of development contribution plan revenue. A lot cap of 800 is proposed as the trigger for intersection upgrades. These intersections are shown on Figure 3.

### **Existing drainage infrastructure**

Existing GMW drainage infrastructure across the precinct will be decommissioned or converted for urban use and transferred to Council for ongoing management and maintenance. Generally, the asset decommissioning, conversion and transfer associated with GMW assets will be implemented through subdivision permit conditions as determined by the Council.

The Proponent's Part A submission explained the legally binding Deed of Agreement being prepared between Council and GMW to facilitate this transfer.

### **Land acquisition and compensation**

The PAO is proposed to be applied to land required by Council for drainage, flood mitigation, open space, community and transport infrastructure.

The Proponent's Part A submission explained:

- compulsory acquisition of land is governed by the *Land Acquisition and Compensation Act 1986*
- the valuation of land for compulsory acquisition is governed by, among other requirements, the *Valuation of Land Act 1960* and *Local Government Act 1989* and *2020*.

Figure 4 shows the proposed Day 1 PAO mapping.<sup>4</sup>

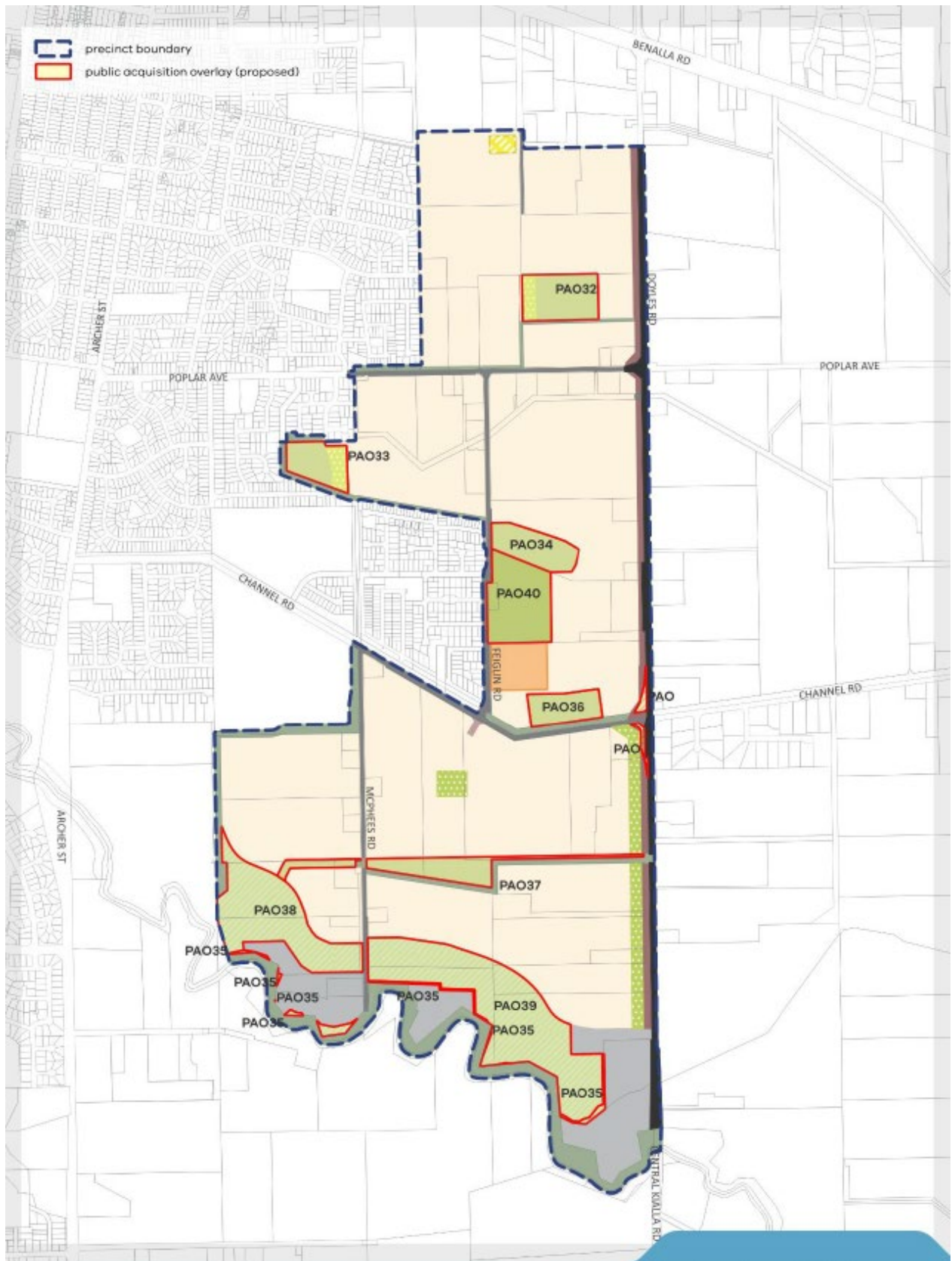
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<sup>3</sup> IN-01/IN-03 and IN01/IN03 are used interchangeably throughout the draft Amendment and hearing documentation. The Committee refers to the proposed intersections as IN-01/IN-03.

<sup>4</sup> The PAO is not proposed to apply to the Day 1 LP-05



**Figure 4** Proposed Day 1 PAO compiled mapping



Source: Proponent's Part A submission, page 60 (Document 25)

**(v) PSP new approaches**

The letter of referral explained the VPA had been tasked with piloting new approaches to inform and reflect emerging government policy directions for greenfield development. For the draft Amendment it was piloting:

- A new and stronger approach to development staging (which does not in this case need to be supported by “hard stage gates” to prevent the capacity of critical infrastructure being exceeded);
- A new approach to the recovery of the VPA’s planning costs; and
- A new “full cost recovery” apportionment for State-significant road infrastructure (reflecting advice from [Department of Transport and Planning] DTP regarding the availability of alternative funding sources) in order to give certainty to the future development of the precinct and protect the functioning of the Principal Freight Network.

The Committee issued the following direction:

17. e) an explanation and details of each new Precinct Structure Plan approach, the rationale for the new approach and how this differs from existing practice (in the context of the letter of referral from VPA dated 18 June 2024 which noted a number of new approaches are being piloted for the project).

The VPA provided details of the approaches in its Part A submissions. It said:

The pilot that was referenced in the referral letter dated 18 June 2024, was a short hand expression to capture the VPA’s intention to improve and refine the processes around the development of precinct structure plans and development contributions plans and the content within these plans to ensure they stay fit for purpose in a changing development and political context.

Staging

In relation to development staging, the inclusion of staging plans is new in a PSP context and has been included to assist developers manage development with the construction of key infrastructure. The Day 1 Documents have included a rationale to support and better explain the Infrastructure and Development Staging Plan 13, as exhibited.

VPA cost recovery

In relation to recovery of the VPA’s planning costs, the VPA will rely on section 46I(1)(b) of the *Planning and Environment Act 1987* as providing statutory support for the reasonable costs and expenses of the planning authority being recoverable through a development contributions plan (plan preparation costs). This approach is seen as a new, and captured under the phrase of ‘pilot’ as section 46I(1)(b) was only introduced in 2021 after the second reading speech for *Planning and Environment Amendment Bill 2021*.

...

Full cost recovery apportionment for State Infrastructure

In relation to full cost recovery, the reference in the referral letter was particularly in relation to the intersections on Doyles Road (IN01 and IN03) which form part of the State’s Principal Freight Network (PFN).

Through this PSP and DCP, the VPA, Council and DTP share the view that the PFN must be protected from development that has the potential to undermine the efficiency and safety of its operation.

The VPA and Council suggest that the apportionment of IN01 and IN03 (which are within the State PFN) ought to be considered having regard to the existing function of Doyles Road and recognition given to the changing land uses within the Precinct that impact the PFN particularly at the points of intersection (IN01 and IN03). In this context, the VPA and Council suggest that a new approach ought to be implemented that recognises the existing context and function of Doyles Road as part of the PFN together with the future safety of all users of IN01 and IN03.

...



These approaches form part of an ongoing and unwritten commitment to the community 'to pilot' or 'to evolve' or 'to test' past practices to deliver better outcomes to all.

These new approaches are discussed as relevant to each issue in other chapters of this Report.

## 2.3 Draft Amendment

The draft Amendment seeks to facilitate development within the precinct in accordance with PSP.

Specifically, the draft Amendment proposes to amend the Greater Shepparton Planning Scheme (Planning Scheme) to:

- introduce the PSP and DCP as incorporated documents
- introduce the UGZ2
- rezone the land from Farming Zone, Public Conservation and Resource Zone, Public Use Zone 1 and UFZ to UGZ2
- amend the Heritage Overlay Schedule to include six heritage places
- amend the Land Subject to Inundation Overlay (LSIO) Schedule to introduce an exemption relating to buildings and works in the Urban Growth Zone (UGZ) where a PSP applies
- amend the PAO Schedule to include land for drainage and stormwater, transport and open space/local sports purposes (Schedules 32 to 41)
- introduce and apply the DCPO5 to all land zoned UGZ2
- apply the Floodway Overlay to land associated with PAO Schedules 37 (PAO37) and 38 (PAO38) and land within the Broken River environs
- delete Development Plan Overlay Schedule 1 from land in the precinct
- amend the extent of LSIO to reflect the latest flood modelling data
- apply the Environmental Audit Overlay (EAO) to properties in the precinct identified as having high or medium potential for contamination (apart from 'existing developed land' adjacent to the Broken River identified as having medium potential for contamination)
- amend the Schedule to Clause 72.03 (What does this Planning Scheme Consist of?) to update the list of maps
- amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the two new incorporated documents.

## 2.4 Post exhibition changes

The Proponent proposed a number of post exhibition changes to the Amendment documents in response to issues raised in submissions, evidence and supplementary reports prepared to inform the changes. The supplementary reports<sup>5</sup> were circulated to the Committee and parties and are referred to as relevant in the issue specific chapters below.

As discussed in Chapter 1.3(ii), the Proponent proposed changes in its Day 1 and Final day Amendment documents.

The Proponent's Day 1 versions<sup>6</sup> included the following changes:

- DCP rate and land use budget:

<sup>5</sup> Documents 12.090 – 12.104

<sup>6</sup> Documents 26 - 31

- various changes to land take requirements and costs for construction of transport, community and drainage infrastructure, including financing interest costs related to Early Developer Works
- drainage riverine and stormwater management:
  - rearrangement of catchment 1 and associated changes to the urban structure and infrastructure requirements
  - floodplain boundary in McPhees Road
  - relocation of retarding basin project RBWL4
- transport:
  - relocation of pedestrian operated signal lights PED-01 to the south of Channel Road on Doyles Road
  - inclusion of compulsory land acquisition for intersection project IN-03
- housing density, open space and community facilities:
  - changes to housing density that would allow for an overall increase in proposed dwelling numbers (from approximately 2,500 to 2,980) and introduce use of the Small Lot Housing Code
  - various changes to community facility location, land configuration and land take requirements
  - introduction of a sunset clause relating to the proposed health facility<sup>7</sup>
- PAO:
  - various changes including new PAO for shared pedestrian and cycle path PCP-01, and reducing or reconfiguring the area of land for the PAO
- staging and infrastructure delivery:
  - revision of Plan 13 and addition of a table with staging plan objectives and strategies
  - new guideline for out-of-sequence development
  - remove pedestrian path requirements
  - addition of content to explain the transition of GMW assets to Council
- noise, amenity, interface treatments and potentially contaminated land:
  - various changes to the PSP and UGZ2.

The Proponent's Final day versions included the following changes:

- DCP rate and land use budget:
  - updates to Land Use Budget on Parcel 68 (reduced Doyles Road future road reserve and floodplain boundary correction)
  - updates to Land Use Budget Plans 4, 5 and 11
  - updates to costing tables
  - replacement of 'Strategic Planning Costs' with 'Plan Preparation Costs'
- drainage, riverine and stormwater management:
  - mapping amendments to the floodway overlay
- transport:
  - updates to Doyles Road cross sections (maximum width and reduction of nature strip)
- subdivision, housing and community facilities:
  - additional requirements for transition from rural to residential land uses

<sup>7</sup> The Proponent's Part A submission explained this was intended to be included as a new guideline in the PSP however it was not included in the Amendment documentation (see Chapter 6.5).

- addition of R10 to facilitate subdivision
- addition of State Health Facility sunset clause and updated wording
- clarification that Clause 53.01 (Public open space contribution and subdivision) does not apply to the main catchment area
- staging and infrastructure delivery:
  - clarifications to service delivery
- ordinance drafting.

Proposed changes are explained and discussed as relevant in the issue specific chapters in this Report.

## 3 Strategic context

### 3.1 Planning context

This chapter identifies the planning context and Planning Scheme provisions relevant to the draft Amendment. Appendix G highlights key imperatives of relevant provisions and policies.

**Table 2** Planning context

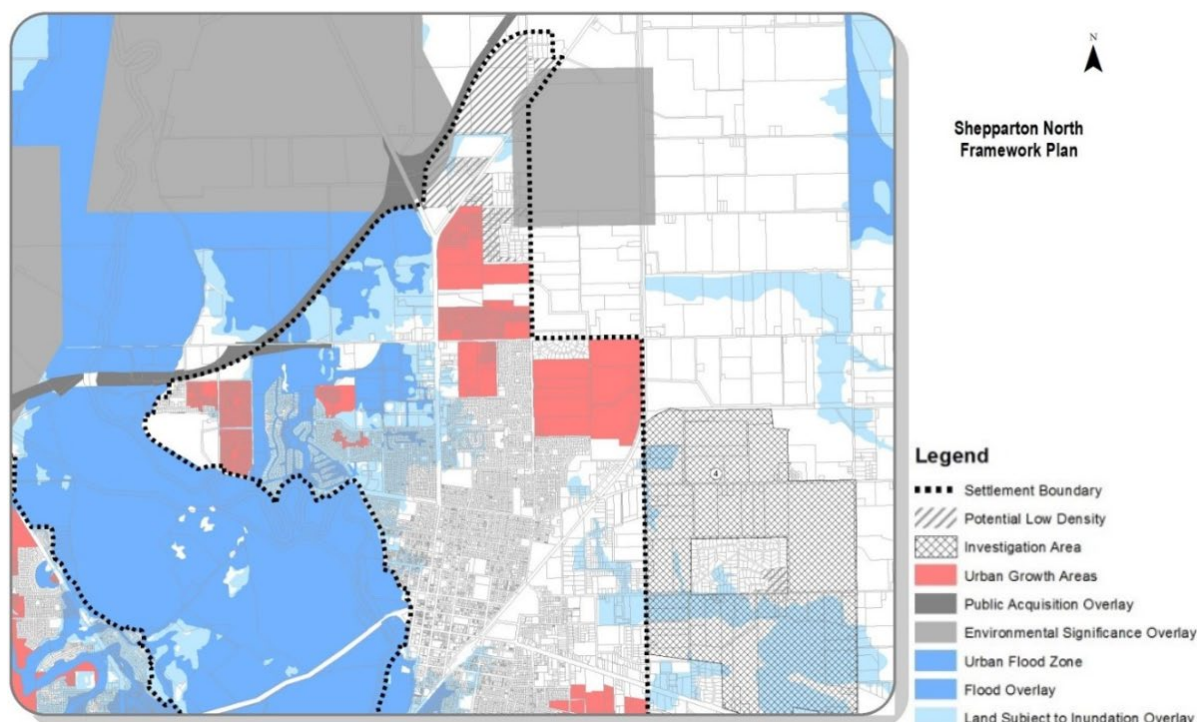
	Relevant references
<b>Planning and Environment Act 1987 (PE Act)</b>	<ul style="list-style-type: none"> <li>- Part 1 section 4, Objectives</li> <li>- Part 3B, Development Contributions</li> </ul>
<b>Municipal Planning Strategy</b>	<ul style="list-style-type: none"> <li>- Clause 02.01 (Context), 02.02 (Vision), 02.03 (Strategic directions), 02.04 (Strategic framework plans)</li> <li>- Figure 5 below shows the Shepparton South Framework Plan</li> </ul>
<b>Planning Policy Framework</b>	<ul style="list-style-type: none"> <li>- Clauses 11 (Settlement), 11.01 (Victoria), 11.01-1S (Settlement), 11.01-1R (Settlement – Hume), 11.01-1L (Settlement – urban growth and consolidation), 11.02 (Managing growth), 11.02-1S (Supply of urban land), 11.02-2S (Structure planning), 11.02-3S (Sequencing of development), 11.02-3L (Sequencing of development), 11.03 (Planning for places), Clause 11.03-2S (Growth areas), 11.03-6S (Regional and local places)</li> <li>- Clauses 12 (Environmental and landscape values), 12.01 (Biodiversity), 12.01-1S (Protection of biodiversity), 12.01-1L (Biodiversity), 12.01-2S (Native vegetation management)</li> <li>- Clauses 13 (Environmental risks and amenity), 13.01 (Climate change impacts), 13.02 (Bushfire), 13.02-1S (Bushfire planning), 13.03-1S (Floodplain management), 13.04 (Soil degradation), 13.04-1S (Contaminated and potentially contaminated land), 13.04-3S (Salinity), 13.05 (Noise), 13.05-1S (Noise management)</li> <li>- Clauses 14 (Natural resource management), 14.02-3S (Protection of Declared Irrigation Districts), 14.02-1S (Catchment planning and management), 14.02-2S (Water quality)</li> <li>- Clauses 15 (Built environment and heritage), 15.01 (Built environment), 15.03-1S (Heritage conservation), 15.03-1L (Heritage conservation)</li> <li>- Clauses 16 (Housing), 16.01 (Residential development), 16.01-1S (Housing supply), 16.01-1L (Residential development), 16.01-2S (Housing affordability)</li> <li>- Clauses 17 (Economic development), Clause 17.02 (Commercial), 17.02-1L (Commercial activity centres)</li> <li>- Clauses 18 (Transport), 18.01-1S (Land and transport integration), 18.01-2S (Transport system), 18.01-2L (Transport system), 18.01-3S (Sustainable and safe transport), 18.02 (Movement networks), 18.02.1S (Walking), 18.02.2S (Cycling), 18.02.3S (Public transport), 18.02.4S (Roads), 18.02-4L (Road system), 18.02-5S (Freight),</li> <li>- Clauses 19 (Infrastructure), 19.02 (Community infrastructure), 19.02-1S (Health facilities), 19.02-2S (Education facilities), 19.02-4S (Social and cultural infrastructure), 19.02-4L (Community facilities), 19.02-6S (Open space), 19.02-6L (Open space), 19.03 (Development infrastructure), 19.03-1S (Development and infrastructure contributions plans), 19.03-2S (Infrastructure design and provision),</li> </ul>

	19.03-2L-01 (Infrastructure design and provision), 19.03-3S (Integrated water management)
<b>Relevant strategies, policies and plans</b>	<ul style="list-style-type: none"> <li>- <i>Plan Melbourne 2017-2050</i></li> <li>- <i>Hume Regional Growth Plan 2014</i></li> <li>- <i>Victorian Cycling Strategy 2018 – 2028</i></li> <li>- <i>Shepparton and Mooroopna 2050: Regional City Growth Plan</i></li> <li>- <i>Greater Shepparton 2030 Strategy</i></li> <li>- <i>Victorian Floodplain Management Strategy</i></li> <li>- <i>Victoria's Infrastructure Strategy 2021 – 2051</i></li> <li>- <i>Victoria's Housing Statement: The Decade Ahead 2024-34</i></li> <li>- <i>Shepparton Housing Strategy 2011</i></li> <li>- <i>Greater Shepparton Affordable Housing Strategy: Houses for People 2020</i></li> <li>- <i>Greater Shepparton Movement and Place Strategy</i></li> <li>- <i>Greater Shepparton Cycling Strategy 2013-2017</i></li> <li>- <i>RiverConnect Strategic Plan 2023-2028</i></li> <li>- <i>GMID [Goulburn Murray Irrigation District] Drainage Management Strategy 2022</i></li> </ul>
<b>Planning scheme provisions</b>	<ul style="list-style-type: none"> <li>- Farming Zone</li> <li>- Public Conservation and Resource Zone</li> <li>- Public Use Zone</li> <li>- Urban Floodway Zone</li> <li>- Urban Growth Zone</li> <li>- Development Contributions Plan Overlay</li> <li>- Development Plan Overlay</li> <li>- Environmental Audit Overlay</li> <li>- Floodway Overlay</li> <li>- Heritage Overlay</li> <li>- Land Subject to Inundation Overlay</li> <li>- Public Acquisition Overlay</li> </ul>
<b>Ministerial directions</b>	<ul style="list-style-type: none"> <li>- Ministerial Direction on the Form and Content of Planning Schemes</li> <li>- Ministerial Direction 1 Potentially Contaminated land (MD1)</li> <li>- Ministerial Direction 9 Metropolitan Planning Strategy</li> <li>- Ministerial Direction 11 Strategic Assessment of Amendments</li> <li>- Ministerial Direction 12 Urban Growth Areas</li> <li>- Ministerial Direction 19 Amendments that may result in impacts of the environment, amenity and human health</li> <li>- Ministerial Direction on the preparation and content of development contributions plans and Ministerial reporting requirements for development contributions plans (Ministerial Direction on development contributions)</li> </ul>
<b>Planning practice notes/guidelines</b>	<ul style="list-style-type: none"> <li>- Precinct Structure Planning Guidelines: New Communities in Victoria (VPA, 2021) (PSP Guidelines)</li> <li>- Development Contributions Guidelines (Department of Sustainability and Environment, 2003 - as amended 2007) (Development Contributions Guidelines)</li> </ul>

- Infrastructure Design Manual Version 5.40
- Planning Practice Note 1: Applying the Heritage Overlay (PPN01)
- Planning Practice Note 30: Potentially Contaminated Land (PPN30)
- Planning Practice Note 46: Strategic Assessment Guidelines, September 2022
- Guidelines for Development in Flood Affected Areas (Department of Environment, Land, Water and Planning, February 2019)

<b>Planning scheme amendments</b>	<p>The Proponent explained in its Part A that two relevant amendments were in progress, including:</p> <ul style="list-style-type: none"> <li>- 2021 Flood Mapping Project to update flooding mapping across the municipality</li> <li>- Zurcas Lane Investigation Area (combined Planning Scheme amendment and permit application) to facilitate development of a truck dealership, service and repairs.</li> </ul>
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**Figure 5 Shepparton South Framework Plan (Clause 02.04)**



## 3.2 Precinct Structure Planning Guidelines 2021

The PSP Guidelines define a PSP as:

a high-level strategic plan that sets out the preferred spatial location of key land uses and infrastructure to guide decisions on staging of development, subdivision permits, building permits and infrastructure delivery.

The PSP Guidelines:

...provide the framework for preparing PSPs that guarantees quality outcomes while also being flexible, responsive and supportive of innovation by setting aspirational goals for our future communities. The approach provides a transitional model enabling 20-minute neighbourhoods to evolve over time and achieve the objectives as the area matures.

The PSP Guidelines provide the framework for preparing a PSP including minimum standards, general planning principles and performance targets, and include guidance on regional

adaptations to key targets. The Explanatory Report provides details of the proposed key variations to the PSP Guidelines, stating:

Whilst the principles, features and targets of the Guidelines should be considered in a regional context, the Guidelines allow for the consideration of regional adaptation of key targets where appropriate. It should be noted that adaptation to the Guidelines has been discussed with Greater Shepparton City Council and agreed that a variation in certain situations is appropriate in the context of Shepparton South East.

### 3.3 Development Contributions Guidelines

Clause 19.03 (Development infrastructure) includes the Development Contributions Guidelines as a policy document.

The Development Contributions Guidelines is *“a guide for the appropriate and practical application of the development contributions system”*. It contains principles and methodology for preparing a DCP under Part 3B of the PE Act, and says a planning authority should also have regard to the Ministerial Direction on development contributions.

The purpose of the Development Contributions Guidelines is to:

- provide councils, developers and infrastructure agencies with a clear explanation of the development contributions system
- offer practical advice to councils wishing to prepare and implement a DCP for the purpose of levying development contributions
- cover development contributions for a range of land use and infrastructure types, and
- provide a context for the legislative provisions in the Planning and Environment Act 1987.

### 3.4 Strategic justification

#### (i) Submissions

The Proponent submitted the precinct:

- has been earmarked for growth since 1996
- is identified as a key residential growth front in Plan Melbourne, the Hume Regional Growth Plan, Shepparton and Mooroopna 2050: Regional City Growth Plan, Greater Shepparton Housing Strategy and Greater Shepparton 2030 Strategy.

The Proponent explained in its Part A submission that Victoria’s Housing Statement establishes an ambitious plan to tackle Victoria’s housing affordability problem. The draft housing target for Shepparton is to deliver an additional 14,500 homes by 2051, and the PSP is *“one of the 21 priority projects to increase supply of greenfield land and housing in Victoria”*.

While several submitters objected to their land being included in the precinct or raised issues relating to justification of specific elements, no submitters raised issues relating to strategic justification of the proposal.

The Proponent explained the separate land acquisition process through the *Land Acquisition and Compensation Act 1986* that affected landholders will participate in during implementation of the PSP.

#### (ii) Discussion and conclusions

Strategic justification for development of the precinct for residential growth is unequivocal. There is strong support in various relevant strategic plans and the Planning Scheme and the need for

more housing in Shepparton is well established. The proposal is likely to deliver diverse housing for more than 6,000 residents.

The Committee is satisfied the proposal will deliver net community benefit and sustainable development consistent with the requirements of Clause 71.02-3. Delivery of the PSP will facilitate much needed, well located and well serviced residential development within Shepparton's settlement boundary.

For the reasons set out in this report, the Committee concludes that the draft Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Amendment should proceed subject to the Committee's recommendations.

The Committee notes that while the precinct has been identified for around 30 years as a future residential area, not all landowners currently wish to develop, particularly when they live and have close affinity to the land through farming or its natural beauty. Accordingly the changes proposed by the draft Amendment and in particular where compulsory acquisition is proposed can be distressing and result in feelings of unfairness. Land acquisition is managed through a separate process through the *Land Acquisition and Compensation Act 1986*, which includes payment for the land as well as compensation for intangible losses, legal and expert fees (as negotiated).



## 4 Flooding and drainage

### 4.1 Introduction

#### (i) The draft Amendment

The draft PSP proposes:

- approximately 34 hectares of land set aside to manage riverine flooding associated with the Broken River
- a drainage strategy catering for all stormwater to outfall to GMW drain 2 or the Broken River through an additional outfall
- provision for the existing GMW drains and irrigation supply channels within the precinct to be decommissioned as the precinct develops
- a requirement that flooding cannot be increased outside the precinct or for existing landholders.

The gravity fed drainage system is split into catchments with retarding basins and wetlands catering for the storage requirement of a 1% Annual Exceedance Probability (AEP) storm event and water quality treatment. Climate change impacts have been factored in and the flood modelling uses a higher flood benchmark than experienced during the 2022 floods.

The draft Amendment proposes to revise the LSIO to ensure new buildings and works are appropriately designed to minimise flood damage and respond to climate change.

#### (ii) Proposed post exhibition changes

The Proponent proposed the following changes in the Day 1 PSP:

- drainage catchment 1 split into two: a smaller RBWL 1 in its exhibited location and a new RBWL7 located adjacent to the overland flow channel (SC-02)
- RBLW4 redesigned to be a linear basin and shifted to abut Feiglin Road
- local park LP-05 relocated from the draft PSP position running south from Channel Road alongside the Feiglin Road extension to the west side of Doyles Road.

The linear/local park along Doyles Road (LP-05) was identified in background reports<sup>8</sup> as needed to contain stormwater that may overtop Doyles Road from the Broken River in a 1% AEP climate change flood event.

Figure 3 shows the Day 1 proposed layout and staging of drainage infrastructure.

#### (iii) Background reports

##### Reports exhibited with the draft Amendment

*Shepparton South East Precinct Structure Plan Stormwater Design - Final Functional Design Report* (Alluvium, 2022)

*Shepparton Mooroopna 1% AEP Flood Mapping Project* (Water Technology, 2021)

<sup>8</sup> Shepparton South East Precinct Structure Plan Stormwater Design - Final Functional Design Report (Alluvium, 2024)

*Shepparton Mooroopna 1% AEP Flood Mapping Project – Shepparton South East Addendum* (Water Technology, 2022)

*Shepparton South East PSP – Updated Flood Impact Assessment* (BMT Commercial Australia, 2022)

### **Supplementary reports**

*Shepparton South East Precinct Structure Plan – Flood Modelling* (Water Technology, July 2024)

*Shepparton South East Precinct Structure Plan Stormwater Design Final Functional Design Report* (Alluvium, July 2024)

*Alternative Catchment 1 and Catchment 4 Arrangement* (Alluvium, July 2024)

### **(iv) Evidence**

Table 3 lists the expert hydrology, drainage and stormwater evidence called by parties.

**Table 3 Hydrology, drainage and stormwater evidence**

Party	Expert	Firm	Area of expertise
Proponent	Nina Barich	Incitus	Hydrology and functional design
Proponent	Warick Bishop	Water Technology	Hydrology and modelling
Proponent	Jenny Butcher	Alluvium	Drainage/stormwater functional design
Goldfields Shepparton Pty Ltd	Chris Beardshaw	Afflux	Drainage and stormwater

### **(v) Expert meeting**

An expert meeting for hydrology, stormwater and drainage was held on 21 August 2024 with all experts in attendance. Ms Butcher and Mr Bishop attended as non-contributors. A statement of agreed opinions was prepared and circulated to the Committee and parties.<sup>9</sup>

The experts agreed the hydrology, stormwater and modelling completed to date is fit for purpose. They agreed that splitting catchment 1 into two catchments (RBWL1 and RBWL7) is an improved arrangement over the consultation version, and the SC-02 crossings should be DCP items.

The area of non-agreement related to detailed design issues for SC-02 and RBWL6.

After hearing the Proponent's evidence, Goldfields Shepparton Pty Ltd (Goldfields) advised it accepted that its hydrology concerns could be dealt with during the design process and it no longer sought to call Mr Beardshaw to give evidence at the Hearing. As no party or the Committee had questions for Mr Beardshaw this was accepted.

<sup>9</sup> Doc 059 Drainage conclave statement (amended), 21 August 2024.

## 4.2 Flood impacts

### (i) The issues

The issues are whether:

- the flood mapping is acceptable
- properties external to the precinct would have a greater flood risk
- flooding impacts on properties inside the precinct are acceptable.

### (ii) Evidence and submissions

#### Submitters

Several submitters were concerned with the accuracy of the flood modelling or concerned their property may experience a higher flood risk.

Gordon Hamilton was concerned the Flood Intelligence Report and Flood Mapping Study were yet to be submitted to thorough testing through the promised planning scheme amendment process and should not be relied upon.

#### Experts

The experts agreed that for hydrology and stormwater the modelling completed to date is in accordance with current standards and is sufficient for the PSP at this stage.<sup>10</sup>

Mr Bishop concluded in respect of the flood modelling used as the basis for the flooding assessment:

- a. The hydraulic modelling has been developed through a number of validated flood studies. Through these studies there has been considerable time and effort invested in the calibration and validation of flood model results, which provides confidence that they are fit-for-purpose.
- b. Updates to industry standards as well as the inclusion of climate change assessments and updates to the model in line with technology (hardware and software developments) has allowed the model to stay current and relevant. Subsequently, I consider the model appropriate for the assessment of potential flood impacts due to the proposed amendment.<sup>11</sup>

Ms Barich, in her evidence concluded:

*“With respect to stormwater management, it is my opinion that the PSP will ensure the new homes are flood free and that the development of the PSP will not increase flooding to surrounding properties.”<sup>12</sup>*

Ms Butcher gave evidence that the discharge rates from the RBWLs will ensure development flows will not impact downstream properties.

#### Proponent

The Proponent advised the flood modelling for the PSP area has been informed by the *Shepparton Mooroopna Flood Mapping and Flood Intelligence Study* (Flood Intelligence Study) and the *Shepparton Mooroopna 1% AEP Flood Mapping Project 2021* (Flood Mapping Project). Both were prepared by Water Technology on behalf of Council and have been adopted by Council. The

<sup>10</sup> Doc 059 Drainage conclave statement (amended), 21 August 2024

<sup>11</sup> Doc Expert Witness Statement of Warwick Bishop – Flooding, p21

<sup>12</sup> Doc 020 Expert witness statement of Nina Barich, Incitus, p21

Proponent advised a planning scheme amendment is being prepared by DTP Regional Partnerships in partnership with Council and Goulburn Broken Catchment Management Authority to update flooding across the municipality based on this body of work.

The Proponent submitted the modelling can be relied upon and referenced the Parliamentary inquiry into the 2022 flood event in Victoria Final Report 2024<sup>13</sup> which included advice from the Committee for Greater Shepparton that:

For everything post 1974 that was flood-mapped, the feedback was that it was very, very accurate in terms of where the water got to. And of the housing that had been developed post 1974, there was not a house that went under.<sup>14</sup>

The Proponent also submitted that:

- 34 hectares of land is being set aside for additional flood plain storage to compensate for the net increase in fill required for new development in the precinct
- LP-05 has been relocated to Doyles Road to contain the 1% AEP event to avoid overtopping Doyles Road and impacting properties to the east.

### **(iii) Discussion**

The Flood Intelligence Report and Flood Mapping Study have both been adopted by Council and represent a significant body of work that updates previous work that is over 20 years old, using newer data and technology.

While DTP and Council may seek to undertake a municipality wide planning scheme amendment to update the flood mapping based on that work, there is no reason a local amendment cannot be progressed to update mapping for a smaller area as is the case here.

This draft Amendment proposes changes to the flood mapping based on that work and the model has been available for testing by experts following a period of consultation. The modelling has been peer reviewed as a part of this Amendment process and the experts expressed the view that the work was fit for the purpose of assessing flood modelling for this Amendment and we accept that advice.

The Committee accepts the evidence of experts that the precinct can be designed to avoid increasing flood risks at properties outside the precinct and minimise flood risks to new properties inside the PSP area. While impacts from climate change may increase flooding risk at some properties, it is not the responsibility of the PSP to mitigate climate change risks for properties outside the precinct.

The Day 1 UGZ2 requires all applications to subdivide land to include a Stormwater Management Strategy and/or Flood Management Strategy to the satisfaction of Council and the Goulburn Broken Catchment Management Authority to ensure risks of flooding are reassessed at each stage. This is appropriate.

### **(iv) Conclusions**

The Committee concludes:

- The flood mapping is acceptable for the assessment of this proposal.

<sup>13</sup> *The 2022 flood event in Victoria, Inquiry, Final Report, July 2024*

<sup>14</sup> Doc 036 Proponent Part B Submission, p11

- The PSP area can be designed to ensure that development does not increase flood risk to properties beyond the precinct.
- The PSP area can be designed to minimise flood risks to properties inside the precinct.

### 4.3 Location of drainage assets

#### (i) The issue

The issue is whether the locations of drainage assets are acceptable.

#### (ii) Evidence and submissions

##### Submitters

Lyn and Arthur Petrovski (the Petrovskis) submitted the location of RBWL3 would have significant impacts on the ongoing operation of the last commercial orchard in the precinct on which RBWL3 is proposed. Impacts include loss of productive land and reduction in access to parts of the land due to roads and closure of culvert crossings during construction. They submitted that based on the LiDAR<sup>15</sup> mapping RBWL3 was not located at the low point in the area and they presented an alternative location to the southwest. They also queried why the existing retarding basin located immediately to the north of the precinct could not be used.

One submitter sought the relocation of RBWL4 from the centre of its property.

Annemarie Close objected to acquisition of part of her family's land for drainage purposes, including RBWL6 and the overland flow path SC-02. She submitted the acquisition of 14 of 20 acres of her family's farm will have a significant detrimental impact on her family by making the farm unviable. She questioned why the RBWL could not be located along the riverbank.

One submitter sought for the PAO areas to reconsidered to reduce impacts.

One submitter objected to the location of LP-05 on his land along Doyles Road, concerned that it would impact the viability of his land. He also requested the removal of reference to the Doyles Road duplication and reserve as it is not planned.

##### Experts

Ms Butcher gave evidence that RBWLs are typically located at the low point in a catchment. However a more central location in large, relatively flat catchments can provide a fairer outcome considering the size of trunk drainage and costs. RBWL3 is sited central to the catchment and adjacent to a GMW drain. Some other locations were tested but would have a larger footprint, implementation challenges and cost.

Ms Barich gave evidence that there is some flexibility in the final location of RBWL3 and acknowledged there is a low point in the south west corner of the northern precinct. She advised it is strategically located to drain into the adjacent channel and moving it east or west could have other impacts including urban design. It could not be moved north due to level differences requiring significant earthworks to fall drainage towards the north.

<sup>15</sup> Light Detection and Ranging

## Proponent

The Proponent submitted:

- RBWL3 is located based on advice from its expert Alluvium and balances the needs of the catchment equitably and fairly. The alternative location suggested by Mr Petrovski late in the Hearing had not been tested but would impact other properties including an existing dwelling. In relation to impacts on structures and other assets these can be addressed during design.
- RBWL4 has been realigned, in the Day 1 PSP, to align with the existing GMW drain to the southwest as requested in submissions.
- RBWL6 is located in the lowest point to the west of McPhees Road with the alignment of the overland flow path following the natural flow and utilising the existing GMW channel. The location of RBWL6 at the lowest point will minimise significant fill in the area. The land being acquired is subject to the existing UFZ with the effect that the high flood risk under existing conditions makes the land unsuitable for further subdivision for urban or rural dwellings.
- The PAO along the floodplain has been reduced following further investigation.
- Financial compensation is provided through the *Land Acquisition and Compensation Act 1986*.
- LP-05 along Doyles Road is required to contain stormwater as identified in the background reports. It was omitted from the consultation version of the PSP in error. To accommodate the drainage requirements, LP-05 has been relocated from adjacent to the Feiglin Road extension to Doyles Road in the Day 1 PSP. It is proposed to be located between a service road and the land set aside for the duplication of Doyles Road. Abutting landowners along Doyles Road were notified of the change. Given the late notice, a PAO for the LP-05 land will be sought at a later date through a separate process.

### (iii) Discussion

The relative flat topography of this area gives rise to the need for significant drainage assets to contain and manage stormwater and drainage to protect the new residential development and prevent off site impacts. Inevitably some property acquisition will be required to accommodate these assets and this will affect some land owners more than others.

As noted in Chapter 2.2(v), issues relating to compulsory land acquisition will be managed through a separate process through the *Land Acquisition and Compensation Act 1986*.

The Proponent has worked with its experts to create a PSP that allows for the precinct to be developed to its fullest potential and have infrastructure located to minimise net costs. While there may be alternative designs and locations, the Committee is satisfied the plans prepared by the VPA are reasonable and provide an outcome suitable to facilitate development.

While the alternative location provided by the Petrovskis on the surface may look attractive, such a change will have impacts including costs and the potential loss of a dwelling that have not been tested.

The overarching aim of the proposal is to allow for the development of housing in this area not to protect or prolong the use of the land for agricultural purposes.

The Committee is satisfied that what has been put forward by the Proponent and its hydrology experts, in the Day 1 PSP will best achieve the project's aims.

In relation to the location of LP-05, this has the potential to isolate the land set aside for the Doyles Road duplication. As discussed in Chapter 5 below, the need for duplication of Doyles Road is not certain and it may never occur. If the duplication does not occur this would result in an unnecessary loss of developable land and isolated land with an uncertain, if any, use. This is a matter that will need to be resolved during the future process for the acquisition of land for LP-05, noting that LP-05 has a medium to long term timeframe in the PSP, during which time hopefully more certainty regarding Doyles Road can be obtained.

**(iv) Conclusions and recommendation**

The Committee concludes:

- The location of drainage assets as set out in the Day 1 PSP is acceptable.
- Consideration will need to be given to the location of LP-05 in the event that duplication of Doyles Road is not committed to by the State by the time of acquisition of land for LP-05, and this should be noted in the PSP.

The Committee recommends:

**Amend the Shepparton South East Precinct Structure Plan to reflect the Day 1 version and to:**

- a) Add a note to Plan 7 Open Space and Community Facilities, Plan 14 Precinct Infrastructure Plan and other sections as relevant, that consideration will need to be given to the location of LP-05 in the event that Doyles Road duplication is not committed by the time of land acquisition for LP-05.**

**Amend the Shepparton South East Development Contributions Plan to reflect the Day 1 version and:**

- a) Add a note to Section 2.4 Community Projects – Local Parks, Plan 4 – Community and Recreation Projects and other sections as relevant, that consideration will need to be given to the location of LP-05 in the event that Doyles Road duplication is not committed by the time of land acquisition for LP-05.**

## 5 Transport infrastructure and lot cap

### 5.1 Introduction

#### (i) The draft Amendment

The Explanatory Report says the precinct will be well serviced by roads, foot and cycle paths, including roads capable of bringing bus services to within 400 metres walking distance of 90 per cent of households.

To ensure critical transport infrastructure is delivered in a timely fashion on Doyles Road, at its intersections with Poplar Avenue and Channel Road, IN-01 and IN-03 are to be constructed prior to the issue of a permit for subdivision that results in a combined total of more than 800 residential lots (lot cap).

Section 2.4 of the UGZ2 states:

#### **Construction of intersection upgrades**

A planning permit must not be issued for any subdivision that results in a combined total of more than 800 residential lots in the incorporated *Shepparton South East Precinct Structure Plan* area until:

- Interim construction of the Poplar Avenue and Doyles Road intersection; and
- Interim construction and purchase of land of the Channel Road and Doyles Road intersection; and
- All land required for both of these intersections within the precinct is vested in the relevant public authority.

To the satisfaction of the responsible authority and the Head, Transport for Victoria.

The total DCP contribution for transport projects is \$17,392,705, as shown in the Final day DCP. Table 4 sets out transport projects.

Early Developer Works funding (EDW-01) is included in the DCP to offsets costs to the Collecting Agency in the event it needs to borrow funds for the early provision of IN-01 and IN-03. The DCP includes the interest cost for the financing over 20 years, \$7,221,623. This raises the total cost of transport projects to \$24.5 million.

Intersection IN-03 is the only transport project affected by the PAO (see Figure 4).

**Table 4** Key transport projects

Item	Description	DCP Recovered Costs	% apportioned to DCP area	Timing
IN-01c	Doyles Road/Poplar Avenue Median	\$280,362	100%	Lot Cap
IN-02c	Channel Road/Archer Street Traffic Signals	\$564,095	33%	S
IN-03	Doyles Road/Channel Road Roundabout land acquisition	\$258,248	100%	Lot Cap
IN-03c	Doyles Road/Channel Road Roundabout	\$11,781,000	100%	Lot Cap
PED-01	Doyles Road Pedestrian Operated Signals	\$374,979	100%	S

Source: Compiled by the Committee from Document 91b Final Day DCP DIL Table 7.1



**(ii) Background reports****Reports exhibited with the draft Amendment***Transport Impact Assessment Report (Stantec, 2023) (TIA)**Transport Functional Design – Channel Road/Doyles Road (OneMileGrid, 2023)**Transport Functional Design – Poplar Avenue/Doyles Road (OneMileGrid, 2023)**Transport Costing Local Intersection and Park Costing Review (Spiire 2023)**Transport Functional Design Costings – Local Intersections (Spiire, 2019)**Transport Functional Designs – Local Intersections (Spiire, 2017)***Supplementary reports***Transport Costing – Channel Road/Doyles Road (VPA, 2024)**Transport Functional Designs – Local Intersections (VPA, 2024)**Transport Functional Design Costings – Local Intersections (VPA, 2024)***(iii) Evidence**

Table 5 lists the traffic and transport expert evidence called by parties.

**Table 5** Traffic and transport evidence

Party	Expert	Firm	Area of expertise
Proponent	Reece Humphreys	Stantec	Transport
Proponent	James Dear	OneMileGrid	Traffic functional design
Goldfields Shepparton Pty Ltd	John-Paul Maina	Impact Australia	Traffic engineering

**5.2 Doyles Road intersections (IN-01 and IN-03)****(i) The issues**

The issues are whether:

- the proposed intersection treatment at Poplar Avenue/Doyles Road (IN-01c) is necessary
- the proposed roundabout at Channel Road/Doyles Road (IN-03) design is overdesigned resulting in increased DCP costs
- the cost apportionment in the DCP is appropriate
- the lot cap trigger is appropriate.

**(ii) Background**

The PFN is recognised as part of the State Transport System in Clause 18.02-5S (Freight) of the Planning Scheme. The objective is:

To facilitate an efficient, coordinated, safe and sustainable freight and logistics system that enhances Victoria's economic prosperity and liveability.

Doyles Road is part of the Shepparton Alternate Route (SAR), which is a component of the PFN.

The SAR is being developed as a short term solution while planning is ongoing for the Shepparton transport network, including the potential western bypass of the town – the 36 kilometre Shepparton Bypass. The two cross roads on Doyles Road to the north of Benalla Road/Midland Highway to the north of the precinct, at Old Dookie Road and at New Dookie Road, have recently been upgraded with two-lane roundabouts, consistent with the roundabout design at the Benalla Road/Doyles Road intersection.

Upgrades to the two crossroads on Doyles Road within the PSP area are proposed at an approximate total cost of \$12.3 million.

In its referral letter, the VPA advised that they are piloting:

A new “full cost recovery” apportionment for State-significant road infrastructure (reflecting advice from DTP regarding the availability of alternative funding sources) in order to give certainty to the future development of the precinct and protect the functioning of the Principal Freight Network.

### **(iii) Evidence and submissions**

#### **IN-01c Intersection treatment**

Some submitters were concerned about the proposed restriction of cross traffic and right turn movements at the Poplar Avenue/Doyles Road intersection by the proposed intersection treatment (IN-01c).

Mr Humphreys advised that the proposed median on Doyles Road will restrict movements to improve safety when the capacity of the current interaction is reached. Left turns will still be possible and motorists will be able to do U-turns at nearby roundabouts to the north and south, with IN-03c to be constructed concurrently with IN-01c works. Alternate routes will also be available, including using Zurcas Lane.

The Proponent submitted the works are proposed when the intersection reaches capacity, in accordance with the TIA.

#### **IN-03c Roundabout design**

Some submitters requested that the roundabout design be scaled back to reduce costs. Goldfields submitted that IN-03c should be a single lane roundabout.

Mr Humphreys considered a single lane roundabout at Channel Road would have sufficient capacity to cater for the traffic generated by the full development of the PSP. No analysis had been done in respect of the proposed design with extra left turn lanes.

In response to questions from the Committee, Mr Humphreys advised the need for a left turn lane on the north approach to the roundabout is driven by safety rather than capacity and agreed the PSP traffic turning right into the precinct will share the right lane with the through traffic.

He also advised that if duplication was to occur for the PFN without the PSP the intersection would be upgraded in the future, but he was not sure how.

Mr Dear gave evidence that IN-03c has been designed to:

- accord with Austroads design standards, including reverse curves and desirable island radius
- minimise rework when the road is ultimately duplicated
- include separate left turn lanes on both approaches on Doyles Road.

Mr Dear advised the design has a 24 metre radius island which is the desirable radius for a two-lane roundabout recommended in Austroads' Guide to Intersection Design Part 4B for an 80 kilometre per hour speed limit. The use of the desirable radius rather than minimum dimension is appropriate given Doyles Road is part of the PFN. He advised that the single lane roundabout design put forward by Mr Maina includes a 16 metre radius island which is closer to the minimum recommended size for a single lane roundabout specified by Austroads. Austroads recommends single lane roundabouts have a minimum size of 14 metres and desirable size of 22 metres.

In response to questions from the Committee, Mr Dear explained that a single lane roundabout design would be satisfactory in terms of safety and operational function. The inclusion of left turn lanes was done at the request of DTP to minimise delay to freight traffic on the Shepparton Alternate Route.

Mr Maina gave evidence that his amended design<sup>16</sup> complies with Austroads' Guide to Intersection Design Part 4B and VicRoads' Road Design Note - Heavy Vehicle Network Access Considerations, RDN 04-01, 2019 (RDN 04-01), "*no more, no less*". He advised the roundabout has lower approach speeds on the Channel Road approaches and Austroads allows for various design solutions with the primary goal to fit the reverse curves of the design vehicle and this is achieved with a 16 metre radius.

The design vehicles used are as specified in RDN 04-01. For movements in and out of Channel Road the design vehicle is a 19 metre semi-trailer, while Doyles Road requires a 26 metre B-Double design vehicle (15 metre radius) and a 34.5 metre B-triple as a check vehicle (12.5 metre radius). The design vehicles can U-turn as required in RDN 04-01.

Mr Maina advised the volume of left turn movements are low and do not justify the provision of separate turn lanes and these were not specified in the RDN 04-01 or Austroads Guide. Trucks would need to give way to conflicting right turning traffic and would need to slow for the roundabout. His evidence included a comparison of his design with the Proponents (Figure 6).

Mr Maina acknowledged that his smaller roundabout island would need to be reconstructed should the road be duplicated but the west curb would be retained. He advised, however, there is no need to duplicate Doyles Road. Calculations in his evidence indicated a construction cost saving of over \$2 million dollars with his design, along with the removal of \$0.25 million in land acquisition costs.

Mr Maina advised that the existing intersection geometry is a cross-road with staggered side road approaches. The existing layout is suitable for a two-lane rural road with low turning traffic. The stagger distance is at the minimum end of the range of 15-30 metres.

The Committee directed Mr Maina's attention to the only other sign controlled intersection along Shepparton Alternate Route, the River Street/Archer Road intersection to the south. Mr Maina noted that the stagger at that intersection is much greater and appears to be at the upper end of the stagger distance range.

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<sup>16</sup> Document 73

**Figure 6** Mr Maina's proposed single lane roundabout overlaid over the Proponent's design



Source: Document 73

The Proponent submitted that Doyle's Road is part of the PFN. It is a single two-lane carriageway carrying approximately 8,000 vehicles per day (26 per cent heavy vehicles) with a 1 per cent annual growth. At full development the PSP will increase traffic to 13,000 vehicles per day.

The Proponent said a business case had been prepared for the duplication of Doyle's Road but is Cabinet-in-confidence and not available to the Committee. The duplication is not expected to occur until outside the planning horizon of the precinct. The PSP includes provision for the land required for the duplication, at the request of the DTP. A PAO over the land for the duplication will be sought under a separate process when the budget case and funding are approved, noting that there is no time horizon for duplication and it may never occur.

Further:

- The intersections of Poplar Avenue/Doyle's Road and Channel Road/Doyle's Road are currently unsignalised cross roads. Traffic analysis indicates the capacity of the Poplar Avenue intersection will be reached by the development of 800 lots. By that time it is proposed to install a localised median on Doyle's Road at Poplar Avenue to prevent right turns and cross traffic to ensure the safety of road users (IN-01c).
- The Channel Road intersection (IN-03c) is proposed to be converted to a roundabout at the same time to cater for the displaced movements and other development traffic. The design includes separate left turn lanes to minimise delays to freight traffic.

The Proponent submitted it had a duty as far as practicable to manage and protect the existing conditions and ensure that the design facilitates safe passage, consistency of driver experience and does not adversely impact on the existing condition and use of Doyle's Road for long haul freight as part of the PFN.

Further, if IN-03c was a single lane roundabout it would likely delay Doyles Road through traffic and pose a significant risk to freight traffic and freight efficiency. It would introduce a constraint on movements that does not currently exist.

### Cost apportionment

Several submitters raised concern that the roundabout costs were not being apportioned according to percent usage.

Goldfields said the consultation DCP stated that *“Projects that are 100% apportioned to the DCP area are considered to be wholly required for the future development of the DCP area”* and this was replaced in the Day 1 DCP by *“100% apportionment to the DCP is adopted if a project is critical to the implementation of the PSP but the availability and timing of an external fund is uncertain. (Section 1.4)”*. It considered the change one of ‘expediency’ that acknowledged external use benefit but pleaded no available external funding opportunity.

It rejected the VPA and Council’s reliance on various legislation, including triple bottom line considerations to justify upsetting the approach set out in the Development Contributions Guidelines. It said ignoring the benefit others may gain from the works was not fair or orderly.

Mr Maina referred to the Development Contributions Guidelines which advise:

**Infrastructure costs must be apportioned on the basis of project ‘share of usage’.**

For the purposes of calculating levies in a DCP, the costs of infrastructure projects are shared amongst all the likely users. The likely users will include existing and future development. In this way, new development will not be charged the whole cost of an infrastructure project that others will use and costs are distributed on a fair and equitable basis.

He considered that it would be fair and equitable to proportion the costs for the roundabout in accordance with the usage.

The Proponent submitted:

There is no evidence to suggest that the vehicle capacity on Doyles Road is going to increase over the life of the PSP to the point where a change in the existing intersections along it would necessitate upgrading. The only reason IN01 and IN03 are being upgraded is to meet the needs of the Precinct or to put it another way, without the development of the Precinct no upgrade would be required.

The VPA and Council confirm that there is no desire to ‘future proof’ the intersections and to imply that IN03 is designed to cater for future expansion in the PFN is wrong and not supported by evidence. What is required is to appropriately manage driver safety when long haul freight and passenger vehicles intersect. The role and function of Doyles Road as part of the PFN is a known constraint, therefore whatever change is required as a result of the Precinct ought to be funded by the Precinct via 100% apportionment in the DCP.<sup>17</sup>

It submitted the Development Contributions Guidelines are outdated and their application has led to funding shortfalls. It said the location of this intersection on the PFN *“brings with it complex infrastructure requirements, that necessitates a flexible approach to infrastructure provision and funding”*<sup>18</sup>.

In support of its submission the Proponent referenced the decision of the Standing Advisory Committee that considered the Wonthaggi North East PSP and DCP that found that no external

<sup>17</sup> Document 36, Part B submission

<sup>18</sup> Document 36, Part B submission

apportionment should be assigned for drainage infrastructure in relation to flows that are appropriately managed in the existing conditions in the precinct.

The Proponent cautioned that the IN-03 roundabout was critical infrastructure and if reliant on funding that has not been committed by the State government the development of the precinct could stall. The decision to apply a 100 per cent development contribution is informed by obligations under section 4 of the PE Act, section 25 of the *Transport Integration Act 2010* and Clause 19 of the Planning Scheme.

The Proponent also noted that Doyles Road sits fully within the defined PSP area.

Mr Humphreys advised that the proposed intersection design has sufficient capacity to serve existing traffic even allowing for the growth in Doyles Road traffic to the model year, 2031. Accordingly the need for the roundabout is solely attributed to the development.

Mr Humphreys advised that the PSP traffic, at full build out, would account for 41 per cent of the traffic travelling through the intersection.<sup>19</sup>

### **Lot cap**

Several submitters raised concerns the lot cap was dictating the timing for completion of IN-01c and IN-03c and the need for Early Developer Works EDW-01. Submitters, including Goldfields, called for the trigger to be based on statement of compliance for a plan of subdivision and not on the approval of a subdivision permit.

Goldfields observed the traffic evidence was based on the even later occupation of dwellings. It advised that it typically takes around 3 years to move from permit issue to the completion of dwellings, and some developers may delay acting on a granted subdivision permit. While acknowledging there was a risk using a trigger based on statement of compliance it said a risk also exists with the earlier lot cap trigger. At the least, Goldfields recommended that some discretion be allowed on the timing of the works based on further traffic studies. Further it recommended a definition of lot cap be included in the PSP and DCP.

Mr Humphreys gave evidence that the traffic analysis indicates the Poplar Avenue/Doyles Road intersection has sufficient capacity to cater for around 4 years of development traffic (estimated based on a linear annual delivery of dwellings at 777 dwellings). However that capacity would be exceeded within the following year, based on a prediction of 971 dwellings by that time. Accordingly, the trigger for IN-01c at 800 dwellings is appropriate. The Channel Road/Doyles Road intersection is not expected to reach capacity until approximately 1,748 dwellings are occupied.

He observed the redistribution to traffic from the proposed median treatment at Poplar Avenue will however bring forward the need for a roundabout at Channel Road/Doyles Road to cater for U-turns and IN-03c should be constructed at the same time as IN-01c to cater for the displaced movements.

Mr Humphreys confirmed the traffic generation is based on occupied dwellings not lots.

The Proponent submitted the lot cap is in response to the timing identified in the TIA. It's Part A submission said:

The drafting of the lot cap provision in the UGZ schedule is in effect a 'hard stage gate' that ensures that permits are not issued until these key infrastructure items are in place.

<sup>19</sup> Document 78

By imposing a 'hard stage gate' of 800 lots, the lot cap compliments the [Infrastructure and Development Staging Plan] IDSP and associated requirements in the PSP which identifies the two intersections associated with the lot cap for delivery in the short-term development of the precinct (0 - 5 years). The lot cap will provide the assurance that residential development of the Precinct will not outpace the delivery of key infrastructure items, whilst the IDSP will identify those infrastructure items (including the lot cap intersections) required to be delivered to unlock future stages of development.

In closing, the Proponent retained its view that the lot cap should stay at the subdivision permit approval stage and advised that deferring the lot cap to statement of compliance:

- increases risk of developer holding costs where there may be delay due to [Works in Kind] WIK, dewatering, detailed design and road safety audit requirements; and
- transfers risk to land settlement and future purchasers.<sup>20</sup>

In response to the submissions seeking flexibility in the lot cap provision the Proponent proposed an amended UGZ2 application requirement to require an application must be accompanied by a Public Infrastructure Plan which addresses:

- the provision, staging and timing of any upgrades required to the intersections on Doyles Road with consideration to:
  - the timing required to complete the design and construction of any intersection upgrades;
  - the lot cap application requirement listed under clause 2.4 of this schedule;
  - the status of other residential subdivision planning permits issued within the precinct;
  - the timing of land acquisition required to facilitate any intersection upgrades.

It also included a new R10 in the PSP allowing the Responsible Authority to grant permits for lots beyond the lot cap that don't create 'residential' lots. The intent is to allow developers to commence construction of civil works on the basis of a master plan while waiting for the completion of construction of the Doyles Road intersection upgrades.

#### **(iv) Discussion**

##### **IN-01c Intersection treatment**

The Committee accepts the evidence of Mr Humphreys that the intersection treatment at the Poplar Avenue/Doyles Road intersection is necessary to address capacity and safety issues and suitable alternative routes will be available, including via the extension of Zurcas Lane to Poplar Avenue and the roundabouts on Doyles Road that will accommodate U-turns.

##### **IN-03c Roundabout design**

The roundabout design favoured by the Proponent is predicated on a future that sees Doyles Road duplicated. However the facts before the Committee are:

- there is no need to duplicate Doyles Road as a result of the PSP or annual traffic growth
- a single lane roundabout would have sufficient capacity to cater for the PSP traffic
- the State government has yet to release a business case for the duplication of the road
- the State government may choose to build the Shepparton Bypass instead of duplicating the road
- duplication would be unlikely to occur during the development of the PSP given the predicted traffic growth.

<sup>20</sup> Document 89 Proponent – Closing Submission

Doyles Road currently and for the foreseeable future forms part of the PFN and it is important to recognise and protect that role and minimise adverse impacts. The roundabout will have an impact on travel time as all vehicles travelling along Doyles Road will be slowed on the approach to the intersection and will need to give way to circulating traffic.

In respect to the extra left turn lanes, the evidence is that they would provide minimal benefit, with no evidence given on any reduction in travel time along Doyles Road or significant safety benefit as a result of their inclusion. There has been no cost-benefit assessment on their inclusion in the design.

The Committee agrees with the Proponent there is no need to ‘future proof’ the intersection, which in effect is what the design they have put forward is trying to do. Should DTP elect to pursue a roundabout that does ‘future proof’ duplication it should secure funding for the extra cost involved. It would not be fair and equitable to burden the precinct with the cost of a roundabout design for something that may never be needed, particularly when that need does not arise from the development. A smaller single lane roundabout doesn’t require land acquisition, which will reduce land acquisition and construction costs.

In respect to the radius of the roundabout island, the design put forward by Mr Maina is fit for purpose, accommodating the required design vehicles and meeting the requirements of relevant standards. The argument that adopting the minimum is unacceptable is not proven, particularly against the use of the minimum stagger in the current intersection design. Notwithstanding, there is scope during the design process to include a larger roundabout island and this can be tested through a road safety audit.

### **Cost apportionment**

The primary role of Doyles Road is as an arterial road with a through traffic function not a primary function to serve the residential area. Its elevation to the PFN further confirms this.

It appears the decision to include the arterial road inside the precinct boundary is an attempt to justify the funding outcome for these transport projects rather than any benefit for the precinct itself. The PSP boundary could have been drawn along the centreline of the road or along the western boundary without influencing the PSP. Roadworks have and do occur outside the PSP boundary—for example IN-03c works will extend into the eastern leg of Channel Road outside of the PSP boundary, and IN-02c sits well outside the boundary.

In respect to the Wonthaggi East PSP drainage infrastructure, that infrastructure is aimed at servicing existing flows within the PSP area that are generated from outside the PSP area, as well as new flows from within the PSP area. The existing service was considered satisfactory under existing conditions to service the existing external flows. No benefit to the external area was reported to be gained from the changes within the PSP area by the works and accordingly the Committee in that case found that 100 per cent DCP apportionment was appropriate. The parallel here is that the Doyles Road intersection has sufficient capacity to service existing traffic.

The roundabout will not significantly benefit the Doyles Road through traffic but will benefit turning traffic through an improvement in safety, including traffic generated by Orrvale Primary School located on Channel Road to the east of Doyles Road. While the evidence did not identify an existing accident history, the high proportion of heavy vehicles using the road has increased the consequence and risk of a serious incident and the existing intersection treatment provides only a small reduction in the risk as it does not address the highest risk factor, speed. The provision of the roundabout also allows for the removal of the turning and cross traffic at Poplar Avenue to the



north (IN-01) improving safety at that intersection. Both intersection treatments provide proactive safety improvements, consistent with a safe systems approach and hence benefit the wider community.

There will be some disbenefit due to the increase in travel times for Doyles Road traffic but there may be a reduction in travel time for Channel Road traffic. These have not been quantified or qualified in the evidence.

On balance the Committee agrees with Goldfields there will be benefit to the wider community by provision of a roundabout at this intersection through improved safety. However the value of this benefit hasn't been quantified and the Committee is unable to conclude that it would justify a DCP apportionment in accordance with traffic volumes, at 41 per cent.

Should the roundabout be designed to minimise redundancy for future duplication then external apportionment should be determined to cover the higher cost over a basic roundabout that otherwise services the needs of the development.

In this instance the experts agreed a single lane roundabout is sufficient to provide the capacity for the PSP traffic. Without the PSP traffic, it is unlikely that a roundabout would be installed at this intersection based on current projected traffic volume forecasts, noting there is no other land that is likely to be developed in the foreseeable future from which funding could be sought. Accordingly, it is not unreasonable for the DCP to fully fund a single lane roundabout within the existing road reservation.

### **Lot cap**

The lot cap as proposed by the Proponent is a 'hard gate'. The proposed new requirement R10 in the PSP softens the effect of the provision a little, allowing some works to proceed. The key issue is timing. The road upgrades will take several years to design and construct. The subdivisions will also take several years to design and construct infrastructure and then design and construct housing. It is the housing occupation and associated traffic generation that trigger the need for the intersection upgrades.

The inclusion in UGZ2 of a traffic assessment in the Public Infrastructure Plan does not provide any discretion to the 'hard gate' and appears only to be of benefit to assessing R10.

The intent of the lot cap is to ensure that the intersection works are constructed by the occupation of dwellings and to ensure that funding to achieve this is made available. There would be no harm in allowing some discretion for permits to be issued once certainty of the timing of the completion of the intersection upgrades are known. Indeed this appears to be one of the purposes of the change to the Public Infrastructure Plan requirements.

The Committee supports inclusion of a lot cap definition in the PSP and DCP, consistent with the approach proposed by the Proponent.

The Committee supports the Proponent's addition to the Public Infrastructure Plan application requirement and suggests wording to allow some discretion.

### **(v) Conclusions and recommendations**

The Committee concludes:

- The loss of right turns and cross traffic movements on Poplar Avenue at Doyles Road is appropriate.

- Duplication of Doyles Road is not expected to occur within the development horizon of the PSP, has not been funded and may never occur.
- A single lane roundabout at the Channel Road/Doyles Road (IN-03) intersection will provide sufficient capacity to cater for the increase in traffic from the PSP area, and should be 100 per cent apportioned to the DCP area.
- Should the State government determine the roundabout should be designed to minimise redundant works in the event of duplication of Doyles Road or that additional left turn lanes are required then it should secure funding for the additional costs associated with these attributes, including land acquisition costs.
- The UGZ2 should allow discretion for permits to be issued after the lot cap is reached.
- The inclusion of new R10 allowing the Responsible Authority to grant permits for lots beyond the lot cap that don't create 'residential' lots is appropriate.

The Committee recommends:

**Amend the Shepparton South East Precinct Structure Plan to reflect the Day 1 version and to:**

- Remove all references to land acquisition associated with the Channel Road/Doyles Road (IN-03), unless external funding is obtained for the full cost of acquisition.**
- Add a new requirement R10 providing for issue of a planning permit for subdivision creating a super lot before completion of the Doyles Road/Poplar Avenue and Doyles Road/Channel Road intersections are completed.**

**Amend the Shepparton South East Development Contributions Plan to reflect the Day 1 version and:**

- Delete the land acquisition for the Channel Road/Doyles Road intersection (IN-03), unless the cost of the acquisition is externally funded.**
- Reduce the cost of the construction of the Channel Road/Doyles Road intersection (IN-03c) to the cost of a single lane roundabout that does not include allowance for future duplication.**
- Adjust the Early Developer Works EDW-01 based on the revised intersection costs.**
- Make any consequential changes required to reflect the amended requirements for the Channel Road/Doyles Road intersection (IN-03).**

**Amend the Urban Growth Zone Schedule 2, as shown in Appendix H, as follows:**

- Amend section 2.4 to state:**  

**A planning permit must not be issued for any subdivision that results in a combined total of more than 800 residential lots in the incorporated *Shepparton South East Precinct Structure Plan* area, unless otherwise agreed in writing by the relevant road authorities, until ...**
- Amend section 3, under Public Infrastructure Plan, to include a requirement relating to the provision, staging and timing of intersections on Doyles Road.**

## 5.3 Pedestrian signals on Doyles Road (PED-01)

### (i) The issue

The issue is the need and timing of the provision of pedestrian operated signals on Doyles Road.

### (ii) Background

The PSP includes a site for a primary school shown for development in the long term. The DCP says:

Though there will be a future primary school located within the precinct, there will be an interim need to service resident access to Orrvale Primary School until the time in which the new school is built.

Council and the Department of Education requested that pedestrian signals be installed on Doyles Road to provide connectivity across the PFN to Orrvale and the Orrvale Primary School. The PSP Background Report notes the location of the proposed pedestrian operated signals (PED-01) is subject to detailed design and a road safety audit.

PED-01 was shown located to the north of Channel Road in the consultation PSP and is budgeted to cost \$374,979, fully apportioned to the DCP area. It is designated as short term infrastructure item.

The TIA did not discuss the need or timing for a pedestrian crossing point on Doyles Road.

In its Part A submission the Proponent advised:

The approach speed of vehicles on Doyles Road is a concern with the location proposed for Pedestrian Operated Signals north of Channel Road. In this section of Channel Road, there is no lateral speed control, as such the likely approach speed would be close to the posted speed limit of 80 km/h.

Relocating the Pedestrian Operated Signals to the south of Channel Road close to the roundabout can improve the safety arrangement with the design of IN-03. In this location northbound traffic on Doyles Road has a lateral speed control with the proposed median and southbound traffic on Doyles Road has the speed control from the roundabout.

The Day 1 PSP shows PED-01 located on Doyles Road approximately 190 metres south of Channel Road. The DCP notes that the location is indicative and needs to be confirmed with DTP.

### (iii) Evidence and submissions

The Committee questioned Mr Humphreys and Mr Maina on the need and safety impacts on Doyles Road should the signals be installed prior to the roundabout at Channel Road.

Mr Humphreys advised that the walkability distance to a primary school is around 800 metres. If the Stage 1 development area is 1.4 kilometres walking distance away at its nearest point it is outside the walkability distance.

Mr Maina agreed the Stage 1 development area was outside the walkability catchment to Orrvale Primary School. He advised the walkable distance would be 800 metres with a threshold to around 1.2 kilometres and that a primary school child may cycle up to 1.5 kilometres.

Mr Humphreys advised that DTP had considered signalling the Doyles Road Channel Road intersection, but it would not be appropriate for a freight network as it may need a raised platform to slow traffic. When asked about the safety of installing pedestrian signals before the roundabout

he suggested speeds would need to be slowed such as using raised crossings, and this would be a matter for a road safety audit during detailed design.

#### **(iv) Discussion**

It is important that a pedestrian crossing point on Doyle's Road be included the PSP to allow connectivity to Orrvale Primary School. However in doing so it is critical that the crossing be safe for users.

The VPA and Council assumed the Channel Road/Doyle's Road roundabout will be in place when the signals are installed, but this may not be the case as the DCP has different triggers for IN-03 and PED-01.

Providing a set of pedestrian signals on a high speed truck route poses significant safety concerns, particularly in an isolated location and where demand for the signals is very low. In this instance the risk to users with the signals installed in Stage 1 may be greater than the risk if they are not given Stage 1 is outside the walkability catchment for the primary school. A road safety audit of the proposal has not been undertaken.

#### **(v) Conclusions and recommendations**

The Committee concludes:

- The Orrvale Primary School is not within walking or cycling distance to Stage 1 development areas for primary school students.
- The installation of pedestrian signals (PED-01) on Doyle's Road prior to the construction of the Channel Road/Doyle's Road roundabout (IN-03c) may create road safety risks that have not been evaluated.
- The timing of the installation of PED-01 should be confirmed through a road safety audit or coincide with the completion of IN-03c.

The Committee recommends:

**Amend the Shepparton South East Precinct Structure Plan to reflect the Day 1 version and to:**

- a) **Show the timing of the pedestrian operated signals (PED-01) to coincide with the installation of the Channel Road/Doyle's Road roundabout (IN-03c) or as informed by a safety audit.**

**Amend the Shepparton South East Development Contributions Plan to reflect the Day 1 version and:**

- a) **Change the timing for provision of the pedestrian operated signals (PED-01) to coincide with the installation of the Channel Road/Doyle's Road roundabout (IN-03c) or as informed by a safety audit that considers:**
  - the safety risks associated with the operation of an isolated set off pedestrian operated signals (PED-01) within an 80 kilometre per hour speed zone on the Principal Freight Network, and
  - the limited potential demand for the pedestrian signals in Stage 1 of the development.

## 5.4 Channel Road/Archer Road traffic signals (IN-02)

### (i) Issue

The issue is whether the timing of the Channel Road/Archer Road signalised T-intersection (IN-02) is appropriate.

### (ii) Submissions

Two submitters called for the signalisation of the intersection of the Channel Road/Archer Road intersection before the start of the development.

The Proponent advised that the DCP is to deliver 33 per cent of the funding for the signalisation of the intersection, based on traffic apportionment and noting there are existing agreements between Council and other developers to provide the balance of the funds. The project is scheduled as a short term item, delivered within the first 5 years.

### (iii) Discussion and conclusion

The PSP area is unlikely to generate significant traffic at this intersection in the first couple of years with construction traffic likely to use Doyles Road for access. The timing of the signalisation will be a matter for Council to finalise once the funding is secured, noting the project is already designated for provision in the shortest timeframe used in the DCP.

The Committee concludes the timing specified for the Channel Road/Archer Road signalised T-intersection (IN-02) in the DCP is appropriate.

## 5.5 Zurcas Lane extension alignment

### (i) Issue

The issue is whether the alignment of the Zurcas Lane extension to the north of Poplar Avenue creating remnant landholding.

### (ii) Submissions

The Proponent advised that the alignment of the Zurcas Lane extension as it approaches Poplar Avenue has been changed to ensure that it aligns with the Polar Avenue - Feiglin Road intersection.

The Petrovskis submitted that this will isolate a small section of their land, Parcel 9, to the west of the road which will be difficult to service and farm efficiently. A realignment was suggested to commence further north to increase the size of the parcel of farmland remaining to the west of the proposed road.

The Proponent responded that the road needs to stay at the property boundary as far as possible as it needs to provide access to development to the west for servicing and connectivity.

### (iii) Discussion and conclusion

The Zurcas Lane extension down to Poplar Avenue is fully within land programmed for Stage 1 development. The proposal by the submitter aims to assist the landholder to keep farming the

land rather than progressing to develop the land for housing in accordance with the objective of the PSP. The alternative proposal has the potential to impact orderly planning of the precinct.

The Committee concludes the alignment of Feiglin Road as shown in the Day 1 PSP is reasonable but can be reviewed during the design stage.

## 5.6 Other transport issues

Submitters raised the need to upgrade the intersection at River Road and Goulburn Valley Highway to address safety concerns. The Proponent advised there is minimal traffic generated at this intersection by the development and does not necessitate its upgrade. The Committee accepts this advice.

One submitter requested a change from references to developers delivering the *“Full length of deliverable section of road within existing road reserve”* to *“Full length of property frontage of deliverable road within existing road reserve”*. The Proponent advised roads are designed for connectivity and flooding storage and conveyance and accordingly full lengths are required. The Committee accepts this advice.

One submitter suggested extending the upgrades to McPhees Road to include lighting, footpath provisions, drainage and vehicular turning circle space in the south end. The Proponent advised this has been addressed to the extent development is proposed, beyond that point it is a matter for Council to resolve outside the PSP. The Committee accepts this advice.

One submitter sought for the new road on the south of 100 McPhees Road to be reconsidered, and if needed to be relocated to the north of the boundary and for the park area to be moved to the west so it is not opposite the south boundary. The Proponent advised it had moved the perimeter road further south and not opposite the southern boundary. The Committee accepts this Day 1 change.

One submitter suggested developers/landowners should be responsible for the property frontage of deliverable road and pathways within existing road reserves. The Proponent updated the UGZ2 removing the Pedestrian Network Plan subdivision requirement which referenced constructing footpaths to adjoining infrastructure. The Committee accepts this Day 1 change.

Ms Close submitted the creek front road/boundary road should be moved further to the west and south west to reduce land take on her property. The Proponent advised that the perimeter road is located where a bushfire separation is required. The Committee accepts this advice.

In comments on Final day documents, the Proponent and Goldfields agreed on changes to drafting of Section 4.5.4 of the PSP (Documents 104 and 107) The Committee accepts these changes which are shown in Appendix J.

The Proponent also proposed a number of other changes to the PSP and DCP relating to transport that are considered to be minor, improve clarification or are consequential relating to updated advice on costing and dimensions. These are supported as documented in Appendices K and L.

## 6 Open space and community facilities

### 6.1 Introduction

#### (i) The draft Amendment

The draft PSP provides for open space and community facilities as described in Chapter 2.2.

The draft Amendment proposes to apply the PAO to the local parks, sports reserve, shared path and community centre to facilitate provision of these community infrastructure assets.

#### (ii) Proposed post exhibition changes

The Proponent proposed several changes to open space and community facilities as outline in the following sub-chapters and as shown on Figure 7.

The Proponent explained it had decided to reconfigure and allocate some projects to a Community Infrastructure Levy (CIL) as described in Chapter 8.1.

As discussed in Chapter 4, the Day 1 version of the PSP shows the linear/local park (LP-05) relocated along Doyles Road (see Figure 2). There were no open space issues raised about the relocation of this asset during the Hearing and the Committee has not discussed this further.

See Figure 4 above for a map of the proposed Day 1 PAO schedules.





**(iii) Background reports****Reports exhibited with the draft Amendment**

*South Shepparton Community Infrastructure Needs Assessment* (ASR Research, May 2022)

*Community Infrastructure Design and Costing* (Cohen Leigh, November 2022)

*South Shepparton Community Infrastructure Needs Assessment* (ASR Research, March 2023) (ASR Report)

*Open Space and Recreation Report* (Hansen, May 2023)

*Sports Reserve Opinion of Probably Costs* (Hansen, September 2023)

*Local Park Concept - Outlines* (Council and VPA, 2023)

**Supplementary reports**

*Sports Reserve and Local Park Concept* (Hansen, July 2024)

*Sports Reserve Pavilion Costing* (Council, July 2024)

*Sports Reserve Costing* (VPA, July 2024)

Various other background reports informed the preparation of the DCP specific to individual projects and their costings. These are referred to where relevant under the issues discussion set out below.

## **6.2 Shared recreation path along the Broken River (PAO35)**

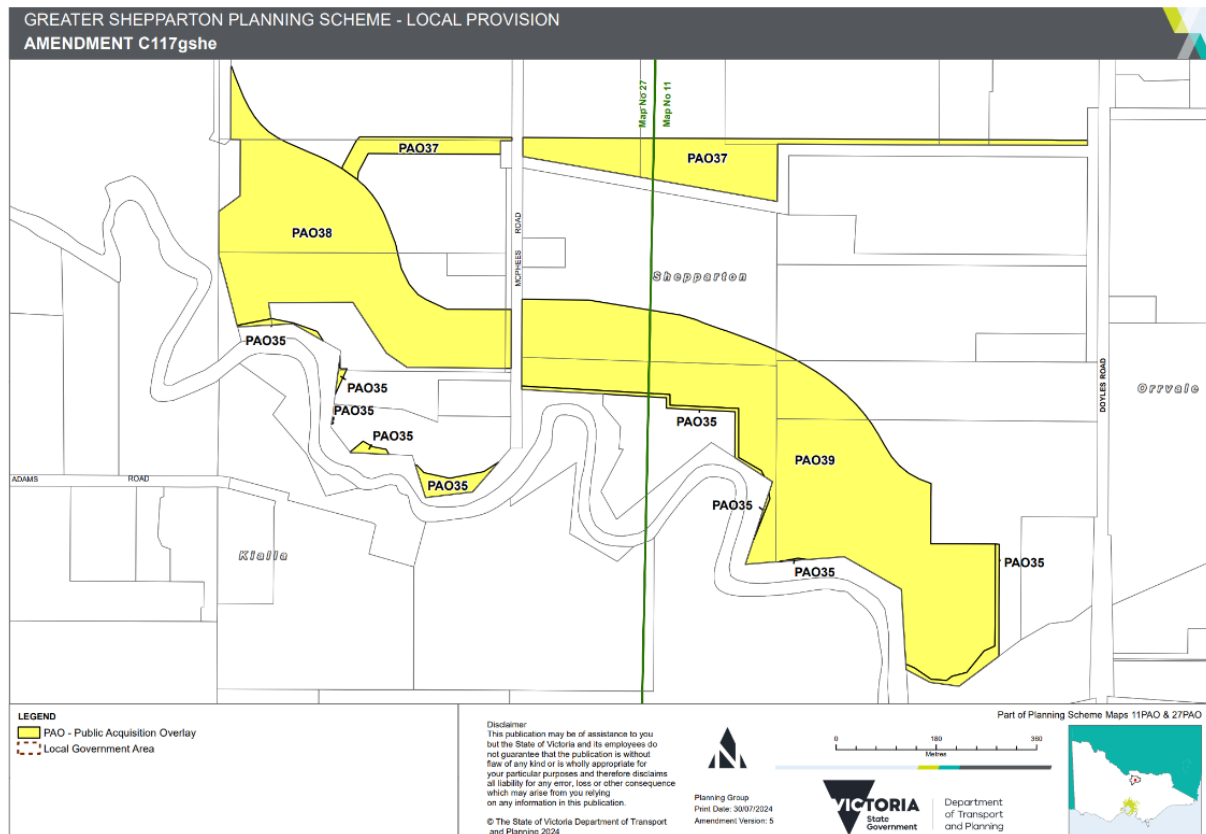
**(i) The issues**

The issues are whether:

- the shared path along the Broken River and its proposed alignment is appropriate
- the detailed survey plan should be included in the PSP
- design detail including fencing and landscaping requirements should be included in the PSP.

**(ii) Background**

The draft Amendment proposes to acquire land for the Broken River shared path (PCP-01) by applying PAO38 and PAO39. In response to submissions, the Proponent proposed to change the route to reduce the extent of land to be acquired and identify the shared path with a separate PAO35 (see Figure 8).

**Figure 8 Proposed PAO35 (Day 1 PAO map)**

Source: Document 29i

**(iii) Submissions**

Several submitters raised concerns about the proposed shared path including the acquisition of private property, the amount of land to be acquired, the location of the path, topography constraints and security, safety and privacy for nearby residents.

Innes-Irons raised concerns about biosecurity and safety of high value animals, noting it operated an equestrian breeding and training business on its land. It was also submitted that the application of the PAO is unclear and not consistent with the stated intent of the PAO39.

Innes-Irons advised it supported the proposed changes to the shared path alignment as shown in the Day 1 documents, however it was still concerned there was some uncertainty about the exact location of the path. In addition to business security concerns, it submitted the exact location of the pathway was needed to clearly identify the access to their private land would be clear of the PAO35. Innes-Irons was satisfied this was addressed through the survey plan that had been provided to it by the Proponent. Innes-Irons requested this survey plan form part of the Amendment documentation, along with further design detail relating to boundary treatments, fencing, landscaping and cross-sectional details of the pathway.

The Proponent identified the *“Broken River Corridor is a key natural asset, with opportunities for passive recreation and active transport links, via trails and shared paths. Though this land is encumbered open space due to the riverine flood risk, it is like other open spaces in the established areas of Shepparton and will provide unique passive recreation opportunities for the future*

*community*”<sup>21</sup>. It said the shared path project was strategically justified through the Council’s Cycling Strategy 2013-2017, the River Connect Strategic Plan 2023-2028 and the Great Shepparton 2030 Strategy.

In response to submissions, the Proponent proposed to realign the shared path to reduce the amount of private land affected and address where possible concerns about privacy, noting the riparian area is Crown land and is free for the public to access. As noted above, it also proposed to include the path within a separate PAO35 for clarity. The revised location for the path is based on a detailed survey. The Proponent submitted compulsory acquisition is appropriate to enable construction of the shared path given the likelihood of successful agreement with affected landowners, the periods of time involved and historical experience with projects of this kind.

To assist submitters, the Proponent tabled the survey plans which showed the centre line of the shared path in red dashes.<sup>22</sup> It noted the plans showed two options, and advised that the alignment will follow option 2. However, the Proponent did not agree to include the survey plan in the PSP and submitted the exact location of the shared path and matters of design detail are all matters to be addressed as part of future processes and are not appropriate or necessary for inclusion in the PSP.

#### **(iv) Discussion**

The proposed shared path along the Broken River will be an important recreational asset for the precinct and is supported by several strategic Council policies. The Proponent has undertaken significant further detailed survey to establish an appropriate alignment for the pathway after considering submissions from affected landowners. The Committee supports this approach to refining the alignment and agrees with the proposal to create a standalone PAO for the pathway (see Figure 8). Given this detail has been established and agreed by the Proponent and affected landholders, and the PAO35 boundaries are based on this alignment, it seems reasonable to include the survey plan within the PSP as an appendix.

Regarding other matters of detailed design such as fencing and landscaping, this work is more appropriately considered closer to the time of commencement of the project. The PSP does not need to contain this level of detail.

#### **(v) Conclusions and recommendations**

The Committee concludes:

- The shared path along Broken River is justified and should be based on the revised alignment determined through the detailed survey work.
- The land to be acquired for the shared path is appropriate in the Day 1 Amendment documents as PAO35.
- The detailed survey plan showing the exact location and width of the shared path should be included as an appendix in the PSP.
- Matters of detailed design such as fencing and landscaping requirements should not be included in the PSP and can be addressed through later processes.

<sup>21</sup> Document 25 Proponent – Part A Submission

<sup>22</sup> Document 89h Proponent – Attachment 8 – McPhees Road – E – Shared path survey plan and Document 89i Proponent – Attachment 9 – McPhees Road – W – Shared path survey plan

The Committee recommends:

**Apply Public Acquisition Overlay Schedule 35 to the shared path along the Broken River as shown in the Day 1 documents (see Figure 8).**

**Amend the Shepparton South East Precinct Structure Plan to reflect the Day 1 version and to:**

- a) **Include the detailed survey plan showing the location and width of the Broken River shared path as an appendix.**

### 6.3 Community centre (CI-01, PAO40)

#### (i) The issues

The issues are whether:

- the size of the community centre is justified and appropriate
- the community centre should be fully apportioned to the DCP area.

#### (ii) Background

The draft PSP proposed the community centre (CI-01) be located at the south of the school site in the centre of the precinct. In its Day 1 Amendment documents, the Proponent proposed to locate the community centre within the sports reserve (SR-01) abutting the north side of the school site. The Day 1 DCP explains the co-location of CI-01 with SR-01 will allow for consolidated parking arrangements between the facilities. The Day 1 documents propose to apply the PAO40 to CI-01 and SR-01.

Based on the ASR Report the community centre is proposed to be fully apportioned (100 per cent) to the DCP area.

#### (iii) Submissions

Goldfields and Bala Doyles Rd Unit Trust (Bala Doyles) submitted the precinct would not generate demand for a whole community centre and the design of CI-01 is overstated. The submitters said the design of the proposed centre included more rooms than identified as needed in the ASR Report. It requested the additional rooms be deleted for now and suggested the design of the building should be amended to allow for future expansion if, and when, additional demand is required.

Goldfields submitted the ASR Report said the precinct would generate demand for 0.6 of a community facility and therefore the community centre should only be 60 per cent apportioned to the precinct. It requested that the DCP rate be adjusted to reflect a smaller community centre and reduced apportionment to the precinct.

The Proponent undertook a review of the land take and configuration for the sports reserve, community centre and associated road infrastructure projects to consolidate facilities and streamline requirements where possible. It submitted the PSP area will generate a need for a wide range of services and facilities and that this need has been synthesised into a single multi-purpose community facility for the precinct, and the size and configuration of the community centre is appropriate. The Proponent said Table 25 in the ASR Report justified the facility and land requirements and appropriate level of apportionment, and this analysis was reasonable and based on need and nexus principles.

In response to a question from the Committee about the effect on infrastructure provision from the proposed increase in housing densities across the precinct (see Chapter 7) the Proponent provided a memo from ASR.<sup>23</sup> The memo contained revised analysis of community infrastructure needs based on an increase in dwelling yield to 2,980 dwellings and a subsequent increase in population of almost 2,000 people. The ASR memo concluded the community and recreation projects could comfortably satisfy the demands of the additional population.

The Proponent submitted that external apportionment is made only where the project is defined to also serve a specific external area and in this instance the planning purpose of CI-01 is for the precinct.

#### **(iv) Discussion**

The amended location of the community centre adjacent to the school site is appropriate, noting it is State policy to co-locate kindergarten facilities with all new Victorian Government primary schools.

The Committee supports the size and configuration of the community centre as proposed in the Day 1 documents. While the concept plan for the community centre includes more rooms than listed in Table 25 of the ASR Report, the Committee accepts the Proponent's position that the PSP area will generate a need for a wide range of services and facilities and that the community centre has been appropriately designed as a multi-purpose centre to accommodate a variety of uses. The ASR report notes in relation to facility models *"the models are not meant to be applied strictly and prescriptively...they should be used as a guide considered when undertaking the qualitative analysis of community infrastructure provision"*.<sup>24</sup>

The needs assessment undertaken by ASR is comprehensive and considered the wider South Shepparton area and not just the PSP area in isolation.<sup>25</sup> The ASR Report attributed 100 per cent of demand for the community centre to the precinct.<sup>26</sup> It identified other external facilities where expansion would be needed / utilised to meet demand external to the precinct (refer to page 7 of the ASR report). The Committee accepts this assessment. No party presented evidence to support an alternative facility configuration. In addition, the Committee considers it very likely that the population will be greater than the original estimate of 6,000 people due to the proposed increased densities.

#### **(v) Conclusions**

The Committee concludes:

- The size of the proposed community centre facility is justified, as shown in the Day 1 Amendment documents.
- It is appropriate to apportion 100 per cent of the community centre (C1-01) to the DCP area.

<sup>23</sup> Document 89b Proponent – Attachment 2 – ASR Memo re Shepparton South East PSP Community Infrastructure Needs Assessment

<sup>24</sup> ASR Report, July 2023, p22

<sup>25</sup> ASR Report, July 2023

<sup>26</sup> ASR Report, July 2023, p6

## 6.4 Sports reserve (SR-01, PAO40)

### (i) The issues

The issues are whether the:

- sports reserve (SR-01) is appropriately reconfigured and located
- costing for the facilities associated with SR-01 are appropriate.

### (ii) Background

The draft PSP proposed one sports reserve of 6-7 hectares (SR-01) that would accommodate a senior size football oval, two senior size soccer ovals, a pavilion, a playground and ancillary facilities. It was located to the north of the proposed government school site and was intended to be fully apportioned (100 per cent) to the DCP area funded by the Development Infrastructure Levy (DIL).

In its Day 1 Amendment documents, the Proponent proposed to reconfigure the community facilities and RBWL4 in this area to reduce land take and associated costs. The Day 1 Amendment documents show the sports reserve in a similar location, but integrated with the community centre and associated parking.

The Day 1 DCP removed the construction costs associated with the sporting precinct from the DIL and introduced a CIL to collect funds for this project. Only one soccer oval is proposed as a DCP cost.

### (iii) Submissions

Harchand Singh did not support the proposed location of the sports reserve (SR-01) and recommended it be relocated where the cost of acquisition would be lower. He submitted the proposed location had higher value for residential development.

One submitter requested clarification about when their property would be acquired and requested their land be included within one PAO, rather than spread across two. In the draft Amendment their site was affected by the PAO35 and PAO40.

Bala Doyles and Goldfields raised significant concerns with the increased costs in the Day 1 documents associated with the construction of the facilities at the sporting reserve and questioned the appropriateness of using Infrastructure Contributions Plan (ICP) Benchmark Infrastructure Costings to estimate costs for a regional DCP.

The Proponent submitted the proposed site for the sports reserve is a preferred location because it is central to the precinct, adjacent to other community facilities and nearby to the proposed site for a commercial town centre. Its location would maximise the service catchment for the precinct.

It noted that reconfiguration of the sports precinct eliminated the need for road widening originally intended to accommodate parking, which is now located within the precinct. While the property at 75 Feiglin Road had previously been split across two PAO schedule, as a post exhibition change it was now only affected by PAO40, enabling the property to be acquired as a whole rather than in two separate parts.

The Proponent agreed with Goldfields that pavilion building costs in ICP areas could be higher than the local practice in Shepparton. It explored alternative costing for the sports facilities and pavilion and used an alternative lower costing unit rate (provided by Council) based on local projects in the

Day 1 DCP. The Proponent also removed one soccer field from the DCP, noting the ASR report had only identified demand for one field.

The Proponent submitted that costs associated with the pavilion are suitable to be funded via a CIL given they are identified as long terms assets and driven by the demand of population growth in the precinct.

#### **(iv) Discussion**

The Committee supports the location of the sporting reserve central to the precinct and where it is integrated with other community facilities and easily accessible.

The reconfiguration of the reserve is a more efficient use of land, with the added benefit of applying a single PAO schedule providing greater certainty in terms of acquisition for affected landowners.

Escalating construction costs in today's economic environment are unsurprising, even at the significant levels presented. While the costs are high the Committee accepts the Proponent has undertaken sufficient review and local research to identify appropriate estimates and supports the approach to use the Council costing unit rate for the pavilion rather than ICP benchmarks.

The Committee agrees that it is appropriate to apply a CIL to fund some of the construction costs consistent with the DCP Guidelines and recognising that these facilities are longer terms assets for the precinct.

#### **(v) Conclusions**

The Committee concludes:

- The reconfigured sports reserve (SR-01) as shown in the Day 1 documents is appropriate.
- The Day 1 DCP costing for sports reserve facilities is appropriate.

## **6.5 State government health centre and primary school**

The issues are whether:

- there should be a requirement to provide the health facility land to a finished standard to the satisfaction of the Department of Health
- it is appropriate to include a sunset clause for the proposed health facility land, and if so what is the appropriate wording
- the size of the school is justified.

#### **(i) Background**

The draft PSP proposes two State government community facilities, a health facility and a primary school.

The health facility is referred to in the draft PSP as "*proposed*" and the school is shown as "*future government school*".

As shown in Figure 7, the:

- health facility is shown in the very north of the precinct adjacent to an existing aged care complex and the Shepparton Marketplace
- school is located adjacent to the sports reserve and local town centre towards the middle of the precinct.

Neither project is included in the DCP and both would be subject to future needs assessments by the State government.

## **(ii) Submissions**

In its Part A submission, the Proponent submitted it had added guideline G24 to the PSP, which comprised a sunset clause for the land for the health facility in the event that it would not be required.

V & D Zurcas Pty Ltd (Zurcas) noted the Day 1 PSP did not include the proposed G24 referred to in the Part A submission, however it understood from an email from the VPA that the proposed wording of the guideline would be:

- Where the responsible authority is satisfied that land shown as a proposed state government facility is unlikely to be used for that purpose, the land may be used for an alternative purpose which is generally in accordance with the PSP and consistent with the provisions of the applied zone.
- The responsible authority must be in receipt of a letter from the Department of Health stating that the land is no longer required, and a minimum of ten years has passed following the gazettal date of the PSP.

The Proponent clarified it intended to include a new guideline in the PSP in the form of a sunset clause.

Zurcas supported inclusion of a sunset clause but objected to the nominated timeframe of 10 years. It said it was unreasonable to set aside the land for longer than the timeframe being applied to their landholding, and submitted the acquisition timeframe should align with the proposed PSP staging for the site, namely within five years of gazettal of the PSP. Zurcas suggested the following alternative wording for dot point 2:

- The responsible authority must be in receipt of a letter from the Department of Health stating that the land is no longer required, and/or a maximum of ten [sic] five years has passed following the gazettal date of the PSP.

It also submitted that it was unreasonable to require the landowner to provide the land to a finished standard to the satisfaction of the Department of Health, and that such costs should be borne by the Department. It requested removing reference to this requirement from guideline G23 in the PSP.

The Proponent advised that the Department of Health had confirmed that ‘finished to the standard of DH’ means that the land is clean of any identified contamination and serviced as would normally be expected of any residential lot.

In response to a question from the Committee, the Proponent submitted the reference to “*proposed*” health facility should be changed to “*potential*” health facility in the PSP.

It said the amended wording is considered appropriate and referred to the following comments from the Department of Health’s submission:

- health system planning does not always enable specific infrastructure needs to be identified 10-20 years in advance
- population growth across the regions and the changing health care needs of community, the department is reserving land through this PSP to ensure services can be established once a need has been identified
- the timing of acquisition for the land cannot be determined at the time of the PSP as the health services that the department provides change as the health demands of the population evolve



- that it is not possible to determine the exact use of the land at this stage, however, it will likely involve infrastructure suitable to hold spaces for consultation, treatment, and privacy, as well as space for parking.<sup>27</sup>

One submitter supported the school but questioned the size and land required to facilitate it. The Proponent advised the size was determined by the Department of Education and submitted its location was appropriate, central to the precinct and co-locating with the children's centre and open space.

### **(iii) Discussion**

Identification of a State government health facility site in the PSP is consistent with advice from the Department of Health. If the land is required it is appropriate for it be provided in a state free from contamination, and this would be factored into a negotiated sale price.

It is appropriate to include a sunset clause in the PSP and to amend reference to the facility as "*potential*" given there is some uncertainty about the future requirement.

While the Committee understands the State government is not in a position to confirm whether the land will be required at this time, this land is part of the short term staging plan. The land is well located, close to the Shepparton Marketplace and adjacent to the future north south connector road through the precinct. The Committee has some concerns about this land remaining vacant for an indefinite period and considers a sunset clause appropriate.

The Committee does not however support the requirement for both a letter from the Department of Health stating that the land is no longer required and a minimum of ten years has passed following the gazettal date (Committee underline). It is appropriate for either of these situations to be met. If the State government decides it does not want to pursue a facility on the land and is willing to put this in writing, there should be no requirement to wait out a period of additional time, potentially years.

The Committee supports the size and location of the school as it is central to the precinct and nearby other community facilities, noting the Department of Education has provided advice as to the appropriate land requirements.

### **(iv) Conclusions and recommendations**

The Committee concludes:

- It is appropriate to include a guideline requiring the land for the future health facility to be provided to a finished standard to the satisfaction of the Department of Health.
- It is appropriate to include a sunset clause for the potential State government health facility land which includes the option of either the Department of Health advising in writing it is no longer required or a minimum of ten years following gazettal of the PSP.
- The proposed size of the school site is supported.

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<sup>27</sup> Document 89 Proponent – Closing submission, p21

The Committee recommends:

**Amend the Shepparton South East Precinct Structure Plan to reflect the Day 1 version and:**

- a) Amend all references from “*proposed*” health facility to “*potential*” health facility.**
- b) In the section relating to ‘Community Facilities and Education’ add a new guideline as follows:**

**Where the responsible authority is satisfied that land shown as a potential State government facility is unlikely to be used for that purpose, the land may be used for an alternative purpose which is generally in accordance with the PSP and consistent with the provisions of the applied zone.**

**The responsible authority must be in receipt of a letter from the Department of Health stating that the land is no longer required, or a minimum of ten years has passed following the gazettal date of the PSP.**

## 7 Housing and density

### 7.1 Housing and affordable housing

#### (i) Introduction

##### The draft Amendment

The draft Amendment proposes to apply a new UGZ2 to all land within the PSP. The UGZ2 includes:

- land use and development controls
- application requirements for residential densities in accordance with the PSP.

Section 4.1.2 of the consultation PSP includes:

- housing requirements:
  - a minimum average density of 10 dwellings per Net Developable Hectare (NDHa) in 'standard residential' areas and 12 dwellings per NDHa in the 'residential amenity' areas
  - residential subdivisions deliver a broad range of lot sizes capable of accommodating a variety of housing types to cater to a range of lot prices and promote affordability
- housing guidelines relating to:
  - subdivision delivering a range of lot sizes, widths, depths and densities with higher densities and more intensive building typologies in amenity area locations supporting good access to activity centres, public transport, community infrastructure, facilities and services
  - subdivision or development of land for residential or mixed use purposes should provide affordable housing as defined by the PE Act.

##### Proposed post exhibition changes

The Proponent proposed changes to the residential densities in its Day 1 documents (summarised in Table 6), including:

- a change in reference from minimum average densities to preferred average densities
- separation of the precinct into three areas, with varying preferred average densities and references to the Small Lot Housing Code
- clarification that additional density must demonstrate that it will have no significant infrastructure impact.

**Table 6** Neighbourhood Character and Housing Density

Development Area	Neighbourhood Character Statement	Preferred Average Density (dwellings per NDHa)
Lower density residential within transitional area	<p>Transitioning to larger lots (up to 1000 square metres), interface to existing rural living and the Broken River open space corridor to the south</p> <p>Range of housing typologies</p> <p>Small Lot Housing Code products are discouraged in most cases</p>	8

Development Area	Neighbourhood Character Statement	Preferred Average Density (dwellings per NDHa)
Standard residential density outside of 400m walkable catchment area	Traditional suburban neighbourhood Detached and semi-detached housing typologies, however more intensive forms of development should be provided in proximity to areas of high amenity Small Lot Housing Code products may be utilised in limited cases	12
Residential within 400m walkable catchment area	Urban neighbourhood character, two to three storeys in height Variety of housing typologies, including townhouses and detached dwellings. Small Lot Housing Code products are encouraged in appropriate locations to meet the overall density target	15

Source: Day 1 PSP, Document 25e, summarised by the Committee

The revised density provisions would increase the average density of the precinct overall, with the potential number of dwellings increasing from 2,500 to 2,980 accommodating a population of more than 6,000 people.

## (ii) The issues

The issues are whether the:

- proposed dwelling densities are appropriate across the precinct
- Small Lot Housing Code be included in the Planning Scheme
- PSP should include a percentage amount of affordable housing.

## (iii) Submissions

Some submitters requested the areas for higher density be expanded or a greater level of density permitted in the amenity areas. A 400 metre walkable catchment around the town centre and community facilities was considered an area where higher density should be supported.

Submitters also suggested that the Small Lot Housing Code should be incorporated into the Planning Scheme to facilitate the provision of smaller housing typologies. Homes Victoria noted the Victorian Housing Register recorded a high demand for one-bedroom dwellings in Shepparton South East.

Homes Victoria submitted there should be changes to the wording of the PSP to provide stronger guidance for the provision of affordable housing.

Some submitters were concerned about the proposed density in the south of the precinct. They said it was too high and lots should be larger to reflect the existing character and ambience of the area towards the Broken River.

The Proponent outlined changes to respond to density concerns raised by submitters. The Day 1 changes would increase the average density overall, with the number of dwellings anticipated to increase from 2,500 to 2,980. It submitted that while the proposed housing densities are lower than generally encouraged by the PSP Guidelines, the regional context allows for a more nuanced

approach and an amenity model has been applied to drive greater density and housing diversity where appropriate.

In response to a question from the Committee regarding the potential impact on infrastructure capacity arising from the proposed higher density and associated increase in population, the Proponent referred to comments by Mr Humphreys, Ms Butcher and Ms Barich that the forecast infrastructure had sufficient capacity to accommodate the additional population.<sup>28</sup> The Proponent also provided an updated community infrastructure assessment confirming the proposed community and recreation projects could comfortably satisfy the demands from an extra 480 dwellings.<sup>29</sup>

To ensure any increase in density over 2,500 lots has regard to the capacity and function of the PSP infrastructure, the Proponent proposed an amendment to R7 proposed a new requirement as follows:

R9 - New subdivision that results in a combined total number of lots exceeding 2,500 must demonstrate to the satisfaction of the responsible authority that there is no significant infrastructure impact or additional burden on infrastructure providers, Council and planned DCP infrastructure associated with the proposed number of lots.

The Proponent did not support including specific affordable housing percentage targets in the PSP. It said the PSP Guidelines will ensure the precinct contributes to affordable housing by delivering significant land supply at a range of residential lot densities capable of accommodating a variety of housing types. It also referred to G9 in the PSP which states:

An application for subdivision of land into residential lots or development of land for residential or mixed use purposes should provide affordable housing as defined by the Planning and Environment Act 1987. The affordable housing should be located within the walkable catchment and provide for a range of housing typologies to meet demonstrated local need.

#### **(iv) Discussion**

The precinct is identified as one of 21 priority projects to increase the supply of greenfield land and housing across Victoria and is a key part of the draft target for Shepparton to deliver 14,500 homes by 2051.

While the preferred average densities of 8 - 15 dwellings per NDHa are considerably lower than recommended in the PSP Guidelines, the guidelines acknowledge that variation may be required to adapt to regional settings.

Consistent with the PSP Guidelines the PSP is premised on an amenity-based density model. The Day 1 version of the PSP proposes higher density for areas within a 400 walkable catchment of both the town centre and the activity centre to the north of the precinct. While it proposes to include an area of lower density (8 dwellings per NDHa), overall the changes result in a small increase in the average density across the whole precinct. The Committee supports this tailored approach and the overall increase in density.

The Committee notes:

- the Proponent's Day 1 changes in Section 3.3 of the PSP which states:

<sup>28</sup> Document 89 Proponent – Closing submission, p6

<sup>29</sup> Document 89b

Shepparton South East PSP will generate not less than 2,500 dwellings to accommodate more than 6,000 new local residents.

- for consistency, the documents should be updated to reflect this change.

The Committee also supports introducing the Small Lot Housing Code into the PSP and UGZ2 to facilitate and encourage smaller dwellings in appropriate locations.

Based on the evidence of the Proponent's drainage and transport experts and the updated community infrastructure assessment, the Committee accepts the proposed DCP infrastructure will be able to accommodate additional population generated by a higher density. This is a positive outcome for development of the precinct, potentially accommodating more housing and greater housing diversity within the capacity of forecast infrastructure.

Given the Committee was presented with evidence the proposed DCP infrastructure could accommodate density that would result in up to 2,980 dwellings, it considers the new requirement R9 should be amended to apply to new subdivision that proposes to exceed the preferred average dwelling density rather than subdivision that exceeds 2,500 lots. The Committee is also concerned there is no definition or guidance around the meaning of "*significantly impact*" or "*additional burden*" and when they may be considered unacceptable. The follow alternative wording is proposed:

New subdivision that proposes to exceed the preferred average dwelling density it must demonstrate to the satisfaction of the responsible authority that the planned DCP infrastructure can accommodate the proposed increase in dwelling density.

Housing affordability is a key issue in Victoria. The Committee agrees that development of this precinct will add significantly to the supply of residential land in Shepparton thereby reducing some demand pressure. The Committee accepts Council's position that the general direction provided in housing guideline G9 (G11 in the final day PSP) will assist in facilitating the provision of affordable housing in walkable catchments and a percentage target is not necessary at this time.

## **(v) Conclusions and recommendations**

The Committee concludes:

- The housing densities proposed in the Proponent's Day 1 documents are appropriate and the corresponding increase in anticipated dwelling numbers and population should be reflected in the PSP vision statement.
- The Small Lot Housing Code should be included in the PSP and UGZ2, and as an incorporated document in the Planning Scheme.
- It is not necessary to include a percentage requirement for affordable housing in the PSP.

These changes are included in the Proponent's Day 1 Amendment documents.

The Committee recommends:

**Amend the Shepparton South East Precinct Structure Plan to reflect the Day 1 version and to:**

- a) amend all references to dwelling numbers and anticipated population to reflect the revised density outcome.**
- b) add a new requirement to ensure any increase in density over 2,500 lots has regard to the capacity and function of the Precinct Structure Plan infrastructure.**

**Amend the Shepparton South East Development Contributions Plan to reflect the Day 1 version and to:**

- a) amend all references to dwelling numbers and anticipated population to reflect the revised density outcome.**

## **7.2 Other issues**

Goldfields objected to the new guidelines G6 and G7 proposed in the Final day PSP which said:

G6 - Unless a permit is specifically required by other provisions of the Greater Shepparton Planning Scheme, demolition of existing buildings associated with the rural and agricultural uses is encouraged to facilitate land amalgamation.

G7 - New application for use and development of a land for Accommodation use should be assessed against any requirements and guidelines under the PSP, the DCP and the UGZ schedule that are applicable to residential subdivision.

It said:

- the precinct will be zoned UGZ2 with the assumption that demolition and amalgamation of properties will occur
- not all application requirements for use and development are required or the same as those for residential subdivision and should be assessed on their own merits.

The Proponent responded that application of the UGZ2 will not prejudice existing rural living and production activities and the guideline will provide greater clarity to facilitate land amalgamation and that Accommodation land uses will have similar development impacts which should be assessed. The Committee accepts the VPA Final day changes.

## 8 Development contributions

### 8.1 Introduction

#### (i) The draft Amendment

The draft Amendment proposes to:

- apply a new DCPO5 to all land in UGZ2
- amend the Schedule to Clause 72.04 to introduce the DCP as an incorporated document.

The 'Summary of Charges' table (see Figure 9) sets out project categories and charges included in the DCP, which led to the draft DCP rate of \$411,223 per NDHa.

**Figure 9** Draft DCP Summary of Charges

SUMMARY - NET DEVELOPABLE AREA (NDA)		
Charge area	Total Cost of Contribution	Contribution per Net Developable Hectare (NDHa)
Residential	\$102,987,430	\$411,223

SUMMARY - DEVELOPMENT INFRASTRUCTURE LEVY		
Projects	Total cost of projects	Contribution per Net Developable Hectare (NDHa)
Transport	\$22,933,876	\$91,574
Community	\$27,762,012	\$110,852
Drainage	\$40,134,870	\$160,256
Strategic Planning	\$2,494,494	\$9,960
Early Delivery Works	\$9,662,178	\$38,580
Total	\$102,987,430	\$411,223

Infrastructure projects consisted of both land acquisition costs and construction costs. Section 5.3.3 of the DCP describes the methodology used to estimate land value and hence land acquisition costs (see Figure 10).



**Figure 10 Land value methodology****5.3.3 Estimate of land value**

The area of land to be acquired for each DCP project on each property was identified from the property specific land budget prepared for the PSP. A description of the precinct land area was provided to a registered valuer who then prepared a valuation to determine a 'broad-hectare' value for the entire precinct for that use. To ensure a fair compensation for each affected land owner, this value has then been used to calculate the cost of the land component for all relevant projects included in the DCP.

**Per property broad hectare estimate of value**

The per property broad hectare estimate of value prepared for each individual property assumes the unencumbered, highest and-best use as indicated by the PSP.

The estimates of value are prepared on a 'Before and After' basis where:

- The 'Before' assessment is based on the total developable area of each property and ignores the land and infrastructure items to be provided by the DCP. Any development that occurs subsequent to the approval of the DCP is ignored for the purpose of the valuation.
- The 'After' assessment comprises the remaining portion of each property after all land required by the DCP has been provided. Severance or enhancement, disturbance, special value etc. are ignored for the purpose of the 'after' valuation.

**(ii) Proposed post exhibition changes**

The Proponent's Day 1 DCP included changes to the land take, land use budget and costing for infrastructure items as a result of the revised scope of PSP projects. Appendix 3 – DCP Change Matrix to the Proponent's Part A submission (Document 25c) detailed these changes. The total cost of projects increased overall with a subsequent increase in the DCP rate to \$448,048 per NDHa.

The Day 1 DCP included a new CIL for the construction costs for the development of facilities and parking at the sporting reserve, and removed these costs from the DIL. The CIL is a one-off cost payable by landowners at the building permit stage. The total amount of the CIL is proposed to be \$1,450 per dwelling.

The Day 1 DCP also clarified that 100 per cent cost apportionment has been adopted where a project is critical to the implementation of the PSP but the availability and timing of external funds is uncertain.

The Proponent proposed further changes to the Final day DCP including:

- a reduction in the DCP rate to \$446,985 per NDHa following review of the Doyles Road future road reserve
- adding a reference to section 18A of the *Subdivision Act 1998* to specify that Clause 53.01 is not applicable to the main catchment area
- updating Table 7 to reflect the cost reduction of IN-02c, IN-04c and IN-05c, the cost escalation of SC-02d and the split of land cost of RBWL-7 and SC-02
- updating Table 6 to reflect the reduced Doyles Road future road reserve and floodplain boundary correction on Parcel 68
- replacing references to 'Strategic Planning Costs' with 'Plan Preparation Costs'
- updates to Appendix A Land Use Budget Table to reflect the reduction of Doyles Road future road reserve to 6.88ha and the floodplain boundary correction on Parcel 68 which would result in a change to the total NDA from 247.28 ha to 248.63 ha.

Consequential changes were also proposed to the DCPO5.

### **(iii) Background reports**

#### **Reports exhibited with the draft Amendment**

*DCP Development Feasibility* (Urban Enterprise, August 2022)

*DCP Financing Costs Memo* (Urban Enterprise, August 2023)

*Land Valuations* (LG Land Valuations, March 2023)

#### **Supplementary reports**

*Land Valuations* (LG Land Valuations, July 2024)

*DCP Development Feasibility Advice Memo* (Urban Enterprise, August 2024)

*Memo of Advice on Development Viability* (Urban Enterprise, September 2024)

*Shepparton South East PSP Final Figures with UFZ & FZ* (LG Valuations, September 2024)

Various other background reports informed the preparation of the DCP specific to individual projects and their costings. These are referred to where relevant in the discussion below.

## **8.2 DCP Rate**

### **(i) The issues**

The issues are whether the DCP:

- rate is too high for development viability
- will rate adversely impact housing affordability in the precinct
- rate should be amended to reflect encumbered land values.

### **(ii) Submissions**

#### **Development viability**

Several submitters expressed concern about the proposed DCP rate and consequential development viability of the PSP. They noted it was significantly higher than for other approved development precincts. It was submitted that:

- the scale and apportionment of some of the projects proposed in the DCP were greater than warranted and should be reduced to bring down the rate
- fees for Early Developer Works and Strategic Planning costs should not be included and that the State government should waive these fees to assist with facilitating the delivery of more affordable housing in Victoria.

The Proponent submitted its proposed Final day DCP rate at \$446,985 NDHa is appropriate and viable. It said the rate was an appropriate reflection of the cost of facilitating development within the precinct and relied on analysis from consultants Urban Enterprise to demonstrate viability.<sup>30</sup>

In response to a query from the Committee to clarify the workings behind the Urban Enterprise advice, the Proponent presented further analysis from Urban Enterprise to demonstrate how the

<sup>30</sup> Document 69 Proponent – Shepparton SE DCP – Development Viability Advice (Urban Enterprise)

viability model had evolved in relation to changing market conditions and a greater number of dwellings in the precinct. It included sensitivity testing for a DCP rate of \$450,000 and \$430,000 at a lot yield of 2,500 and 2,980.<sup>31</sup> The information from Urban Enterprise concluded that the development is considered viable at both of these DCP rates with a lot yield of 2,980 lots.

The Proponent explained it had undertaken a holistic review of the scope and cost of infrastructure projects in response to submissions. It said efficiencies had been incorporated where possible, including the co-location of facilities and reducing the extent of PAOs where appropriate. While it had identified potential costs savings through measures such as increasing the NDA, overall the review resulted in a significant increase in the DCP rate mainly due to rising construction costs. The Proponent submitted that any further savings to the DCP rate would come at the expense of being able to deliver appropriate infrastructure for future residents of the precinct. It noted that the rate is higher than comparable regional DCPs but said this was a product of complex hydrology and transport conditions, including transport integration with the PFN.

The Proponent said that the Early Delivery Works cost is important to ensure timely delivery of transport infrastructure and that it is appropriate and reasonable for planning authorities to recover costs for the preparation of PSPs and DCPs consistent with the intent of the PE Act. As part of the Final Day changes Strategic Planning costs were renamed Plan Preparation costs for consistency with section 46I of the PE Act.

### **Housing affordability**

Some submitters said that the proposed rate would increase land and house prices in the precinct adding to the affordable housing crisis. Bala Doyles and Zurcas submitted that an average sale price of \$770,000, as estimated by Urban Enterprise as the price point to achieve development viability, is well beyond the reach of even moderate income households as defined in the PE Act. They requested that careful consideration be given to the potential implication of the proposed DCP costs on housing affordability and development feasibility.

The Proponent noted that affordable housing is a key issue in Victoria and submitted that the PSP and DCP seek to improve housing affordability by:

- ensuring land supply continues to be sufficient to meet demand and accommodate projected population growth over a 15 year period
- increasing housing diversity to support diverse communities
- promoting good housing design keeping costs down for residents
- varying residential densities.

The Proponent said that broad hectare sites are crucial to providing land supply, and without rezoning this precinct demand for housing will increase elsewhere in Shepparton and reduce housing affordability.

### **Land valuations**

The Proponent requested the Committee consider an alternative approach to land valuation in order to save costs in the DCP and reduce the DCP rate. The Proponent explained that land values were informed by s104 of the PE Act and based on the difference between:

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<sup>31</sup> Document 89a Proponent – Urban Enterprise Memo of Advice on development viability

- the land value at the date on which the liability to pay compensation first arose if it had not been affected
- the actual value of the land on the date which the liability to pay compensation first arose.

It drew the Committee's attention to the Land Valuation report provided with the Day 1 documents which included the assumption that estimates of land value were based on the land being zoned for an urban purpose and valued at its highest and best use within this context.<sup>32</sup>

The Proponent submitted that basing the broad hectare rate on this assumption can be misleading where land is encumbered and unable to be further developed for residential purposes.

It said it would be more appropriate to value encumbered land (land within the UFZ) to reflect its existing and future condition as undevelopable land and value it at a farm rate as the highest and best use of the land. The Proponent submitted that this would be closer to what would be achieved through the compulsory acquisition process.

The Proponent provided revised figures, prepared by LG Valuations<sup>33</sup>, demonstrating a significant reduction in DCP land cost using the alternative methodology and which would reduce the DCP rate to \$430,487 per NDHa. In addition to reducing the DCP rate, the Proponent submitted it would set more realistic expectations for affected landowners by estimating the likely value of the affected land.

Council, as the acquiring authority, supported this proposal noting that any future funding gap between the DCP land value and the ultimate acquisition value would be addressed through its annual update to DCP land valuations.

Bala Doyles submitted that the Land Valuation Assessment Reports and submissions from the Proponent have caused much confusion over compensation rates. Recognising that compensation for land will be confirmed at the time of acquisition in line with the *Land Acquisition and Compensation Act 1986*, it submitted that while some land may be considered encumbered the amenity value for different reasons, such as the bush and river environs value, should not be underestimated and should be considered in the final valuation.

Innes-Irons and Ms Close objected to the revised land valuations, stating it was inappropriate:

- to base valuations on proposed flood overlay controls
- for the change to be made at this stage of the process and would be prejudicial to any landowner who may have chosen not to be involved in the process based on original land valuations.

### **(iii) Discussion**

#### **Development viability**

The DCP is important for enabling delivery of essential infrastructure within the precinct. The Committee recognises the complexity in determining appropriate contributions for landowners/developers, servicing authorities, Council and the State government.

<sup>32</sup> Document 27n Proponent – Land Valuation Assessment, LG Valuation Services, July 2024

<sup>33</sup> Document 89c Proponent – Attachment 3 – Shepparton SE PSP Final Figures – LG Valuations (with UFZ & FZ)

While the proposed DCP rate is high, the Committee is satisfied it is based on a comprehensive analysis that has identified, defined and costed infrastructure projects necessary for realisation of the PSP vision. The Committee commends the Proponent for undertaking a rigorous review of the cost and scope of DCP projects to identify any opportunities for cost savings.

The Committee was presented with analysis from Urban Enterprise<sup>34</sup> which demonstrated that a DCP rate of \$450,000 per NDHa was viable with a lot yield as anticipated through increased density provisions. No party called economic evidence during the Hearing.

The Committee agrees that proposed Plan Preparation costs and Early Delivery Works funding are appropriately included in accordance with provisions in the PE Act and the DCP guidelines.

That said, the Committee recommends changes to individual projects (see Chapter 5) and the final DCP rate should be revised to take account of these recommendations.

### **Housing affordability**

The Committee is acutely aware of the ongoing and growing housing affordability issue and agrees with submitters that the DCP rate will have some effect on house prices in the precinct. However, many factors will influence the price of housing in the future and the Committee is not convinced that a drop in the DCP rate alone would lead to a greatly improved affordable housing solution for the precinct, or what such a rate would be. The Committee accepts the Proponent's position that the precinct will significantly add to the supply of residential land in Shepparton at a range of densities, and will be one means of relieving some pressure on housing in the region.

The scale and apportionment of specific projects is considered elsewhere in this report but in general the Committee is satisfied that the DCP rate reflects the cost of projects necessary to service future residents of the precinct.

### **Land valuations**

The DCP Guidelines state that land acquisition costs must be based on present day values and that to counter the effects of increasing acquisition costs you can:

- purchase land early in the life of the approved DCP
- index the DIL for land using the Valuer-General's Land Monitor Index.<sup>35</sup>

The DCP Guidelines do not specify the assumptions that must underpin land valuations. The Committee notes various approaches have been adopted for other DCPs.

The Committee was asked to consider an alternative methodology for estimating land acquisition costs based on encumbered land values and was presented with revised land valuations that would result in a significant cost saving for the DCP.

While the benefit of this change in terms of reducing the DCP rate is evident, the Committee is concerned with including such a significant change from the consultation version of the DCP for two reasons:

- natural justice for affected landowners who may not be aware of the revised valuations and who may have chosen not to make a submission on the basis of exhibited valuations
- the lack on information provided to explain the encumbered land valuations.

<sup>34</sup> Document 89a Proponent – Attachment 1 – Urban Enterprise Memo of Advice on development viability

<sup>35</sup> DCP Guidelines (amended 2007), p59

The Committee was not provided with the background information which informed the encumbered land valuations beyond the final figures presented in Appendix 3 to the Proponent's closing submission<sup>36</sup>. While it is understood the valuations were based on the land being valued at a farm rate, no market evidence was provided to support the valuations.

While valuations based on development potential may be more realistic there are other factors that may influence the final price of land, including those raised by Bala Doyles. The Committee is concerned that should valuations under estimate the cost of land this could potentially result in a significant funding gap for DCP projects.

For these reasons, the Committee does not consider it appropriate to amend the DCP based on the revised valuations.

**(iv) Conclusions and recommendations**

The Committee concludes:

- The DCP rate is acceptable, subject to amendments resulting from revised scope of transport infrastructure project IN-03 recommended by the Committee (see Chapter 5).
- Housing affordability will not be unduly affected by the DCP rate.
- The DCP rate should not be amended to reflect encumbered land values.

The Committee recommends:

**Amend the Development Contributions Plan to reflect the Day 1 version (Document 27) and to:**

- a) **Amend the Development Contributions Plan rate on the basis of the revised scope for transport infrastructure project IN-03 as recommended by the Committee in Chapter 5.**

**Amend the Development Contributions Plan Overlay Schedule 5 to reflect the Day 1 version, as shown in Appendix I, and to:**

- a) **reflect any consequential changes resulting from the update to the Development Contributions Plan recommended by the Committee.**

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<sup>36</sup> Document 89c Proponent – Attachment 3 – Shepparton SE PSP Final Figures – LG Valuations (with UFZ & FZ)

## 9 Other issues

### 9.1 Noise, amenity and interface

#### (i) Introduction

##### **The draft Amendment**

Chapter 4 of the draft PSP proposes requirements and guidelines to address interface areas between new residential development within the precinct and existing agricultural, industrial or transport activities. Plan 11 shows Interface Impact Areas.

The draft UGZ2 proposes:

- an application requirement for an Acoustic Assessment Report to use or develop land for Accommodation, Education centre or Hospital within an interface area shown on Plan 11
- a requirement for an Acoustic Report as a condition of permit where an acoustic assessment has identified that mitigation is required
- a decision guideline that considers acoustic attenuation for permit applications for Accommodation, Education centre or Hospital.

##### **Proposed post exhibition changes**

The Day 1 PSP proposes:

- to identify ongoing agricultural land and a 30 metre setback to the GMW drain on Plan 11 (see Figure 11)
- amend wording of R45 and deletion of G43 for clarity and in response to submissions from the EPA.

The Day 1 UGZ2 proposes:

- additional application requirements for proposed residential subdivision adjacent to existing orchards and existing GMW assets in the precinct
- minor clarification / correction to the wording of acoustic related provisions in response to EPA recommendations
- additional decision guideline to consider adverse amenity impacts where an existing agricultural or industrial use has formally indicated it will transition out of the precinct and instances where it may be appropriate to waive application requirements.

##### **Reports exhibited with the draft Amendment**

*Shepparton South East PSP Amenity Impact Assessment (GHD, January 2022)*

*Shepparton South East PSP Noise Impact Assessment (GHD, April 2022)*

*Shepparton East Agricultural Land Use Options (RMCG, March 2020).*







**(ii) The issues**

The issues are whether:

- the Day 1 Adverse Amenity Impacts decision guideline is appropriate
- interface considerations between proposed residential development and existing farming uses, within and external to the precinct, have been adequately addressed in the PSP and UGZ2
- the 'Industrial 1 Zone noise influence area' on Plan 11 should be extended to apply to land within 300 metres of existing industrial land uses at 286-288 Doyles Road.

**(iii) Submissions****Adverse Amenity Impacts decision guideline**

The EPA raised concerns with the PSP guideline G43 which stated:

If existing land use with a specified separation distance has formally indicated that it will transition out of the precinct over a specified timeframe, then this provision should be used to sequence any proposed sensitive use development within the existing separation.

The EPA was concerned the guideline was not clear, questioned how a 'formal indication' would ensure a use will transition out of the precinct and said there is still a risk that sensitive uses will establish within the separation distances.

Goldfields sought inclusions of a provision for Council to be able to waive the requirement for an acoustic report.

In response to submissions from the EPA and Goldfields, the Proponent proposed to remove guideline G43 from the PSP and introduce a new Adverse Amenity Impacts decision guideline in the UGZ2 as follows:

**Adverse Amenity Impacts**

Before deciding on an application to develop or subdivide land for dwellings, the responsible authority must consider, as appropriate:

- Whether an existing agricultural or industrial use with an associated separation distance as shown on plan 11 of the incorporated Shepparton South East Precinct Structure Plan has formally indicated that it will transition out of the precinct over a specified timeframe.
- Whether the responsible authority may consider waiving or reducing application requirements relating to managing potential adverse amenity impacts where it can be demonstrated that the proposed development would not be detrimentally affected by noise, odour or spray drift.

The EPA did not comment on this proposed post exhibition change.

Goldfields submitted its interface treatment concerns had been resolved and requested the second dot point under the Day 1 Adverse Amenity Impacts decision guideline be removed as it was redundant as the responsible authority already had the ability to waive the requirement under Section 3 of the UGZ2. Goldfields also proposed alternative wording of dot point one to replace "*formally indicated*" with "*provided written confirmation*".

The Proponent did not propose to amend the first dot point and said the second dot point should be retained to support the intensification option for existing rural properties.

## Other issues

The EPA recommended revised wording for some of the PSP land use compatibility provisions and submitted there needed to be links between the planning controls in the UGZ2 and the requirements and guidelines in the PSP.

A nearby landowner raised concerns about how residential development of the precinct would affect their existing farming operations in terms of complaints about noise and dust.

Goldfields submitted that the location of frost fans and the time of year they are used should be shown on Plan 11.

Northeast Auto Group submitted that Plan 11 should be amended to apply the 300 metre noise impact area to existing industrial land uses at their site, 286-288 Doyles Road. Existing land uses include landscaping supplies, storage and warehousing, freight and logistics and truck and forklift driver training.

Northeast Auto Group submitted it is not a matter of expert opinion as to whether their site should have been included in the Noise Impact Assessment, but a matter of fact as to existing uses and the PSP must operate under the agent of change principle.

The Proponent proposed revised wording and some new provisions in the Day 1 UGZ2 to address EPA concerns.

In response to other submissions, the Proponent submitted the PSP as the agent of change would need to ensure that new development was located and designed in a way to ensure no negative impact to the operation of existing agricultural businesses within and outside the precinct. It said the noise impact buffers in the Day 1 documents were appropriate because:

- the PSP identified buffers to existing and ongoing agricultural activities in accordance with the Amenity Impact Assessment and the Noise Impact Assessment prepared by GHD
- the impact distances for frost fans and scare guns are based on EPA Guidelines 1043.1 and 1254.2
- buffer distances are measured from the Farming Zone land to the east of the precinct's eastern boundary (Doyles Road) as this is where the area where frost fans and scare guns are likely to be used
- both frost fans and scare guns are mobile devices which are used as required so it is appropriate to measure the impact distance from the edge of a site
- the UGZ2 includes appropriate requirements for new development and subdivision to identify the actual acoustic impact and determine appropriate mitigating measures at the time a permit application is sought
- existing uses on land at 286-288 Doyles Road were not identified by GHD as a noise or adverse amenity source
- when new rural industry is proposed on land at 286-288 Doyles Road that will affect residential development within the precinct, any potential offsite impacts will be considered under the future application assessment.

The Day 1 version of Plan 11 (included in Figure 11 above) was updated by the Proponent following a question from the Committee about clarity of the buffer around the industrial zone.

**(iv) Discussion****Adverse Amenity Impacts decision guideline**

The Committee does not support the Day 1 proposed Adverse Amenity Impacts decision guideline as drafted.

While the EPA did not make comment on the post exhibition proposed change to remove guideline G43 from the PSP and effectively relocate it as a decision guideline in the UGZ2 and this was not explored at the Hearing, the Committee agrees with the EPA the wording is unclear and there is some risk a sensitive use could establish in the interface impact area. Specifically, the Committee has concerns about:

- how a use would 'formally indicate' it was going to transition out of the precinct
- what legal obligation the use would have to act on any formal indication
- what would happen if a permit for residential subdivision was granted within a buffer area and the use did not transition out of the precinct within the timeframe formally indicated.

The wording of the first dot point should be reviewed to the satisfaction of the EPA.

The Committee agrees with Goldfields the second dot point under the Adverse Amenity Impacts decision guideline is unnecessary and is adequately covered by the following text under Section 3 Application Requirements:

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

**Other issues**

Other than the Day 1 proposed Adverse Amenity Impacts decision guideline, the Committee supports the proposed revisions to the PSP and UGZ2 in relation to interface amenity as expressed in the Day 1 documents. This responds appropriately to the EPA submission and the revised wording provides greater clarity as to how to determine a 'noise sensitive area' and when and where amenity concerns may need to be managed.

The Committee agrees with the Proponent the frost fan and scare gun buffers are appropriately shown on Plan 11. It is appropriate to measure the distance from the edge of the land if devices are mobile and may be located along the edge of the land.

The Committee has limited ability to consider the potential for offsite amenity impacts of the existing uses at 286-288 Doyles Road without the benefit of a planning permit or similar to verify the approved land use on site and an understanding of existing site operations. It would appear the uses are not included in Clause 53.10 of the Planning Scheme 'Uses and Activities with Potential Adverse Impacts' and the land is not in an industrial zone. There could, however, be noise impacts associated with activities such as freight movement and heavy vehicle driver training.

By way of comparison, the Rendevski Transport site is identified as a potential noise source associated with vehicle movements and a noise influence area is applied to 140 metres around the site (see Figure 11). Vehicle movements at 286-288 Doyles Road could also be a potential noise source and it would not be unreasonable to further consider the potential impact when a planning permit application is made to subdivide adjacent land for residential use. The Committee is not in

a position to recommend a particular noise influence area buffer distance without further information.

While it would be possible to amend the UGZ2 'Acoustic Assessment Report' application requirement to also apply to land adjoining existing industrial uses, it would be preferable to include a buffer area on Plan 11 for consistency.

If new rural uses are proposed at 286-288 Doyles Road, the Committee agrees with the Proponent that the applicant for the new use would need to address any potential offsite amenity impacts and it is noted that this site is outside the boundaries of the precinct.

#### **(v) Conclusions and recommendations**

The Committee concludes:

- Regarding the Day 1 UGZ2 Adverse Amenity Impacts decision guideline:
  - The wording of the first dot point should be reviewed, to the satisfaction of the EPA.
  - The second dot point allowing the responsible authority to waive the requirement is not appropriate.
- Other interface considerations between proposed residential development and existing farming uses are adequately addressed in the post exhibition changes to the draft Amendment.
- It is not appropriate to apply the 300 metre 'Industrial 1 Zone noise influence area' buffer to land at 286-288 Doyles Road. Further consideration should be given to ensure the potential noise impacts from existing uses at 286-288 Doyles Road are addressed before finalising the Amendment, including determining whether a buffer should be included on Plan 11.

The Committee recommends:

**Amend Urban Growth Zone Schedule 2, as shown in Appendix H, to:**

**a) Under the Adverse Amenity Impacts decision guideline:**

- Review and, if needed, amend the wording of the first dot point to the satisfaction of the Environment Protection Authority Victoria.
- Delete the second dot point under Adverse Amenity Impacts decision guideline.

**Before finalising Greater Shepparton Planning Scheme Amendment C117gshe:**

- a) Consider if a buffer is required to manage potential noise impacts from existing uses at 286-288 Doyles Road, and if a buffer is required, amend the Shepparton South East Precinct Structure Plan, Plan 11 Interface Impact Areas.**

## **9.2 Contaminated land**

### **(i) Introduction**

#### **The draft Amendment**

The draft Amendment proposes to apply the EAO to land in the precinct identified as having low-medium, medium or high potential for contamination. The Explanatory Report says the EAO is not proposed to be applied to:

...medium risk properties located adjacent to the Broken River and identified as 'existing developed land'. As no further development is anticipated or identified for these sites through

the Precinct Structure Plan and the Urban Growth Zone Schedule 2 applies the Farming Zone to these areas, application of the Environmental Audit Overlay to these sites is not necessary as no further sensitive uses are expected to be established in these areas.

The UGZ2 includes an application requirement for a Preliminary Site Investigation (PSI) for specified land uses for land identified with high potential for contamination.

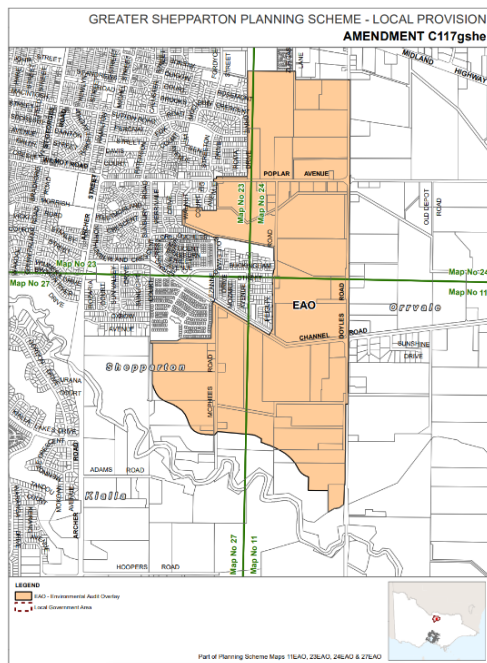
The draft Amendment was informed by a background report - *Desktop Land Capability Assessment*, SMEC, 7 October 2022 (LCA).<sup>37</sup>

### Proposed post exhibition changes

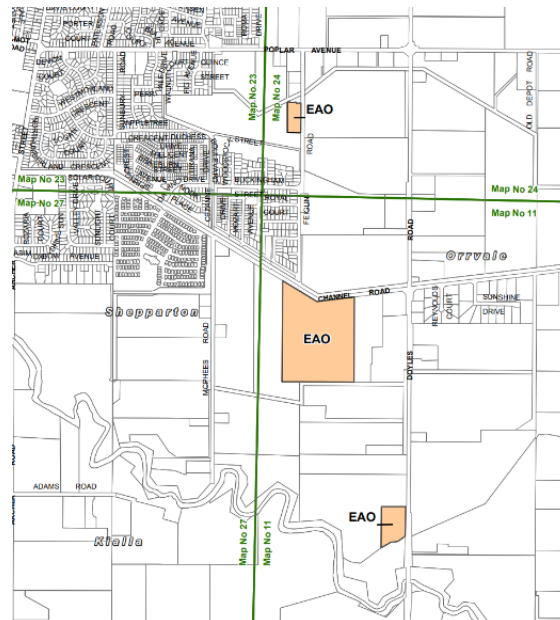
The Day 1 documents:

- Apply the EAO to land identified as having high potential for contamination, and to include provisions in the UGZ2 for land identified as having medium potential for contamination. Figure 12 shows a comparison of the draft Amendment and Day 1 versions of maps applying the EAO.
- included in the UGZ2:
  - an application requirement for a Preliminary Risk Screen Assessment (PRSA) to subdivide, use or develop land for a sensitive use which identifies whether an environmental audit is required for the application
  - a condition requiring an environmental audit for the use or development of land for a sensitive use, where identified as needed by the PRSA.

**Figure 12** Maps of proposed application of the EAO  
draft Amendment version



Day 1 version



<sup>37</sup> Documents 12.033 – 12.039

**(ii) The issues**

The issues are whether:

- application of the EAO is appropriate
- provisions in the UGZ2 are appropriate.

**(iii) Evidence and submissions****EPA issues**

The EPA advised it had provided early advice to the VPA on the draft Amendment, in accordance with Ministerial Direction 19.

In the context the draft Amendment proposed to apply the EAO to land identified in the LCA with low-medium, medium and high potential for contamination, the EPA's original submission focused on the exclusion of "*medium risk properties located adjacent to the Broken River*" and said the approach did not comply with MD1 or PPN30.

The EPA was also concerned the UGZ2 application requirement for a PSI did not comply with MD1 or PPN30. It highlighted a number of risks including:

- the proposed approach included different land uses to those identified in PPN30 and the EPA's earlier advice
- differing contaminated land requirements presents difficulties as the planning controls are trying to account for all possible outcomes.

While it did not endorse the VPA's approach, it recommended drafting changes to the PSI application requirement to include a requirement for a section 173 agreement if ongoing monitoring or maintenance is required. It said the VPA should ensure all sites determined to have high potential for contamination be included in the table associated with the PSI provisions.

Following review of the Day 1 version of Amendment documents, the EPA made further submissions, focusing on the "*issues that present the most significant risk to human health and the environment*" and that the Committee should consider as a priority.<sup>38</sup> It recommended including requirements that give effect to recommendations of an environmental audit statement.

It said, PPN30 explains in relation land with to both medium and high potential for contamination and where a planning scheme amendment allows sensitive uses, children's playground or secondary school, MD1 requires the Planning Authority must comply with either:

- a PRSA statement stating that no audit is required; or
- an environmental audit statement stating that the land is suitable for the proposed use; or
- if it is difficult or inappropriate to apply the above measures, by deferring these requirements by applying an EAO or other appropriate measure.

The EPA noted while MD1 establishes the option of the "*other appropriate measure*", there is no guidance in PPN30 regarding this approach. In the absence of specific guidance on this the EPA said it welcomed consideration and recommendations by the Committee on this.

While the EPA did not oppose the "*other appropriate measure*" approach, it identified potential risks and issues including:

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<sup>38</sup> Document 19

- the rationale for the approach is not clear
- MD1 does not differentiate between medium or high potential for contamination
- the PRSA and environmental audit is not a two-step process, and both pathways under the environmental audit systems should be available for compliance
- applying the EAO to land with medium potential for contamination is more transparent
- planning controls would need to be carefully drafted to ensure they fully address the risk of potentially contaminated land
- it is not appropriate for the responsible authority to waive or reduce the requirement
- the PPN30 model condition wording should be used to ensure all audit recommendations are complied with
- the draft provisions do not include exemptions as provided in the EAO, and do not correctly reflect the definition of sensitive use.

Following review of the Proponent's Part B submission and observing the oral submissions the EPA raised additional matters for the Committee's consideration.<sup>39</sup> In addition to emphasising its views were consistent with relevant policy and guidance, the EPA said:

The Part B Submission states that "...it is submitted that it is important that the planning tools utilised to be [sic] carefully chosen and justified, rather than a one-size-fits-all approach...". While these views of the Environmental Audit Overlay (EAO) were relevant prior to 2021, planning scheme amendment VC203 introduced considerable flexibility into the overlay to address any one-size-fits-all concerns with previous planning policy settings. This included the introduction of the Preliminary Risk Screen Assessment (PRSA) as an alternate pathway for assessing potentially contaminated land, whilst retaining the existing environmental audit pathway. It also included some limited exemptions for land already used for a sensitive use, based on detailed consideration by the then Department of Environment, Land, Water and Planning in consultation with EPA.

It confirmed:

- The two-step process proposed in the Day 1 UGZ2 required an applicant to complete and pay for a PRSA before an environmental audit. The EAO provides the option of proceeding directly to an environmental audit where appropriate.
- Sites with medium potential for contamination may still require ongoing management.

In response to the Proponent's oral submissions that referenced Wonthaggi North East Precinct Structure Plan as a similar example having unintended consequences from application of the EAO, the EPA advised it had been significantly involved in the matter and the circumstances were different. Specifically, at Wonthaggi the EAO was misapplied as the result of a deficient technical report determining whether the land was potentially contaminated. Subsequent PRSAs identified the land was not potentially contaminated, and the EAO was then removed where appropriate. It said it:

... is unclear on how this example is relevant to the Shepparton South East Precinct Structure Plan, unless it is being suggested by the Proponent that the technical information completed is insufficient to demonstrate that the land is 'potentially contaminated land'.

The EPA reiterated its concerns about the UGZ2 providing the option for a responsible authority to waiver requirements of the environmental audit system, and contended *"it is inappropriate to deviate from the environmental audit system given the land has been determined to be potentially contaminated"*. Further it clarified a PRSA would not make conclusions specifically for an

<sup>39</sup> Document 86

application, but would make conclusions based on the land use categories in the Environmental Reference Standard 2021. It recommended changes to the Explanatory Report to ensure terminology is consistent with PPN30 and to ensure the EPA's views are accurately reflected to allow the Minister to weigh the risks identified by the EPA against the Proponent's response.

The Proponent submitted the Committee should prefer the Proponent's approach over the position of the EPA. It said the differentiated approach to application of the EAO was justified and reasonable.

The Proponent updated the Explanatory Report to clarify its proposed use of "*other appropriate measure*" as enabled by MD1. It clarified in endeavouring to manage unintended consequences:

...it sought to defer the environmental audit process and include provisions in the UGZ2 rather than apply the EAO to land with medium potential for contamination to "*ensure existing sensitive uses are not disrupted (e.g. landowners living on land for farming purposes) and the PRSA is triggered at the appropriate time when a permit is sought under what the PSP allows*".<sup>40</sup>

The Proponent provided examples of recent planning scheme amendments to implement precinct structure plans where a PRSA provision was included in a UGZ. Further:

- It did not consider it necessary to include a section 173 Agreement under the PSI provision as the responsible authority can apply this if it feels necessary, noting the PSI must be to the satisfaction of the responsible authority.
- It did not support including open space as a land use in the PSI provision as it is not a defined land use term, and the term 'minor sports and recreation facility' is defined and captures all uses considered as open space.
- In the unlikely event informal outdoor recreation is proposed on land with high potential for contamination, the PSI application requirement would trigger a planning permit for associated buildings and works.
- It acknowledged that applying the EAO to land with a medium potential for contamination is more transparent as the overlay can be seen on titles, planning property reports and the like. It said this benefit does not outweigh the unintended consequences of the ongoing use of large parcels of land triggering the EAO, where a sensitive use also resides on the land.
- The risk of potentially contaminated land should be assessed at the time when the land is developed in accordance with the PSP. The UGZ provision had been amended to ensure where subdivision will allow a sensitive use, the application requirement is triggered for the plan of subdivision or masterplan which implements the first stage of the subdivision, providing for the application requirement to only be triggered once.
- It had amended the UGZ2 provisions to accurately reflect the definition of sensitive use.

The Proponent submitted Final day versions of the UGZ2 to address the further submissions of the EPA, including:

- a reference to the Environmental Reference Standard 2021
- the option to proceed directly to an environmental audit.

The Proponent submitted it would maintain an open dialogue with the EPA should it consider any further requirements are required in the UGZ2.

<sup>40</sup> Document 25



## Other issues

Goldfields submitted the EAO extent should be reduced to reflect the specific area of contamination on its land in accordance with site specific work being undertaken.

The Proponent submitted it did not support reducing the extent of the EAO on land identified as having high potential contaminated land without a PRSA or environmental audit demonstrating suitability of the land for sensitive uses.

### (iv) Discussion

#### Should the EAO be applied to all potentially contaminated land?

The Committee accepts the EPA's advice that the Wonthaggi North East Precinct Structure Plan situation was different to this proposal, as the issue resulted from deficient technical work. In this matter the Proponent relies on the LCA and did not respond or object to the EPA's explanation of the difference. The Committee has not addressed this matter further.

In considering whether the EAO should be applied it has turned its mind to:

- whether the land is potentially contaminated
- if it is, whether the EAO is the appropriate planning tool or another appropriate measure or planning tool may be applied.

Firstly, MD1 does not differentiate between medium or high potential for contamination – it is all potentially contaminated land. In this matter the LCA has determined the land in the precinct that is potentially contaminated. The Committee is satisfied the land identified in the LCA as having medium and high potential for contamination is potentially contaminated land for the purposes of MD1.

Secondly, MD1 states that when preparing a planning scheme amendment, if land is potentially contaminated the planning authority must satisfy itself that the land is or will be suitable for a sensitive use (including residential, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use). A planning authority must satisfy itself through issue of a PRSA or environmental audit by an auditor stating the land is suitable for sensitive uses allowed by the planning scheme amendment or if “*difficult or inappropriate*” it may defer the audit requirements by applying an EAO to the land or another appropriate measure.

PPN30 says:

Applying the overlay ensures the requirements will be met in the future but does not prevent the assessment and approval of a planning scheme amendment.

...

Applying the overlay ensures the requirements will be met in the future but does not prevent the assessment and approval of a planning scheme amendment.

...

Meeting an environmental audit requirement prior to amendment is preferred, while acknowledging that in some instances this will be difficult or inappropriate, for example where:

- the rezoning relates to a large strategic planning exercise or involves multiple sites in separate ownership.

On this basis the Committee is satisfied it is appropriate to defer the environmental audit process by applying the EAO or an “*other appropriate measure*”.

Finally, the critical question is whether there is a sound reason to use alternative provisions, using the “*other appropriate measure*” option, instead of the standard approach of applying the EAO.

The lack of guidance on “*other appropriate measure*” is a challenge to planning authorities wishing to use this option, particularly in the context of advice from the EPA that the standard approach should be used.

The entire point of identifying potentially contaminated land is to ensure risks are appropriately managed for the benefit of human health and the environment.

To achieve this the right planning controls must be in place.

The Committee acknowledges the Proponent’s efforts to balance the knowledge of potentially contaminated land with practical outcomes. However, potentially contaminated land is exactly that, and if land is subject to existing or potential sensitive uses then an appropriate assessment is prudent. The intent is not to prevent sensitive uses, but as PPN30 indicates:

Contaminated land can often be safely used and developed following appropriate remediation, provided any necessary controls to manage residual contamination are implemented.

The Committee is not satisfied the proposed “*other appropriate measures*” has been adequately justified in this instance.

With the information before it, the Committee prefers application of the EAO as an accepted, standard approach to managing potentially contaminated land at the planning scheme amendment stage. Importantly:

- It is not appropriate to avoid applying the EAO on the basis it may affect existing sensitive land uses. The purpose of the EAO is to “*ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination*”.
- Applying the EAO transparently and clearly establishes a planning framework for managing potentially contaminated land.
- There is a risk the alternative approach, including a combination of planning controls, may not include all necessary requirements, enable potential exemptions, or consider the interactions between the various controls.

Noting the Proponent has indicated it will continue to engage with the EPA in an attempt to craft planning provisions that satisfies the EPA that an “*other appropriate measure*” can be achieved through the UGZ2, the Committee considers it appropriate to keep open the option for this to be negotiated between the Proponent and the EPA.

## **UGZ2**

Based on this finding, the Committee does not support amendment of the UGZ2 to include the PRSA and environmental audit requirements.

The Committee accepts the Proponent’s Final day changes to the PSI application requirement, as shown in Appendix H, subject to referring to including the term open space. The Committee understands the Proponent’s rationale regarding defined terms in the Planning Scheme, however public open space is a term used in MD1 and commonly used in planning. Its inclusion will ensure that public open space uses, formal and informal, are considered.

The Committee accepts that the responsible authority has the discretion to require a section 173 Agreement to secure ongoing maintenance and/or monitoring if this is considered necessary, based on outcomes of a PSI.

The Explanatory Report will need to be updated to reflect final changes to the approach.

#### (v) Conclusions and recommendations

The Committee concludes:

- The EAO is the appropriate planning control to apply to land identified as having medium to high potential for contamination, where the environmental audit system is proposed to be deferred, unless otherwise agreed by the EPA that an “*other appropriate measure*” can be satisfied through a provision in the UGZ2.
- The UGZ2 requirements for a PRSA and environmental audit are not necessary when the EAO is applied.
- The Proponent’s proposed Final day changes to the PSI application requirement are appropriate, subject to including reference to open space.

The Committee recommends:

**Apply the Environmental Audit Overlay to land identified in the Shepparton South East precinct as having medium or high potential for contamination, unless another appropriate measure is otherwise agreed by the Environment Protection Authority Victoria.**

**Amend the Urban Growth Zone Schedule 2, as shown in Appendix H, to:**

- b) delete the provisions relating to the Preliminary Risk Screen Assessment and environmental audit.**
- c) amend the Preliminary Site Investigation requirements to clarify the type of application and include the use of land for public open space.**

## 9.3 Sodic soils

#### (i) The draft Amendment

The draft UGZ2 includes:

- an application requirement for a sodic and dispersive soils management plan to subdivide land or construct or carry out bulk earthworks
- a condition for a sodic and dispersive soil site management plan to subdivide land or undertake earthworks.

The draft Amendment was supported by the LCA.

#### (ii) The issue

The issue is whether the approach to understanding and managing sodic soils in the precinct is acceptable.

#### (iii) Submissions

Some submitters requested a sodic soil management plan be incorporated into the Construction Environmental Management Plan (CEMP).

The EPA submitted the risk posed by sodic soils was not properly understood and not adequately addressed in the draft Amendment. It was concerned the approach set out in the draft Amendment was contrary to the EPA’s earlier advice. In summary its advice was:

- a. A sodic soils assessment should be undertaken as early as possible in the planning process, and at a precinct-wide level.
- b. The sodic soils assessment should identify risks, and dependent on the outcome of the assessment, feed into a sodic soils management plan that mitigates the risks associated with loss of soil and soil structure so far as reasonably practicable.
- c. Management approaches identified in the sodic soils management plan should be included as planning controls which will result in conditions on any permit issued.
- d. A piece-meal approach to sodic soil management conducted at a subdivision level may elevate the risk of harm from sodic soils in the precinct.<sup>41</sup>

In its further submission the EPA, commenting on the LCA which informed the draft Amendment, said:<sup>42</sup>

- the October LCA indicates that surface soils throughout the precinct are sodic, with an exchangeable sodium percentage of 6 – 15 per cent, based on desk top review
- sodic soils are dispersive and can be prone to erosion, which can result in high sediment loads in surface water runoff with the potential to harm surface water receptors.

The EPA said the LCA did not appear to address the previous recommendations of the EPA, noting its previous advice was provided to the VPA around the same time as the SMEC LCA was updated, in October 2022.

The EPA noted the updated LCA indicated risks will be managed through CEMPs and provided two recommendations:

- Due to the increased risk of erosion of sodic soils which are present across the study area, it is recommended that soil disturbance be avoided in steeper areas (greater than 5% slope).
- In areas with a slope of greater than 10%, additional erosion protection measures may be required to reduce the risk of erosion of sodic soils across the site. Protection measures are likely to involve the establishment of perennial ground cover vegetation and soil amelioration through the application of gypsum and/or organic matter.

The EPA considered the approach reactive as the potential risks are poorly understood and would be mitigated at the construction stage. In contrast the EPA's recommended approach was proactive *"in avoiding or minimising risks of harm associated with the disturbance of sodic soils, so far as reasonably practicable, as is expected under the general environmental duty under Section 25 of the Environment Protection Act 2017"*. Further the recommended proactive approach would enable specific controls if required in certain areas, or the CEMP may be simplified if not an issue.

The Proponent's Day 1 UGZ2 amended the application requirement for a sodic and dispersive soils management plan to add the following:

The recommendations that inform the site management plan may be incorporated into a construction environmental management plan to the satisfaction of the responsible authority

The Proponent submitted the LCA concluded there was no known regulation that would prevent development of the precinct with respect to sodic soils, and as a result this issue could be appropriately managed through a construction management plan as part of the planning permit process. Further:

...the planning authority is not always granted access to land across a precinct which would make precinct wide soil testing at the strategic planning stage a costly and timely exercise and one that may not yield comprehensive results should access not be granted to all land.

<sup>41</sup> Document 19e

<sup>42</sup> Document 85

The VPA and Council have taken a balanced approach to managing sodic soils and have sought to address this at the planning permit stage as reflected in the ordinance in the Day 1 Documents.

#### **(iv) Discussion**

While the proactive approach recommended by the EPA would have been useful in understanding risks and implementing specific controls if required, there are no known regulations guiding this approach. The Committee accepts the Proponent's submission that there are challenges to precinct wide soil testing and supports its approach to assess and determine management requirements at the planning permit stage.

The General Environmental Duty under the *Environment Protection Act 2017* still applies and must be considered in delivering the precinct.

The LCA recommends the sodic soil risk be documented within a CEMP which lists the required controls to manage sodic soils, in particular:

- Due to the increased risk of erosion of sodic soils which are present across the study area, it is recommended that soil disturbance be avoided in steeper areas (greater than 5% slope).
- In areas with a slope of greater than 10%, additional erosion protection measures may be required to reduce the risk of erosion of sodic soils across the site.
- Protection measures are likely to involve the establishment of perennial ground cover vegetation and soil amelioration through the application of gypsum and/or organic matter.

The application requirement for a sodic and dispersive soils management plan is comprehensive, and requires recommendations inform a site management plan. The Committee accepts the Proponent's Day 1 changes to the UGZ2 to amend the application requirement to recommendations informing the site management plan to be incorporated into a CEMP to the satisfaction of the responsible authority.

#### **(v) Conclusion**

The Committee concludes the approach to sodic soils is acceptable.

## **9.4 Heritage Overlay**

#### **(i) Introduction**

##### **The draft Amendment**

The draft Amendment proposes to apply the Heritage Overlay to the following properties:

- 630 Doyles Road, Shepparton (HO442)
- 26 Feiglin Road, Shepparton (HO443)
- 27 Feiglin Road, Shepparton (HO444) (group of three houses)
- 32 Feiglin Road, Shepparton (HO445)
- 130 Poplar Avenue, Shepparton (HO446)
- 190 Poplar Avenue, Shepparton (HO447).

The PSP includes Section 4.1: Character, heritage and housing which includes requirements, guidelines and Plan 5: Character, heritage and housing which includes places of local heritage significance.

## Background reports

In addition to the Background Report, the following reports were placed on consultation with the draft Amendment:

- *East of Shepparton Historical Review*, Anne Tyson, 2023 (Historical Review)
- *East of Shepparton Historical Heritage Study* (Heritage Study)
- citations, containing a Statement of Significance.

The Background Report explained that Tardis Pty Ltd assessed historical heritage in the precinct in 2009. It said the Tardis report found one previously recorded historic inventory listed site along Doyles Road (H 7925-0025) relating to the Orrvale Lemnos Closer Settlement Scheme that is not in a Heritage Overlay or listed in on the Victorian Heritage Register situation in the activity area.<sup>43</sup>

The Heritage Study undertaken by Council's Heritage Advisor in 2022 and 2023 determined many of the places identified in the Historical Review did not retain sufficient integrity to demonstrate cultural values, and some had been demolished. However, additional analysis identified eight places determined to be of individual cultural heritage significance consistent with PPN01 (these places are the subject of the proposed Heritage Overlay in the draft Amendment).

## Proposed post exhibition changes

Figures 13, 14 and 15 show the Proponent's Final day Statements of significance for HO442, HO443 and HO445.

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<sup>43</sup> Background Report, page 1

**Figure 13 Statement of Significance for 630 Doyles Road (Final day version)**

GREATER SHEPPARTON PLANNING SCHEME			
Statement of Significance			
<b>Heritage Place:</b>	630 Doyles Road, Shepparton (House) House	<b>PS ref no:</b>	HO442
<b>What is significant?</b>			
630 Doyles Road, Shepparton.			
The architectural features that are associated with the period and style of the house contribute to its significance.			
This includes the garden setting to the front of the house and the side settings and rear yard area.			
<b>How is it significant?</b>			
630 Doyles Road is of local historical and aesthetic cultural heritage significance to the City of Greater Shepparton.			
<b>Why is it significant?</b>			
Closer settlement policies saw the establishment of a number of settlement blocks in Victoria. The Shepparton Estate No 2 was established in 1912 in response to these settlement policies. It was known locally as Settlement 2, and today the area is recognised as Orrvale and Shepparton East. Successful settlers who obtained land through the Closer and Soldier Settlement Acts were generally those with family members and extended family with whom to pool effort, enlarge the area of land held, and could diversify into side activities to counteract the variability of the fruit seasons. Success was also supported by the development of intensive irrigated agriculture and this is especially pertinent with regard to the orchard industry.			
630 Doyles Road is of historical significance as it demonstrates the impact of the Closer Settlement Policies through the character of the new settlements and the type of development that occurred.			
(Criterion A)			
630 Doyles Road is of aesthetic significance for its representative architecture for the period and type.			
(Criterion D)			
<b>Primary source</b>			
<i>East of Shepparton Historical Heritage Study</i> (Greater Shepparton City Council, 2023)			
This document is an incorporated document in the Shepparton Planning Scheme pursuant to section 6(2)(j) of the <i>Planning and Environment Act 1987</i>			

**Figure 14 Statement of Significance for 26 Feiglin Road (Final day version)**

GREATER SHEPPARTON PLANNING SCHEME			
Statement of Significance			
<b>Heritage Place:</b>	26 Feiglin Road, Shepparton (House) House	<b>PS ref no:</b>	HO443
<b>What is significant?</b>			
26 Feiglin Road, Shepparton is significant.			
<b>How is it significant?</b>			
26 Feiglin Road is of local historical and aesthetic cultural heritage significance to the City of Greater Shepparton.			
<b>Why is it significant?</b>			
26 Feiglin Road is of historical significance as it is representative of the changes to the settlement pattern of land to the east of Shepparton in association with the Closer Settlement policies. It is associated with the Shepparton Estate 2, which was established in 1912. The original settler was David Dargenio Boschetti and he was allocated this block c1912 and after paying it off, he received his Crown Grant on 10 February 1943.			
26 Feiglin Road Shepparton East was built by David Dargenio Boschetti for his daughter and this place contributes to an understanding of the intensification of settlement through improving agricultural practices.			
(Criterion A)			
26 Feiglin Road is of aesthetic significance for its representative architecture. It demonstrates many of the			

characteristics associated with the Bungalow style for the period and region. (Criterion D)
<b>Primary source</b> <i>East of Shepparton Historical Heritage Study</i> (Greater Shepparton City Council, 2023)
This document is an incorporated document in the Shepparton Planning Scheme pursuant to section 6(2)(j) of the <i>Planning and Environment Act 1987</i>

**Figure 15 Statement of Significance for 32 Feiglin Road (Final day version)**

GREATER SHEPPARTON PLANNING SCHEME			
Statement of Significance			
<b>Heritage Place:</b>	32 Feiglin Road, Shepparton (House) House	<b>PS ref no:</b>	HO445
<b>What is significant?</b> 32 Feiglin Road, Shepparton is significant.			
<b>How is it significant?</b> 32 Feiglin Road, Shepparton is of local historical and aesthetic cultural heritage significance to the City of Greater Shepparton.			
<b>Why is it significant?</b> 32 Feiglin Road, Shepparton is of historical significance as it is representative of the changes to the settlement pattern of land to the east of Shepparton in association with the Closer Settlement policies. It is associated with the Shepparton Estate 2, which was established in 1912. The original settler was David Dargenio Boschetti and he was allocated this block c.1912 and after paying it off, he received his Crown Grant on 10 February 1943. 32 Feiglin Road, Shepparton was the first house that was built on this Closer Settlement lot. It was built by David Dargenio Boschetti. (Criterion A) The house is representative of the period of development of this area. Its vernacular architecture demonstrates many of the aesthetic features associated with this expression and period. (Criterion D)			
<b>Primary source</b> <i>East of Shepparton Historical Heritage Study</i> (Greater Shepparton City Council, 2023) This document is an incorporated document in the Shepparton Planning Scheme pursuant to section 6(2)(j) of the <i>Planning and Environment Act 1987</i>			

**(ii) The issue**

The issue is whether application of the Heritage Overlay is justified to 630 Doyles Road (HO442), 26 Feiglin Road (HO443) and 32 Feiglin Road (HO445).

**(iii) Submissions**

Two submitters said application of the Heritage Overlay had not been adequately substantiated or justified.

**630 Doyles Road (HO442)**

Bala Doyles objected to application of the Heritage Overlay HO442 to 630 Doyles Road on the basis:

- it understood the house was relocated to the property and it is not original
- the house has had extensions/alterations, is in a poor condition and structurally unsound.



The submitter said the draft Amendment did not respond to the requirements of PPN01, and the Proponent needed to justify application of the Heritage Overlay.

The submitter noted the place was proposed as significant under Criterion A (historical significance) and Criterion D (representativeness). In reference to the amended documents provided by the Proponent during the Hearing, it said the amended citation does not appear to provide comparative analysis and assessment against the relevant criteria. Further, the Statement of Significance had not confirmed the house was built by James Coe.

The Proponent submitted an amended citation and Statement of Significance (see Figure 13) with its closing submissions. It said the *"criterion threshold A and D are provided in the updated Statement of Significance as this was omitted in error"*.

Regarding the assertion there is no evidence the building was built by James Coe, the Proponent said the character and type of building have been explained under 'What is significant?' which shows the linkage to the historic theme and is supported by the Historical Review. Further:

The VPA and Council note that it is flawed to assume that there ought to be building records in the early periods. The linkage is largely demonstrated by the professional interpretation of materials such as subdivision plans, public works plans and payment records to public authorities, as has been undertaken by Anne Tyson.

The Proponent said the submitter had not provided any evidence to support removal of the Heritage Overlay from the property, and *"...the heritage overlay does not prohibit development and acts as a permit trigger"*.

## **26 and 32 Feiglin Road (HO443 and HO445)**

Rendevski Transport objected to application of the Heritage Overlay to 26 Feiglin Road (HO443) and 32 Feiglin Road (HO445). It said it believed the:

... two houses whilst they have been early settler houses to the surrounding area the houses actual fabric do not represent that time as they have been substantially altered over time and now are more representative of a 1940 to 60's farm house which is fairly typical to the Shepparton farming area. Due to the significant alterations overtime the owner does not believe that there is anything significant let alone architecturally significant about these two houses.<sup>44</sup>

The Proponent submitted that it did not support removal of the Heritage Overlay as no evidence had been provided supporting its removal. It relied on the Historical Review and cited the Planning Panels Victoria Heritage Issues Summary of Panel Reports 2024 report (Section 3.1, page 7) which stated condition is not relevant when assessing the heritage significance of a property.

## **(iv) Discussion**

### **Planning Practice Note 1**

PPN01 says the Heritage Overlay should be applied to a place identified in a local heritage study provided the significance of the place can be shown to justify application of the overlay. To be of local significance it must be important to a particular community or locality, and this must be demonstrated through comparative analysis with other similar places in the study area. A place must meet the threshold of locally significant for at least one of the model heritage criteria.

<sup>44</sup> Document 88, noting this was provided as a further submission the day before the Proponent's closing submission

PPN01 says an appropriate test for applying in the Heritage Overlay is whether the place has something to be managed, usually something tangible, and under 'What is significant?' *"there should be no doubt about the elements of the place that are under discussion"*.

### Heritage Study

The Heritage Study said:

26 and 32 Feiglin Road and 630 Doyles Road through their history and representative architecture are places that developed in response to the Shepparton Estate No. 2. These places contribute to an understanding of the intensification of settlement through the settlement policies and through improving agricultural practices.

The Heritage Study said comparative analysis was applied to substantiate the significance of each place, drawing on similar places in the study area, Shepparton, across the region and Victoria. The Heritage Study relied on the Historical Review as providing evidence of historical significance of all eight places in the context of the Closer Settlement Shepparton Estate No 2.

### 630 Doyles Road (HO442)

The Proponent's Final day Statement of Significance says the property at 630 Doyles Road is significant under:

- Criterion A: Importance to the course or pattern of our cultural or natural history (historic)
- Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

To meet the threshold of local heritage significance under Criterion A, a place must be important to the history of the community or locality. The citation and Statement of Significance do not explain why the property at 630 Doyles Road is important to the community or locality.

Under 'Why is it significant?' the citation and Statement of Significance explains the history and significance of Closer settlement policies in the settlement of Shepparton South East, in particular the Shepparton Estate No 2, and the role of successful settlers who obtained land through the Closer and Soldier Settlement Acts and the development of intensive irrigated agriculture and the orchard industry. In relation to:

- Criterion A it says:  
630 Doyles Road is of historical significance as it demonstrates the impact of the Closer Settlement Policies through the character of the new settlements and the type of development that occurred.
- Criterion D it says:  
630 Doyles Road is of aesthetic significance for its representative architecture for the period and type.

Further, the citation says the property was allocated in the first tranche of Closer Settlement Allotments, was passed from a closer settler to a soldier settler within seven years, was divided into various parcels, owned by various settlers and part of the land was passed to James Coe in 1919 under the *Settlement Act 1917*.

It is not clear why the property meets the threshold of local significance under Criterion A. There is no explanation about how the property is important in demonstrating the impact of settlement policies. For instance:

- the property does not represent the landholding/allotment of the original Closer or Settler land allocations and there is no explanation about why the remaining allotment is significant
- the association with early settlers, including Coe who may or may not have built the house, is not relevant justification for historic significance, and if the property is important for this reason it may be better assessed under Criterion H (associative significance).

Nor does the citation explain why the property meets the threshold of local significance under Criterion D. The citation provides a physical description of the architectural elements of the house stating they are characteristic of the type and period. Being representative or characteristic of a class of cultural place or type is not the same as being important in demonstrating the principal characteristics of a class of place as required by Criterion D.

Fundamentally the Committee is not satisfied application of the Heritage Overlay has been adequately justified with regard to either Criteria A or D. While the Historical Review includes a chapter on Closer Settlements and specifically Shepparton Estate No 2, there is no clear line of sight between the content and what is described in the Statement of Significance for 630 Doyles Road of 'What is significant?', 'How it is significant?' and 'Why it is significant?'.

Further, in considering other aspects of PPN01 guidance:

- While the Heritage Study said a comparative assessment had been undertaken, this was not included in the draft Amendment documents. Comparison with other similar places in the study area is critical in determining whether a place reaches the threshold of local significance.
- It is not clear what heritage values need to be managed, noting under 'What is significant?' the Statements of Significance includes the:
  - whole property without describing any specific elements
  - architectural features, however it is not clear which features are important
  - garden setting, which is not referred to or described in any other parts of the documentation.
- In relation to drafting of the Statement of Significance there are a number of deficiencies:
  - it does not include a photo or map
  - there is no description of features that do not contribute to the significance of the place
  - there is a general statement under 'Why is it significant?' that is not attributed to a heritage criteria
  - the primary source is listed as the Historical Review but the citation is not included.

Based on the supporting material, it is also not clear why the Final day version of the Schedule to the Heritage Overlay includes further controls relating to external paint and solar energy systems.

Given the Committee considers the documentation inadequate, it has not considered in any detail the issues raised by the submitter relating to whether the house was original or sufficiently intact. This would need to be considered if further work is undertaken to assess the heritage significance of the place.

## **26 and 32 Feiglin Road (HO443 and HO445)**

There appears to be some confusion with the documentation relating to 26 and 32 Feiglin Road. The Heritage Study includes more expansive content than the Proponent's Final day versions of

Statements of Significance (see Figures 15 and 16). The Heritage Study includes the following additional text for both properties:

- 'What is significant?':

The architectural features that are associated with the period and style of the house contribute to its significance.

This includes the garden setting to the front of the house and the side settings and rear yard area.

- 'Why is it significant?':

Closer settlement policies saw the establishment of a number of settlement blocks in Victoria. The Shepparton Estate No 2 was established in 1912 in response to these settlement policies. It was known locally as Settlement 2, and today the area is recognised as Orrvale and Shepparton East. Successful settlers who obtained land through the Closer and Soldier Settlement Acts were generally those with family members and extended family with whom to pool effort, enlarge the area of land held, and could diversify into side activities to counteract the variability of the fruit seasons. Success was also supported by the development of intensive irrigated agriculture and this is especially pertinent with regard to the orchard industry.

The omission of content in the Final day versions may be an error. Regardless, the Committee is not satisfied that application of the Heritage Overlay to both 26 and 32 Feiglin Road has been adequately justified. The Committee has similar concerns to those raised in relation to 630 Doyles Road above.

In summary:

- Both properties are proposed as having local heritage significance under Criterion A (historic) and Criterion B (representativeness). The citation and Statement of Significance do not explain why the properties at Feiglin Road are important to the community or locality in relation to these criteria, noting the submitter raised issues relating to alterations and original fabric.
- The documentation lacks details of a comparative analysis.
- The heritage values that need to be managed are not clear.
- There are deficiencies in drafting of the Statement of Significance.
- It is not clear why external paint and solar energy system controls apply.

The citations for both properties talk extensively about the association with David Dargenio Boschetti. As with 630 Doyles Road, if the properties are important for associative significance this should be made clear.

The submitter raised reasonable concerns that changes to the fabric of the properties has not been fully considered or assessed. The citation for 32 Feiglin Road, the house is representative of the period of development of the area and its vernacular architecture demonstrates many of the aesthetic features associated with this expression and period, including *"the original building facade, that has become obscured by a later addition and verandah"*.

The justification for applying the Heritage Overlay to 26 Feiglin Road (HO443) and 32 Feiglin Road (HO445) is not clear and documentation is not robust.

### Other properties

The Committee has not assessed whether application of the Heritage Overlay is justified on properties not subject of submissions, specifically 27 Feiglin Road (HO444), 130 Poplar Avenue (HO446) and 190 Poplar Avenue (HO447). However, it has observed that the documentation

includes some of the same limitations or deficiencies described above and may contain errors. For example:

- 27 Feiglin Road (HO444) is identified as significant under criteria A, G and E, while the description of why it is significant addresses criteria A, B, D and G
- 130 Poplar Avenue (HO446) is identified as significant under criteria A, G and E, while the description of why it is significant addresses criteria A and D.

At a minimum the documentation should be reviewed for accuracy and consistency with PPN01. If issues are identified with the documentation and application of the Heritage Overlay is not clearly justified, the Heritage Overlay should not be applied to these properties through the Amendment.

#### **(v) Conclusions and recommendations**

The Committee concludes:

- Application of the Heritage Overlay to 630 Doyles Road (HO442), 26 Feiglin Road (HO443) and 32 Feiglin Road (HO445) has not been adequately justified.
- The documentation for proposed HO444, HO446 and HO447 should be reviewed and if necessary corrected, or application of the Heritage Overlay deleted if the documentation is not adequate.

The Committee recommends:

**Delete application of the Heritage Overlay to 630 Doyles Road (HO442), 26 Feiglin Road (HO443) and 32 Feiglin Road (HO445).**

**Before finalising Greater Shepparton Planning Scheme Amendment C117gshe:**

- a) **Review and if necessary correct the Statements of Significance and citations for the HO444, HO446 and HO447 and/or if the documentation is not adequate to justify application of the Heritage Overlay, delete application of the Heritage Overlay from these properties.**

## **9.5 Cultural Heritage**

Ms Close raised issues about the potential impact of the retarding basin on areas of Aboriginal Cultural Heritage sensitivity.

The Proponent submitted:

... the statutory obligations in relation to Aboriginal Cultural Heritage must be satisfied by the development agent of the DCP project prior to the commencement of the works or the issue of a planning permit.

The Committee agrees with the Proponent and accepts this advice.

## **9.6 Bushfire**

#### **(i) Australian Standard AS 3959:2018**

Some submitters said the UGZ2 should refer to the current standard AS 3959:2018, Construction of buildings in bushfire-prone areas.

The Proponent agreed and made this change in its Day 1 version of UGZ2. The Committee accepts this change, subject to including the full name of the standard, as shown in Appendix H.

The Committee recommends:

**Amend the Urban Growth Zone Schedule 2, as shown in Appendix H, to:**

**a) Include the full name of the standard AS 3959:2018.**

**(ii) Bushfire controls**

One submitter asked why its property had been included in a bushfire zone and asked for this to be reviewed. The Proponent advised the draft Amendment does not propose any change to the Bushfire Management Overlay or Bushfire Prone Area under the Building Act 1993. The Committee accepts this advice.

## **9.7 Commercial land use**

The owner of Shepparton Marketplace and small business owner within the shopping centre objected to inclusion of a new retail precinct. The submitter was concerned about competition in an already stressed market.

The Proponent said:

*Shepparton South East PSP - Activity Centre Review* (Ethos Urban) was undertaken for the PSP to inform the retail requirements for the Precinct. The local convenience centre will play a different role under the retail hierarchy to Shepparton Marketplace as Shepparton Marketplace plays a higher order role as the only regional retail centre in the area.

The Shepparton Marketplace is a higher order retail centre than the proposed local convenience centre, and it is entirely appropriate for the precinct to provide commercial land to meet local retail needs.

# Appendix A VPA Projects Standing Advisory Committee Terms of Reference

## Terms of Reference

### VPA Projects Standing Advisory Committee

Version 1: July 2020

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to advise the Minister for Planning and the Victorian Planning Authority (VPA) on referred projects and plans and associated draft planning scheme amendments.

#### Name

The Standing Advisory Committee is to be known as the 'VPA Projects Standing Advisory Committee'.

1. The Committee is to have members with the following skills:
  - a. Strategic planning
  - b. Statutory planning
  - c. Civil engineering (infrastructure planning)
  - d. Development contributions
  - e. Road and transport planning
  - f. Biodiversity
  - g. Social planning
  - h. Urban design
  - i. Heritage (post contact and Aboriginal)
  - j. Planning law.
2. The Committee will include a Chair, Deputy Chairs and not less than ten other appropriately qualified members.
3. The Committee may seek advice from other experts where it considers this necessary.

#### Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.

#### Background

5. The VPA is responsible for preparing development plans and other proposals in identified metropolitan, growth areas and regional cities and towns. Some of these plans are to be approved through the planning scheme amendment process using the provisions of section 20(4) of the Act.
6. This Committee process allows submissions to be made to the VPA on a draft plan and associated draft planning scheme amendment, with any unresolved issues to be considered by the Committee before the final planning scheme amendment is submitted to the Minister for Planning for approval.
7. The Committee will provide a targeted and timely process to assess the merits of discrete unresolved issues associated with State and regionally significant projects.

#### Method

8. The Committee may meet, and depending on the nature of the referral and the issues raised, undertake consultation that is fit for purpose. This may be on the papers; through round table discussions or forums;

## Terms of Reference | VPA Projects Standing Advisory Committee

or Hearings. There must be a quorum of at least two Committee members, including either the Chair or a Deputy Chair.

9. The Committee may apply to vary these Terms of Reference in any way it sees fit.

#### Notice

10. As directed by the Minister, the VPA will prepare and give notice of a 'draft Amendment' and receive submissions. The VPA will consider all submissions and where possible seek to resolve issues with submitters prior to referring matters to the Committee.
11. The Committee is not expected to carry out additional public notification or referral of matters but may seek the views of any relevant referral authority, responsible authority or government agency.

#### Referral

12. Once all submissions are considered, the Chief Executive Officer, VPA (or delegate) will provide a letter of referral to the Committee Chair, seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter. The letter of referral will be a public document.
13. The letter of referral must be accompanied by:
  - a. The relevant plan and associated draft planning scheme amendment and planning permit documentation
  - b. The referred submissions
  - c. Any supporting background material.

#### Committee Assessment

14. The Committee may inform itself in anyway it sees fit, but must consider:
  - a. The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
  - b. The referred submissions
  - c. *Plan Melbourne*
  - d. Any relevant Regional Growth Plan or Growth Corridor Plan
  - e. The applicable Planning Scheme
  - f. Relevant State and local policy
  - g. Any other material referred to it.
15. Depending upon the nature of the referral, the Committee can conduct its proceedings through round table discussions, on the papers or, a public hearing, including by video conference if unable to conduct this 'in person'.
16. The Committee will be provided with the written submissions and other supporting material by parties, and may:
  - a. Direct that parties meet, to discuss and further resolve issues, or
  - b. Act as a mediator to seek to resolve issues in dispute.
17. The Committee may direct the VPA and relevant parties to provide additional information on specified matters.
18. The committee must not consider submissions or evidence on a matter that a planning authority is prevented from considering by operation of ss 22(3) and 22(5) of the Planning and Environment Act 1987.
19. The written submission of the VPA is to include:
  - a. an overview of the draft amendment and/or any relevant planning permit and the relevant Plan, including a detailed explanation of the referred elements.



- b. a written response to each referred submission and how the draft plan, amendment or permit might be changed to respond to the submission.

## Outcomes

- 20. The Committee must produce a written report for the VPA and the Minister for Planning, providing the following:
  - a. Whether the referred element(s) of the draft amendment or planning permit is appropriate
  - b. A summary and assessment of the issues raised in submissions referred to the Committee.
  - c. Any other relevant matters raised in the course of the Committee process.
  - d. A list of persons who made submissions considered by the Committee.
  - e. A list of tabled documents.
  - f. A list of persons consulted or heard, including via video conference.
- 21. Following the completion of the report the Committee may deliver an oral briefing to the Minister for Planning or the VPA. The briefing may be in person, by video conference or telephone.

## Submissions are public documents

- 22. The Committee must retain a library of any written submissions or other supporting documentation provided to it until a decision has been made on its report or five years has passed from the time of its appointment.
- 23. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain 'in camera'. A document may be made available for public inspection electronically.

## Timing

- 24. The Committee is required to commence its process by issuing a written notice of the referral of a matter from the VPA to all referred submitters no later than 10 business days from the date of any specific letter of referral received.
- 25. The Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the last day of its proceedings, tabling of submissions or consultation process.
- 26. The VPA must release the report of the Committee within 10 business days of its receipt.

## Fee

- 27. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
- 28. The costs of the Committee will be met by the VPA.



**Richard Wynne MP**  
**Minister for Planning**

Date: 17 / 07 / 2020

## Appendix B Letter of referral



*your partner in planning great places for a growing Victoria*

18 June 2024

Doc No: COR/24/841

Ms Sarah Carlisle  
Lead Chair  
Victorian Planning Authority Projects Standing Advisory Committee  
Planning Panels Victoria  
[planning.panels@transport.vic.gov.au](mailto:planning.panels@transport.vic.gov.au)

Dear Ms Carlisle,

### **Shepparton South East Precinct Structure Plan and Development Contributions Plan Referral to the VPA Projects Standing Advisory Committee**

I refer to draft Amendment C117gshe to the Greater Shepparton Planning Scheme, which proposes to facilitate the use and development of the Shepparton South East precinct for a mix of uses by implementing the Shepparton South East Precinct Structure Plan (PSP) and a Development Contributions Plan (DCP).

#### **Background**

Shepparton South East PSP is included in the Victorian Government's Housing Statement (page 21) as a priority planning project. The VPA has worked closely with the Department of Transport and Planning to prepare the PSP and associated planning scheme amendment for the precinct. The PSP will enable delivery of approximately 2,500 new dwellings for around 6,000 local residents along with 82ha of open space and an integrated flood and integrated water management solution for the new community. The PSP will be supported by a Development Contributions Scheme to support the development of a new multi purpose community facility, local parks, sports reserve and reserve land for a government health facility and government primary school.

On 23 December 2023, the Minister for Planning approved use of the Victorian Planning Authority (VPA) Projects Standing Advisory Committee (the Committee) to facilitate a streamlined planning process to progress the PSP, DCP and draft Amendment C117gshe. On 6 February 2024, the Minister for Planning delegated her powers under section 186 of the *Planning & Environment Act 1987* (Vic) (Planning and Environment Act) to the VPA to refer matters directly to the Committee.

Between 12 February and 15 April 2024, the VPA undertook targeted public consultation for the PSP, DCP and draft Amendment C117gshe. A total of 51 submissions have been received from government agencies, authorities, community members, landowners and Greater Shepparton City Council.

As you are aware, the VPA has been tasked to pilot in our PSPs new approaches to both inform and reflect emerging Government policy directions for improving greenfields development outcomes across Victoria. In the case of the SSE PSP, we are piloting:

- A new and stronger approach to development staging (which does not in this case need to be supported by "hard stage gates" to prevent the capacity of critical infrastructure being exceeded);
- A new approach to the recovery of the VPA's planning costs; and
- A new "full cost recovery" apportionment for State-significant road infrastructure (reflecting advice from DTP regarding the availability of alternative funding sources) in order to give certainty to the future development of the precinct and protect the functioning of the Principal Freight Network.

These measures are aimed at delivering on emerging policy intent and as such are likely to attract particular scrutiny from affected stakeholders.

#### **Referral**

In accordance with clause 12 of the terms of reference for the Committee (July 2020) and delegation provided to the VPA, I am writing to refer all submissions relating to the Shepparton South East PSP, DCP and draft Amendment C117gshe for advice and recommendations.

### Key Issues referred

I enclose all submissions received in relation to draft Amendment C117gshe and a submissions summary table, which provides an analysis and current status of issues raised (resolved or unresolved) by each submission.

In accordance with clause 4 of the terms of reference, the VPA has identified the following specific matters it is seeking the Committee to focus its advice on (the Key Issues):

1. **Development Contributions Rate (DCP)** – the DCP rate including the cost, design and apportionment of infrastructure items in the DCP, specifically Doyles Road intersections (IN-01), (IN-03), (PED-01) and community infrastructure, specifically Multi-Purpose Children Centre, Sports Reserve and Local Parks.
2. **Drainage (riverine and stormwater management)** - the location and size of the proposed drainage assets and on land subject to cultural heritage sensitivity i.e. RBWL1, RBWL3, RBWL6 and SC-02 and topography constraints, the adequacy of flood modelling and drainage design to identify flood-prone areas and manage existing and post-development riverine and stormwater conditions.
3. **Staging and Infrastructure Delivery** – staging and infrastructure delivery sequencing provisions, including submissions seeking greater flexibility for development, changes to the lot cap and removal of pedestrian network plan requirements.
4. **Public Acquisition Overlay (PAO) strategic justification** - location and application of proposed PAOs to facilitate local infrastructure (local parks, local roadworks, community facilities, sports reserve, drainage, retardation basin, recreation paths).
5. **Transport** – costing and assumptions for road infrastructure and intersection treatment on Doyles Road at Channel and Poplar and Local Road Network (IN-02) and McPhees Road.
6. **Housing Density and Open Space** – Increase of densities within walkable catchments, decrease in densities around McPhees Road, insufficient open space and concerns with built form.
7. **Noise, amenity, interface treatments, and contamination of land** - extent of the proposed Environmental Audit Overlay (EAO), noise attenuation implementation and update to PSP cross-section to protect existing uses outside of precinct.

Having regard to the Committee's Terms of Reference, any unresolved submissions that do not fall within these key themes are also being referred to the Committee. However, the VPA does not anticipate extensive advice or hearing time will need to be dedicated to these matters by the Committee.

I request the Committee provide an efficient and timely process to assess the merits of these submissions associated with this Housing Statement priority planning project as per clause 7 of the terms of reference.

Without limiting its powers under the *Planning and Environment Act*, including the power to regulate its own proceedings, I encourage the Committee to adopt any of the following hearing procedures:

- a) Hearings to be conducted in part in Shepparton and in part in Melbourne, ensuring online capabilities from both locations.
- b) Specifying a time limit for submitters seeking to be heard.
- c) Regulating evidence in chief to balance efficiency and fairness.
- d) Limiting cross examination to matters which would assist the Committee in preparing its recommendations.
- e) Direct submitters focus preparation of their submissions and appointment of experts only on the specific matters the VPA has requested your advice on and raised in their submissions as outlined (1-7 above).
- f) Ensure that round table discussions are held only on the Key Issues.
- g) Direct that if any key issue statements are requested to be prepared they do not introduce new matters and relate only to the unresolved Key Issues.
- h) The VPA with assistance of the Committee will lead the roundtable discussion, with the Committee to exercise its own discretion on whether a roundtable or more traditional hearing format is warranted subject to the number of parties presenting information on the given issue.

The VPA will continue to seek to resolve matters with submitters, including the submissions that are not contained with the 'Key Issues'. VPA will advise the Committee and any parties if further matters are resolved, prior to and during the Hearing.





*your partner in planning great places for a growing Victoria*

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Please find enclosed the supporting documents required by clause 13 of the terms of reference.

If you have any questions about this matter, please contact Dean Rochfort, Executive Director Regional Victoria at [dean.rochfort@vpa.vic.gov.au](mailto:dean.rochfort@vpa.vic.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stuart Moseley', is positioned above the printed name.

**STUART MOSELEY**  
**CHIEF EXECUTIVE OFFICER**

Encl. Shepparton South East PSP and DCP  
Draft Amendment C117gshe to the Greater Shepparton Planning Scheme documentation  
Referred submissions and submitter details  
VPA Submissions Summary Table  
Shepparton South East Public Consultation Report (draft)  
Supporting background reports

cc. Fiona Le Gassick, CEO, Greater Shepparton City Council

## Appendix C List of submitters

No.	Submitter
1	Axii Avila
2	Jeni Martin
3	Matt O'Bryan
4	Dylan Stevens
5	Sam Buzzo
6	Bruce Echberg
7	Greg Stevens
8	Leo Schoonderbeek
9	Goulburn Valley Water
10	Lyn and Arthur Petrovski
11	Homes Victoria
12	John Kwon, Jenny Wang and Zhonglin Zhen
13	Department of Health
14	Powercor
15	Department of Education
16	Louise Pettigrew
17	Fiona Wieland
18	James Bassani
19	Carmel and Fernando Aloe
20	Harchand Singh
21	Meg Alexander
22	Rod and Lyn Martin
23	Anna Tassoni
24	Environment Protection Authority Victoria
25	Goldfields Property Development
26	Maree and Ray McKenna
27	Rocky D'Agostino

No.	Submitter
28	Vince Tassoni
29	Gordon Hamilton
30	Wilcon Projects
31	Goulburn Valley Environment Group
32	Matt and Kylie O'Bryan
33	Dan and Belinda Gleeson
34	Similain-Metro Capital
35	Hannah and Clinton Mark
36	Fiona Kutrolli (care of Elsie Kutrolli)
37	TB and JM Innes-Irons
38	Rendevski Transport
39	Bala Doyles Rd Unit Trust
40	Northeast Auto Group
41	Annette and Robert Stephens
42	V and D Zurcas Pty Ltd
43	Spiire
44	Committee for Greater Shepparton
45	Goulburn Murray Water
46	Owners of 28 McPhees Road, Shepparton
47	Annemarie Close
48	Greater Shepparton City Council
49	Stephen Crowe
50	Department of Transport and Planning
51	Department of Energy, Environment and Climate Action Planning Services (North)
52	Gurjeevan Singh Sidhu

## Appendix D Document list

No	Date	Description	Presented by
<b>2020</b>			
1	1 Jul	Terms of Reference	Minister for Planning
<b>2024</b>			
2	18 Jun	Referral letter	Victorian Planning Authority (VPA)
3	21 Jun	Directions Hearing notice letter	Planning Panels Victoria (PPV)
4	11 Jul	Letter from Proponent to Environment Protection Authority Victoria (EPA) regarding Environmental Audit Overlay, enclosing attachments: a) Draft Schedule 2 to the Urban Growth Zone b) Draft Environmental Audit Overlay map	Victorian Planning Authority and Greater Shepparton City Council (Proponent)
5	11 Jul	Letter from Proponent to Committee regarding supplementary reports and discussions with EPA	Proponent
6	14 Jul	Document request and letters sent to agencies	Gordon Hamilton
7	15 Jul	Document request	Rocky D'Agostino
8	17 Jul	Version 1 Directions and Timetable	PPV
9	19 Jul	Greater Shepparton City Council withdrawal of submission	Proponent
10	21 Jul	Update to document request	Gordon Hamilton
11	22 Jul	Response to Gordon Hamilton document request	Proponent
12	22 Jul	Documents filed in response to Direction 13 (see Document List appendix for individual documents): a) background documents (Documents 12.001–12.066) b) exhibited amendment documents (Documents 12.067 – 12.089) c) supplementary reports from technical experts (Documents 12.090 – 12.104) d) redacted submissions log (Document 12.105) e) Shepparton North East Development Contributions Plan (Document 12.106) f) Shepparton East Agricultural Land Use Options (Document 12.107) g) Greater Shepparton Housing Strategy (Document 12.108)	Proponent

No	Date	Description	Presented by
13	22 Jul	Stantec Traffic Impact Assessment Report Reference Data: <ul style="list-style-type: none"> <li>a) ATC 4 Doyles Road south of Benalla Road, Shepparton</li> <li>b) Traffic count - Archer Street Shepparton - between Channel Road and Wimmera Drive - 11, 12 November 2020</li> <li>c) Traffic Count - Channel Road Shepparton - between Mozart Avenue and Feiglin Road - 23, 24, 25 Jun 2020</li> <li>d) Traffic count - Feiglin Road Shepparton - 200m south of Poplar Avenue - 8, 9, 10 November 2018</li> <li>e) Traffic count - Poplar Avenue Shepparton - between Archer Street and Yorkshire Crescent - 21, 22 Jul 2021</li> <li>f) Traffic Count - Zurcas Lane Shepparton - 350m south of Midland Highway - 23, 24 February 2021</li> <li>g) Traffic Count - Zurcas Lane Shepparton - 90m south of Midland Highway - 23, 24 February 2021</li> </ul>	Proponent
14	26 Jul	Response to Rocky D'Agostino document request – Goulburn Murray Water Asset Plan	Proponent
15	26 Jul	Email enclosing response to document request and Direction 25 (expert conclave attendees)	Proponent
16	18 Jul	Email to Parties granting Submitter 48 extension to advise expert witness details	PPV
17	29 Jul	Email to Parties regarding Submitter 48 expert witness details and area	PPV
18	1 Aug	Site inspection itinerary and plan, incorporating site inspection requests: <ul style="list-style-type: none"> <li>a) Site inspection request from Northeast Auto Group</li> <li>b) Site inspection request from Goldfields Shepparton Pty Ltd</li> </ul>	Proponent
19	2 Aug	Submission, enclosing attachments: <ul style="list-style-type: none"> <li>a) Appendix 1 - Letter from VPA to EPA in relation to EAO (11 Jul 2024)</li> <li>b) Appendix 2 - Revised Schedule 2 to the Urban Growth Zone (UGZ2)</li> <li>c) Appendix 3 - Revised Environmental Audit Overlay (EAO) Map</li> <li>d) Appendix 4 - EPA written submission to exhibited Amendment (8 April 2024)</li> <li>e) Appendix 5 - Subsequent addendum letter to EPA written submission regarding sodic soils (18 April 2024)</li> <li>f) Appendix 6 - VPA response to EPA submission</li> </ul>	Environment Protection Authority Victoria (EPA)
20	5 Aug	Expert witness statement of Nina Barich of Incitus (hydrology and functional design)	Proponent

No	Date	Description	Presented by
21	5 Aug	Expert witness statement of Warwick Bishop of Water Technology (hydrology and modelling)	Proponent
22	5 Aug	Expert witness statement of Reece Humphreys of Stantec (transport)	Proponent
23	5 Aug	Expert witness statement of James Dear of OneMileGrid (traffic functional design)	Proponent
24	5 Aug	Expert witness statement of Jenny Butcher of Alluvium (drainage and stormwater functional design), enclosing attachments: <ul style="list-style-type: none"> <li>a) Annexure A - CVs of Jenny Butcher and Stuart Cleven</li> <li>b) Annexure B - Letter of Instruction to Jenny Butcher</li> <li>c) Annexure C - Shepparton South East Stormwater Functional Design Report (Alluvium, Jul 2024)</li> <li>d) Annexure D - Memo regarding alternative arrangement for catchment 1 and catchment 4 (Alluvium)</li> </ul>	Proponent
25	5 Aug	Part A submission, enclosing attachments: <ul style="list-style-type: none"> <li>a) Appendix 1 – Summary of Submissions</li> <li>b) Appendix 2 – PSP Change Matrix</li> <li>c) Appendix 3 – DCP Change Matrix</li> <li>d) Appendix 4a – Tracked change ordinance (combined PDF)</li> <li>e) Appendix 4b – Ordinance Change Matrix</li> <li>f) Appendix 5 – Track Changed PSP - Day 1 version</li> <li>g) Appendix 6 – Track Changed DCP - Day 1 version</li> <li>h) Appendix 7 – Summary table in response to Direction 17(g)</li> </ul>	Proponent
26	5 Aug	Day 1 Precinct Structure Plan (clean)	Proponent
27	5 Aug	Day 1 Development Contributions Plan (clean), and associated costing and design documents: <ul style="list-style-type: none"> <li>a) CI-01c Costing - GSCC - 2022</li> <li>b) CI-01c Design - GSCC - 2022</li> <li>c) IN-01 Costing - One Mile Grid - Jun 2022</li> <li>d) IN-02 Costing - One Mile Grid - Jun 2024</li> <li>e) IN-02 Design - One Mile Grid - Jun 2024</li> <li>f) IN-03 Costing - One Mile Grid -DTP - Jul 2024</li> <li>g) IN-04 Costing - One Mile Grid - Jun 2024</li> <li>h) IN-04 Design - One Mile Grid - Jun 2024</li> <li>i) IN-05 Costing - One Mile Grid - Jun 2024</li> <li>j) IN-05 Design - One Mile Grid - Jun 2024</li> <li>k) LPs Costing - Spiire - March 2023</li> <li>l) RBWLs &amp; SC-02c - Alluvium - Jul 2024</li> <li>m) SC-02d Design Concept - Three Sixty Project - Jul 2024</li> <li>n) Shepparton South East PSP - Land Valuation Assessment</li> </ul>	Proponent



No	Date	Description	Presented by
		Jul 2024	
		o) SR-01c Costing - VPA Benchmark - 2024	
		p) SR-01c Design - Hansen - Jul 2024	
		q) SR-01p Costing - GSCC Jul 2024	
28	5 Aug	Day 1 planning scheme ordinance:	Proponent
		a) Explanatory Report	
		b) Instruction Sheet	
		c) 37_07s2_gshe	
		d) 43_01s_gshe	
		e) 44_04s_gshe	
		f) 45_01s_gshe	
		g) 45_06s5_gshe	
		h) 72_03s_gshe	
		i) 72_04s_gshe	
29	5 Aug	Day 1 planning scheme maps:	Proponent
		a) 001znMaps11_23_24_27	
		b) 002dcpoMaps11_23_24_27	
		c) 003eaoMaps11_24	
		d) 007hoMap11	
		e) 008hoMap24	
		f) 009d-dpoMaps23_24_27	
		g) 007lsio-foMaps11_27	
		h) 004paoMaps11_23_24	
		i) 005paoMaps11_27	
		j) 006lsio-foMaps11_23_24	
		k) 011d-lsio-foMaps11_23_24_27	
30	5 Aug	Day 1 heritage citations:	Proponent
		a) 130 Poplar Avenue Shepparton	
		b) 190 Poplar Avenue Shepparton	
		c) 26 Feiglin Road Shepparton	
		d) 27 Feiglin Road Shepparton	
		e) 32 Feiglin Road Shepparton	
		f) 630 Doyles Road Shepparton East	
		g) Heritage Overlay Incorporated Documents	
31	5 Aug	Day 1 Small Lot Housing Code Incorporated Document	Proponent
32	9 Aug	Letter from Committee regarding timetable and distribution list updates, including further direction relating to the EPA submission and SMEC Land Capability Report, and with Version 2 timetable and distribution list attached	PPV

No	Date	Description	Presented by
33	9 Aug	Expert witness statement of Chris Beardshaw of Afflux (drainage and stormwater)	Goldfields Shepparton Pty Ltd (Goldfields)
34	9 Aug	Expert witness statement of John-Paul Maina of Impact Australia (traffic engineering)	Goldfields
35	15 Aug	Drainage conclave statement	Proponent
36	19 Aug	Part B submission, enclosing attachments: a) Attachment 1 – Community infrastructure changes since exhibition b) Attachment 2 – DCP land cost calculation	Proponent
37	19 Aug	Updated submissions log	Proponent
38	19 Aug	VPA and Council opening presentation	Proponent
39	19 Aug	Expert witness presentation of Warwick Bishop (flood modelling)	Proponent
40	19 Aug	Expert witness presentation of Jenny Butcher (stormwater design)	Proponent
41	19 Aug	Summary of opening submissions	Goldfields
42	19 Aug	Opening statement	Lyn and Arthur Petrovski
43	20 Aug	GMW advice on setback to waterways	Proponent
44	20 Aug	Guidelines for the Protection of Water Quality 2016	Proponent
45	20 Aug	Endorsed Planning Permit 2022-303 (104 McPhees Road) (amended plans required)	Proponent
46	20 Aug	Delegate report of Planning Permit 2022-303 (104 McPhees Road)	Proponent
47	20 Aug	Goulburn Murray Water East Goulburn 16-10 Pipeline Configuration Concept Plan (ThreeSixtyProjects)	Proponent
48	20 Aug	IN-02c costing (20 Aug 2024)	Proponent
49	20 Aug	IN-04c costing (20 Aug 2024)	Proponent
50	20 Aug	IN-05c costing (20 Aug 2024)	Proponent
51	21 Aug	Rural water supply and infrastructure presentation	Proponent
52	21 Aug	Submission, enclosing attachments: a) Attachment 1 - Goulburn Broken Regional Catchment Strategy - Policy context b) Attachment 2 – Goulburn Murray Water (GMW) corporate overview c) Attachment 3 - Water Industry Act 1994 Statement of Obligations (General) d) Attachment 4 - Melbourne Water Principles for Provision of Waterway and Drainage Services for Urban Growth e) Attachment 5 - Plan 15 - Existing Goulburn Murray Water	Rocky D'Agostino

No	Date	Description	Presented by
		Infrastructure Plan	
		f) Attachment 6 - Decision - D'Agostino v Goulburn Murray Rural Water Corporation [2011] VSC 668; 190 LGRA 218	
		g) Attachment 7 - Goulburn Broken Community Flood Intelligence Portal terms and conditions	
53	21 Aug	Letter withdrawing from hearing and advising resolved and unresolved issues	Margaret Alexander
54	21 Aug	Submission	V & D Zurcas Pty Ltd
55	21 Aug	Email regarding resolved submissions and documents uploaded	Proponent
56	21 Aug	PSP LiDAR	Proponent
57	21 Aug	PAO41 Letters and formal notification to landowners (Redacted)	Proponent
58	21 Aug	PAO41 Landowner agreements (Redacted)	Proponent
59	21 Aug	Drainage conclave statement (amended)	Proponent
60	21 Aug	Submissions log with original and amended submitter numbering	Proponent
61	21 Aug	Redacted resolved submissions	Proponent
62	21 Aug	Amended PSP Plan 11 Interface map.png	Proponent
63	21 Aug	Doyles Road Drainage Reserve LP-05 Consultation Map	Proponent
64	21 Aug	Version 3 timetable and distribution list	PPV
65	22 Aug	Submission, enclosing attachments:	Gordon Hamilton
		a) Shepparton Mooroopna Flood Plain Management Intelligence & Flood Warning Project - Contract No. 1370	
		b) Council letter regarding Goulburn Valley Equine and Greyhound Precinct Master Plan and Feasibility Study - Model of Flood Behaviour (22 Sep 2015)	
		c) Council meeting minutes - 19 Jun 2012	
		d) Council meeting minutes - 19 March 2019	
		e) Flood Report Portal - Flood information report for 7805 Goulburn Valley Highway	
		f) Greater Shepparton C199 Panel Report - Investigation Area 1 Feasibility Study and Master Plan	
		g) Local Govt Act 1989 Sect 80C - Persons to disclose interests to Council when providing advice	
		h) Shepparton Mooroopna Flood Mapping and Flood Intelligence Project - Progress Report #5 - 15 November 2013	
		i) Letter from Russell Kennedy lawyers - Legality of Shepparton Mooroopna Flood Mapping and Flood Intelligence Study (22 January 2019)	
		j) Extract of Shepparton Mooroopna Flood Mapping and	

No	Date	Description	Presented by
Flood Intelligence Project (May 2012)			
k) Emails			
66	22 Aug	Submission	Annemarie Close
67	22 Aug	Letters and formal notification to landowners affected by LP05	Proponent
68	22 Aug	Community Infrastructure Needs Assessment (ASR, March 2023)	Proponent
69	22 Aug	Shepparton SE DCP - Development Viability Advice (Urban Enterprise)	Proponent
70	23 Aug	Email granting extension for EPA to file further submission	PPV
71	25 Aug	Assessment pathway options for potentially contaminated land	Proponent
72	26 Aug	Speaking notes	Rocky D'Agostino
73	26 Aug	Technical note correcting error in evidence of John-Paul Maina	Goldfields
74	26 Aug	Development of the Shepparton Bypass Strategic Transport Model Final Report (AECOM, 14 Sep 2012)	Proponent
75	27 Aug	Submission	TB Innes-Irons & JM Innes-Irons (Innes-Irons)
76	27 Aug	Submission	Northeast Auto Group
77	27 Aug	Submission	Goldfields
78	28 Aug	Stantec amended Table 4.3 (Sep 2023 TIAR)	Proponent
79	29 Aug	Clarification of traffic evidence and timetable for Thursday 29 Aug	PPV
80	29 Aug	Presentation on Stantec amended Table 4.3 (Sep 2023 TIAR)	Proponent
81	30 Aug	Submission	Bala Doyles Road Unit Trust
82	30 Aug	Submission	Lyn and Arthur Petrovski
83	30 Aug	Questions for Proponent to address in closing	PPV
84	30 Aug	Email enclosing further submissions	EPA
85	30 Aug	Further submission on sodic soils, enclosing attachment: a) Appendix 1 - Sodic soils approach letter	EPA
86	30 Aug	Further submission on potentially contaminated land	EPA
87	2 Sep	Further submission regarding PAO39, enclosing attachments: a) Attachment 1 - Water Tech - Revised PSP b) Attachment 2 - PAO39	Vince Tassoni

No	Date	Description	Presented by
88	2 Sep	Further submission regarding heritage overlay, enclosing attachments: <ul style="list-style-type: none"> <li>a) Attachment 1 - Heritage Overlay</li> <li>b) Attachment 2 - Heritage citation report - 32 Feiglin Road</li> <li>c) Attachment 3 - Heritage citation report - 26 Feiglin Road</li> </ul>	Rendevski Transport
89	3 Sep	Closing submission, enclosing attachments: <ul style="list-style-type: none"> <li>a) Attachment 1 - Urban Enterprise Memo of Advice on development viability</li> <li>b) Attachment 2 - ASR Memo re Shepparton South East PSP Community Infrastructure Needs Assessment</li> <li>c) Attachment 3 - Shepparton SE PSP Final Figures - LG Valuations (with UFZ &amp; FZ) - Updated Final</li> <li>d) Attachment 4 - Table 7 DIL Table</li> <li>e) Attachment 5 - Table 7 DIL Table (UFZ)</li> <li>f) Attachment 6 - Ms Butcher - Responses to Petrovski alt RBWL3 location</li> <li>g) Attachment 7 - Ms Barich R47 and R55</li> <li>h) Attachment 8 - McPhees Road - E - Shared path survey plan</li> <li>i) Attachment 9 - McPhees Road - W - Shared path survey plan</li> </ul>	Proponent
90	3 Sep	Final day version of the Precinct Structure Plan (updated 5 Sep 2024), enclosing attachment: <ul style="list-style-type: none"> <li>a) Table 1 Summary LUB</li> </ul>	Proponent
91	3 Sep	Final day version of the Development Contributions Plan, enclosing attachments: <ul style="list-style-type: none"> <li>a) Table 6 Summary LUB</li> <li>b) Table 7 DIL Table (UFZ)</li> <li>c) Table 7 DIL Table</li> <li>d) Appendix A 7 LUB Table</li> <li>e) Appendix 8.1.0</li> <li>f) Appendix 8.1.1</li> <li>g) Appendix 8.1.2</li> <li>h) Appendix 8.1.4</li> <li>i) Appendix 8.1.5</li> <li>j) Appendix 8.1.6</li> <li>k) Appendix 8.2.0</li> <li>l) Appendix 8.2.1</li> </ul>	Proponent
92	3 Sep	Final day ordinance: <ul style="list-style-type: none"> <li>a) Explanatory Report Final Day Version</li> <li>b) Instruction Sheet Final Day Version</li> </ul>	Proponent

No	Date	Description	Presented by
		<ul style="list-style-type: none"> <li>c) 37_07s2_gshe Final Day Version (updated 5 Sep 2024)</li> <li>d) 43_01s_gshe Final Day Version</li> <li>e) 44_04s_gshe Final Day Version</li> <li>f) 45_01s_gshe Final Day Version</li> <li>g) 45_06s5_gshe Final Day Version</li> <li>h) 72_03s_gshe Final Day Version</li> <li>i) 72_04s_gshe Final Day Version</li> </ul>	
93	3 Sep	Final day maps: <ul style="list-style-type: none"> <li>a) 001znMaps11_23_24_27 Final Day Version</li> <li>b) 002dcpoMaps11_23_24_27 Final Day Version</li> <li>c) 003eaoMaps11_24 Final Day Version</li> <li>d) 007hoMap11 Final Day Version</li> <li>e) 008hoMap24 Final Day Version</li> <li>f) 009d-dpoMaps23_24_27 Final Day Version</li> <li>g) 004paoMaps11_23_24 Final Day Version</li> <li>h) 005paoMaps11_27 Final Day Version</li> <li>i) 006lsio-foMaps11_23_24 Final Day Version</li> <li>j) 007lsio-foMaps11_27 Final Day Version</li> <li>k) 011d-lsio-foMaps11_23_24_27 Final Day Version</li> </ul>	Proponent
94	3 Sep	Final day heritage citations: <ul style="list-style-type: none"> <li>a) 26 Feiglin Road Shepparton East</li> <li>b) 27 Feiglin Road Shepparton East</li> <li>c) 32 Feiglin Road Shepparton East</li> <li>d) 130 Poplar Avenue Shepparton East</li> <li>e) 190 Poplar Avenue Shepparton East</li> <li>f) 630 Doyles Road Shepparton East</li> </ul>	Proponent
95	3 Sep	Final day heritage statements of significance: <ul style="list-style-type: none"> <li>a) 26 Feiglin Road Statement of Significance</li> <li>b) 27 Feiglin Road Statement of Significance</li> <li>c) 32 Feiglin Road Statement of Significance</li> <li>d) 130 Poplar Avenue Statement of Significance</li> <li>e) 190 Poplar Avenue Statement of Significance</li> <li>f) 630 Doyles Road Statement of Significance</li> </ul>	Proponent
96	3 Sep	Final day version of Small Lot Housing Code (November 2019)	Proponent
97	3 Sep	Change logs: <ul style="list-style-type: none"> <li>a) DCP change log</li> <li>b) Final day ordinance change log</li> <li>c) PSP change log</li> </ul>	Proponent

No	Date	Description	Presented by
98	4 Sep	Final questions to the Proponent and comments on Final day drafting	PPV
99	5 Sep	Letter to SAC in response to Final day questions	Proponent
100	5 Sep	Updated submissions log	Proponent
101	5 Sep	Updated directions regarding comments on Proponent's closing materials and Final day drafting, enclosing attachment: a) Goldfields Development Pty Ltd request to make further submissions	PPV
102	6 Sep	Nina Barich response	Proponent
103	12 Sep	Response to Proponent's Final day materials, enclosing attachment: a) Updated McPhees Road - E - Shared path survey plan	Innes-Irons
104	12 Sep	Drafting comments on Final day documents	Goldfields
105	12 Sep	Final day version of Clause 37_07s2_gshe (UGZ2)	Goldfields
106	13 Sep	Response to Proponent's Final day land valuation table	Annemarie Close
107	19 Sep	Response to submitter drafting comments, enclosing attachment: a) Attachment 1 – Proposed changes to Section 4.5.4 of the PSP	Proponent
108	20 Sep	Consent from owner of Property 54 consenting to reservation of land for PAO41	Proponent
109	3 Oct	Section 173 agreement - 65 Channel Road, Shepparton	Proponent
110	3 Oct	Section 173 agreement - 80 Channel Road, Shepparton	Proponent

## Appendix – Documents filed in response to Direction 13

No	Description
<b>Background documents</b>	
<b>Background studies</b>	
<b>Biodiversity and environment</b>	
12.001	Biodiversity Assessment Ecology Heritage February 2022
12.002	Flora and Fauna Assessment Ecology Heritage Partners February 2022
<b>Bushfire assessment</b>	
12.003	Bushfire Development Report Terramatrix Jul 2023
<b>Community infrastructure</b>	
12.004	Community Infrastructure Needs Assessment ASR Jul 2022
12.005	Local Park concept Outlines 2023
12.006	Multipurpose Childrens Centre A1.2 Cohen Leigh December 2022
12.007	Multipurpose Childrens Centre A3 Floor Plan Cohen Leigh November 2022
12.008	Multipurpose Childrens Centre A3 Site Plan Cohen Leigh November 2022
12.009	Multipurpose Childrens Centre Architects Design Statement Cohen Leigh November 2022
12.010	Multipurpose Childrens Centre Costing Cohen Leigh November 2022
12.011	Sports Reserve Opinion of Probable Cost Hansen Sep 2023
<b>Economic and retail</b>	
12.012	Activity Centre Review Ethos Urban May 2022
<b>Flooding and drainage</b>	
12.013	1% AEP Flood Mapping Project Shepparton South East Addendum Water Tech May 2022
12.014	1% AEP Flood Mapping Project Water Tech Aug 2021
12.015	Flood Impact Assessment BMT Commercial Australia Jul 2022
12.016	Stormwater Functional Design Drawings Alluvium 2022 Part 1
12.017	Stormwater Functional Design Drawings Alluvium 2022 Part 2
12.018	Stormwater Functional Design Drawings Alluvium 2022 Part 3
12.019	Stormwater Functional Design Drawings Alluvium 2022 Part 4
12.020	Stormwater Functional Design Report Alluvium Jul 2022
<b>Heritage</b>	
12.021	Cultural Heritage Assessment Redacted Jo Bell Jun 2019
12.022	Due Diligence Assessment Redacted Jo Bell Heritage Jun 2019
12.023	East of Shepparton Historical Review Anne Tyson Jul 2023
12.024	Heritage Citation 130 Poplar Avenue GSCC December 2022



No	Description
12.025	Heritage Citation 190 Poplar Avenue GSCC December 2022
12.026	Heritage Citation 26 Feiglin Road GSCC December 2022
12.027	Heritage Citation 32 Feiglin Road GSCC December 2022
12.028	Heritage Citation 630 Doyles Road GSCC December 2022
12.029	East of Shepparton Historical Heritage Study: Shepparton South East Precinct
12.030	Heritage Citation Report 27 Feiglin Road, Shepparton East, Greater Shepparton December 2022
12.031	Heritage East of Shepparton Historical Review Anne Tyson Jul 2023
Land Capability	
12.032	Amenity Impact Assessment GHD January 2022
12.033	Desktop Land Capability Assessment SMEC October 2022 Part 1 of 2
12.034	Desktop Land Capability Assessment SMEC October 2022 Part 2 of 2
12.035	Land Capability Assessment SMEC 2022 Part 1
12.036	Land Capability Assessment SMEC 2022 Part 2
12.037	Land Capability Assessment SMEC 2022 Part 3
12.038	Land Capability Assessment SMEC 2022 Part 4
12.039	Land Capability Assessment SMEC 2022 Part 5
12.040	Noise Impact Assessment GHD April 2022
12.041	Shepparton East Agricultural Land Use Options RMCG March 2020
Land Valuations	
12.042	DCP Development Feasibility Urban Enterprise Aug 2022
12.043	DCP Financing Costs Memo Urban Enterprise Aug 2023
12.044	Land Valuations LG Valuations March 2023
Transport	
12.045	Transport Costing Local intersection and Park Costing Review Spiire March 2023
12.046	Transport Functional Designs Channel Road OMG
12.047	Transport Functional Designs Local Intersections Spiire 2017
12.048	Transport Functional Designs Poplar Avenue OMG
12.049	Transport Local Intersections Functional Layout Plans Spiire 2017
12.050	Transport TIA Report Stantec Sep 2023
Utilities	
12.051	Utility Servicing Assessment GHD Aug 2022
12.052	Utility Servicing Assessment Report GHD Aug 2022 Part 1

No	Description
12.053	Utility Servicing Assessment Report GHD April 2022 Part 2 Appendix A
12.054	Utility Servicing Assessment Report GHD April 2022 Part 3 Appendix B
12.055	Utility Servicing Assessment Report GHD April 2022 Part 4 Appendix C_1
12.056	Utility Servicing Assessment Report GHD April 2022 Part 5 Appendix C_2
12.057	Utility Servicing Assessment Report GHD April 2022 Part 6 Appendix C_3
12.058	Utility Servicing Assessment Report GHD April 2022 Part 7 Appendix C_4
12.059	Utility Servicing Assessment Report GHD April 2022 Part 8 Appendix C_5
12.060	Utility Servicing Assessment Report GHD April 2022 Part 9 Appendix C_6
12.061	Utility Servicing Assessment Report GHD April 2022 Part 10 Appendix D
12.062	Utility Servicing Assessment Report GHD April 2022 Part 11 Appendix E
12.063	Utility Servicing Assessment Report GHD April 2022 Part 12 Appendix F
<b>Costings</b>	
12.064	Transport Costing Channel Road Doyles Road DTPT
12.065	Transport Costing Local Intersections Cardno 2019
12.066	Transport Costing Poplar Avenue Doyles Road OMG
<b>Exhibited amendment documents</b>	
<b>Planning scheme maps</b>	
12.067	C117gshe 001znMaps11_23_24_27
12.068	C117gshe 002dcpoMaps11_23_24_27
12.069	C117gshe 003eaoMaps11_23_24_27
12.070	C117gshe 004paoMaps11_23_24
12.071	C117gshe 005paoMaps11_27
12.072	C117gshe 006lsio fo removal Maps112324_27
12.073	C117gshe 006lsio foMaps112324_27
12.074	C117gshe 007hoMap11
12.075	C117gshe 008hoMap24
12.076	C117gshe 009d dpoMaps23_24_27
<b>Planning scheme ordinance</b>	
12.077	C117gshe 37_07s2_ Schedule 2 Urban Growth Zone
12.078	C117gshe 43_01s_ Heritage Overlay
12.079	C117gshe 44_04s_ Land Subject to Inundation Overlay
12.080	C117gshe 45_01s_ Public Acquisition Overlay
12.081	C117 gshe 45_06s5 Development Contributions Plan Overlay

No	Description
12.082	C117 gshe 72_03s_ Schedule to Clause 72.03
12.083	C117 gshe 72_04s_ Incorporated Documents
12.084	Instruction Sheet
12.085	Changes to C117 gshe 72_04s_ Incorporated Documents
12.086	Explanatory Report
<b>PSP, DCP &amp; Background Report</b>	
12.087	Background Report VPA February 2024
12.088	Development Contributions Plan VPA February 2024
12.089	Precinct Structure Plan VPA February 2024
<b>Supplementary reports from technical experts</b>	
<b>IN03 design and costing</b>	
12.090	IN03 Costing - DTP Jul 2024
12.091	IN03 Costing - DTP Jul 2024 (Excel)
12.092	IN03 Design - Channel Road/Doyles Road - One Mile Grid - Jun 20
<b>Local Intersections</b>	
12.093	IN 02 Costing - Archer Street/Channel Road - One Mile Grid - Jun 2024
12.094	IN 02 Design - Archer Street/Channel Road - One Mile Grid - Jun 2024
12.095	IN 04 Costing – Feiglin Road/Popular Avenue - One Mile Grid - Jun 2024
12.096	IN 04 Design – Feiglin Road/Popular Avenue - One Mile Grid - Jun 2024
12.097	IN 05 Costing – Feiglin Road/Channel Road - One Mile Grid - Jun 2024
12.098	IN 05 Design – Feiglin Road/Channel Road - One Mile Grid - Jun 2024
<b>Flood Modelling</b>	
12.099	Shepparton South East PSP - Flood Modelling Report - Water Technology Jul 2024
12.100	TULFLOW (zip folder)
<b>Stormwater Functional Design</b>	
12.101	Shepparton SE PSP Stormwater Functional Design Report V6 (amended)
12.102	Shepparton SE PSP Stormwater Functional Design Report - Appendix G
12.103	MUSIC (zip folder)
12.104	RORB (zip folder)
<b>Redacted submissions log</b>	
12.105	Redacted submissions log
<b>Shepparton North East Development Contributions Plan</b>	
12.106	Shepparton North East DCP February 2019 Amended December 2023 VC249

No	Description
<b>Shepparton East Agricultural Land Use Options</b>	
12.107	Shepparton East Agricultural Land Use Study Final Report
<b>Greater Shepparton Housing Strategy</b>	
12.108	Greater Shepparton Affordable Housing Strategy Houses for People 2020

## Appendix E VPA summary of resolved issues

Sourced from Document 100 – Proponent's updated submissions log.

Sub no.	Category	Change sought by the submission	VPA response
31	Biodiversity & Ecosystems	The Plan does not appear to include provision for ensuring that some biodiversity values and ecosystem-service values of native vegetation are retained, apart from the retention of the Broken River floodplain as a natural area and a recommendation to try and protect the remnant native trees. Our group considers that the transition of 65% of the land area from agricultural land to residential development will have impacts on local wildlife populations. In line with the Victorian Government's Biodiversity 2037 Plan commitment to a 'whole of government approach' approach to implementing the Plan (Priority 19), we expect a strategic planning document such as this one to consider those impacts and how to address them.	<p>Ecology Heritage Partners (EHP) were commissioned in October 2021 to provide an updated biodiversity assessment of the precinct, fulfilling several actions recommended from their earlier assessment conducted in 2009. The aim of the assessment was to confirm the presence of native vegetation and identified flora and fauna species with potential to be found within the precinct. A site visit and targeted surveys were undertaken by EHP as part of this exercise.</p> <p>The precinct has predominantly cleared of native vegetation for horticultural, commercial and residential uses; however, remnant native vegetation persists in isolated locations, mainly along the Broken River, while non-native vegetation is found in street plantings and orchards. Plan 2 - Precinct Features of the Precinct Structure Plan, outlines the location of the existing native vegetation within the precinct. Section 4.3.1 of the PSP includes Requirements and Guidelines (see specifically Requirement 14) that direct consideration for incorporation of scattered trees into future subdivision design, via local parks or streetscapes etc, that sit outside of the Broken River corridor.</p> <p>Clause 12.01-1S of the Greater Shepparton Planning Scheme recognises Protecting Victoria's Environment – Biodiversity 2037, with relevant strategies to identify, protect and maintain Victoria's biodiversity.</p>
51	Biodiversity & Ecosystems	Requests to be referred to for Crown land waterfront and ancillary parcels to the Broken River. DEECA [Department of Energy, Environment and Climate Action] acknowledges that native vegetation and biodiversity values are predominantly concentrated in the floodplain.	We thank you for your submission and note the future public land owner consent process required to be satisfied at the development stage
38	Bushfire Management	The current version of AS 3959 is 2018	The VPA will update the UGZ schedule on the AS reference.

Sub no.	Category	Change sought by the submission	VPA response
30	DCP Viability & Impacts	High DCP rate impacts - reserve right to submit on this matter.	We note this and would ask that if you are able to provide an update on the peer review, and it's potential timeframe? If not, we can refer this to the Standing Advisory Committee for consideration.
34	DCP Viability & Impacts	Overall comment on the high DCP rate impacts on development viability and housing delivery	The DCP rate is currently being investigated and we acknowledge the submission.
38	DCP Viability & Impacts	Review of the extent of undevelopable land to reduce the per ha of development costs.	<p>The extent of net developable area has been subjected to the precincts characteristics and the necessary infrastructure requirements.</p> <p>The topography of Shepparton is low lying causing it to be subjected to flooding and as a result, the stormwater and drainage infrastructure needs to be able to withstand 1 in 100 year plus climate change events of riverine and stormwater flooding. Understanding this, the precinct has co located assets where possible into the floodplain to increase the developable land within the precinct. In lieu of submissions, we are attempting to reduce the land required for infrastructure where possible.</p>
38	DCP Viability & Impacts	<p>Further consideration be given to affordable housing through increasing developable land, waiving reducing DC costs and reduce the standard of infrastructure being provided in the precinct.</p> <p>Reduction to the development contribution rates as these are not competitive against other regional locations</p> <p>Waive early developer fees.</p>	We acknowledge your submission. The DCP rate is currently being investigated as a result of submissions.
31	Density	Suggest to set firm longterm limits to residential development within the local government area and develop new approaches to provide more medium-dense opportunities for population growth	Future residential subdivisions and housing aspirations, targets are set out in a combination of state and local policy.
1	Drainage & Water	<p>To create and utilise an open corridor channel for the drainage strategy within the precinct.</p> <p>This will assist with excess rainfall and channel water to specific areas of the precinct.</p>	Existing open channels will be utilised for stormwater as part of Alluvium's Functional Design.

Sub no.	Category	Change sought by the submission	VPA response
9	Drainage & Water	Augmentation works will be required to water trunk assets. Cost allocation for the augmentation works will be determined following a servicing strategy for the area.	The augmentation works and associated cost allocation will be determined by Goulburn Valley Water at the development stage where new subdivisions apply for water and sewer services.
9	Drainage & Water	Augmentation works will be required to sewer trunk assets. Cost allocation for the augmentation works will be determined following a servicing strategy for the area.	The augmentation works and associated cost allocation will be determined by Goulburn Valley Water at the development stage where new subdivisions apply for water and sewer services.
25	Drainage & Water	<p>Amend Alluvium's Stormwater Functional Design Report and / or Water Technology's Shepparton Mooroopna 1% AEP Flood Mapping Project and addendum (where required) to include the following:</p> <p>How the external catchment flows east of Doyles Road and south of Channel Road are conveyed to Overland Flow Path SC-02.</p> <p>Whether there is a need for a dedicated narrow drainage reserve to collect overflows from Doyles Road south of Channel Road, noting</p> <p>The Alluvium July 2022 Functional Design Report (section 6.5) and the Water Technology 2022 flood modelling addendum indicate that the existing 2x1800x600 box culverts under Doyles Road (capacity 2.28m<sup>3</sup>/s) convey only a portion of the estimated 12.42m<sup>3</sup>/s external flows, with the remaining flows (approximately 10.2m<sup>3</sup>/s) entering the PSP area via overtopping of Doyles Road.</p> <p>Water Technology 2022 flood modelling addendum (Figures 2, 6 and 7) seems to indicate flows along western boundary of Doyles Road are intended to be conveyed to SC-02 overland via a narrow overland flow path reserve, however this is not discussed in Alluvium functional design report.</p>	<p>A 60-metre-wide drainage reserve parallel to Doyles Road has been designed for the purpose of conveying the external flows from the east of Doyles Road to the overland flow path. A subsequent change to LP-05 has been made to relocate the linear park to the drainage reserve land.</p> <p>The drainage design report will be updated accordingly.</p>
25	Drainage & Water	<p>Amend the Alluvium Functional Design Report to include a longitudinal section of SC-02 showing indicative locations of road crossings. Include the plan as an appendix to the Alluvium drawings.</p> <p>Include a proof of concept and typical functional layout and cross-section of SC-02 at the road crossing. Include how the road minor and major drainage systems are intended to cross over / under SC-02 and its associated road culverts, to discharge minor and major flows</p>	<p>Staging plan - The VPA, Goulburn Broken Catchment Management Authority and [Greater Shepparton City Council] GSCC are supportive of the proposed changes to Catchment 1 drainage strategy, as shown below. The proposed changes will result in the improvement to the asset construction and facilitate flexibility in staging the precinct developments.</p> <p>The proposed changes to the future urban structure are as</p>

Sub no.	Category	Change sought by the submission	VPA response
		<p>south to RBWL1.</p> <p>Include updated TUFLOW modelling to account for any changes associated with the above to ensure the feasibility of minor / major drainage crossings of SC-02.</p>	<p>follows:</p> <ul style="list-style-type: none"> <li>• RBWL1b on the overland flow path land (PAO37) will be non-DCP projects to service individual development and delivered by developer via separate agreement with Council;</li> <li>• Local Park LP-05 is no longer required as conveyance reserve and will be relocated to Doyles Road. Proposed PAO41 has been removed.</li> <li>• The planset of the PSP will show the indicative location of the basin within PAO37 and the indicative location of a 1ha local park on Parcel 50 (to ensure the open space distribution gap to be filled). Both the ultimate locations of the basin and the local park will be determined by the detailed design and delivered by the developer via separate agreement with Council.</li> <li>• Connector street and local access street to the south of the overland flow path has been changed to Connector Road (30m);</li> <li>• Size reduction of RBWL1a as a result of the split of retention assets;</li> <li>• Culvert upgrade to the existing McPhees Road has been included in the DCP project SC-02 in response to Submission 26.11 and 26.12;</li> <li>• The road network will be updated to reflect the new layout around the overland flow path.</li> </ul>
38	Drainage & Water	<p>Large Retarding Basins eg. RBWL2 should be reviewed, and should explore, bioretention to reduce the size of basin.</p>	<p>During the Proof of Concept design phase of the project, Alluvium reviewed the previous drainage strategies developed by CPG (2012), Spiire (formerly CPG) (2012-2014), and Cardno (2020). The Spiire strategy proposed sediment basins and bioretention systems within the retarding basins for several of the assets.</p> <p>A summary review of the strategies is provided in Section 3 of the Alluvium drainage report (V5, July 2023), with a longer summary of the reviews provided in Appendix A of the report.</p> <p>- The CPG study noted that a larger retarding basin footprint may be required if a wetland was incorporated in the base, as opposed to a bioretention system. It also noted that Council</p>



Sub no.	Category	Change sought by the submission	VPA response
			<p>had indicated that using a wetland is their preferred stormwater treatment measure.</p> <ul style="list-style-type: none"> <li>- In the review of previous strategies, Alluvium noted that typically bioretention systems are not recommended within retarding basins. This is because they can experience prolonged wetting, with algae forming thick surface biofilms, which in turn reduces the rate of infiltration into the filter media and causes clogging.</li> <li>- Alluvium subsequently adopted wetlands within the Retarding Basins, as opposed to bioretention systems.</li> </ul>
28	Drainage & Water - Flood Modelling / Floodplain Extent	<p>Concerns about the Flood Overlay extent due to:</p> <ul style="list-style-type: none"> <li>- LiDAR survey of levels used in the flood model based on Community Flood Intelligence Report</li> <li>- Unclear if feature/verifying surveys were done between Channel Road and the south end of 105 McPhees Road</li> </ul> <p>Questions on:</p> <ul style="list-style-type: none"> <li>- Community Flood Intelligence Report shows the land (105 McPhees Road) and Goldfields site as LSIO</li> <li>- Flood Model by Water Tech does not show Goldfields site subject to flooding.</li> <li>- Alluvium design appears the northern properties have more favourable results due to the model.</li> </ul> <p>Concern on:</p> <ul style="list-style-type: none"> <li>- Goulburn Broken Catchment Management Authority Community Flood Intelligence Portal does not reflect potential backflow of the existing drain 2 into low lying areas.</li> <li>- Goulburn Broken Catchment Management Authority Community Flood Intelligence Portal does not reflect the future decommissioned/filled channels</li> </ul> <p>Flood model needs to be amended to reflect the future decommissioning and filling of irrigation channel/flood model boundary needs to be revised to include McPhees/Channel Road intersection, Channel Road and Goldfield properties.</p>	<p>VPA met the submitter to discuss the Catchment 1.</p> <ul style="list-style-type: none"> <li>- Flood Overlay boundary was informed by the hydraulic modelling that tested various development scenarios.</li> <li>- The amendment will introduce the updated LSIO mapping. When the PSP is implemented, the LSIO mapping will be updated to reflect the subdivisional layout and designed levels.</li> <li>- Catchment 1 and its retention strategy are under review by GBCMA [Catchment Management Authority], GSCC, Alluvium and WaterTech.</li> <li>- Land valuation and land use budget are under review.</li> </ul>

Sub no.	Category	Change sought by the submission	VPA response
45	Drainage & Water - Flood Modelling / Floodplain Extent	<p>GMW request that Section 3 of the UGZ include requirements for a detailed report/design/statement be submitted by the relevant applicant, which addresses how GMW assets are dealt with within the relevant subdivision area.</p> <p>The UGZ should also include the requirement for any proposed plan of subdivision to show either building envelopes or building exclusion zones to prevent future buildings from being located within 30m of the Broken River in accordance with Clause 14.02-1S of the GSCCPS</p>	We will amend the UGZ schedule as per submission.
25	Drainage & Water - Irrigation Water Supply / GMW Channel	Include details on how the existing Goulburn Murray Water irrigation channel south of the Site will be managed to facilitate the development of the Site.	<p>VPA and GSCC are investigating the inclusion of piping the channel as part of SC-02 in the DCP.</p> <p>WaterTech has advised the decommissioning of the channel is required to reduce the afflux risk.</p> <p>GMW and GSCC are supportive of including the costs into the DCP to maintain the services to existing customers.</p>
45	Drainage & Water - Irrigation Water Supply / GMW Channel	<p>GMW considers not appropriate for urban lots within precinct to be connected to a rural water supply. The Presence of rural water supply infrastructure- channels and pipelines will no longer be appropriate. GMW is amenable to work with Council for drains to be piped, upgraded or converted.</p> <p>For subdivision of property holding delivery shares the applicant must make application to GMW pursuant to sections 224 and 229 of Water Act 1989 to terminate or transfer delivery shares in relation to property.</p> <p>GMW considers the provision of works for rural channel, pipeline and/or drain decommissioning as a critical project which should be included as a DCP item. GMW will be able to provide approx. costings for this.</p>	<p>In response to GMW's proposal of including the provisioning, decommissioning and piping costs into the DCP, we are currently investigating the feasibility and the available information supporting the proposal.</p> <p>The functional design (Sheet 11) prepared by Alluvium provides the indicative alignment of existing drains and channels and the sections to be decommissioned/converted.</p> <p><a href="https://vpa-web.s3.amazonaws.com/wp-content/uploads/2024/02/Shepparton-South-East-PSP-Stormwater-Functional-Design-Drawings-Alluvium-2022-Part-2.pdf">https://vpa-web.s3.amazonaws.com/wp-content/uploads/2024/02/Shepparton-South-East-PSP-Stormwater-Functional-Design-Drawings-Alluvium-2022-Part-2.pdf</a></p> <p>It is requested that GMW provide further advice on the unit costs eg. the linear metre rate of decommissioning channel/drain. We will provide further response upon the receipt of the information.</p> <p>Please let us know if GMW prefers a meeting to discuss the above.</p>

Sub no.	Category	Change sought by the submission	VPA response
25	EAO / EA Requirements	Reduce the EAO extent be applied to the site to reflect the localised area of contamination on the site in accordance with the site specific works being undertaken.	The submission does not provide a PRSA or a statement of environmental audit to demonstrate the suitability of using the land for sensitive uses. The VPA is unsupportive of reducing the EAO extent on the 'high risk' potentially contaminated land.
13	Education & Community Facilities	The submitter requests that any mentions of potential uses in Guideline 23 of the PSP such as local pop-up park, be removed, to not create false expectations in the community about the long term use of the land.	Reference to 'local pop-up park' will be removed.
11	Housing/ density/ typology	Increase the proposed densities targets of 15 dwellings/ NDA in the 'residential – balance area' and 22 dwellings/ NDA in the 'residential – amenity area' to align with the PSP 2.0 guidelines.	<p>Greater Shepparton Affordable Housing Strategy has identified the challenges of delivering higher density development due to the lower market demand relative to lower scale, detached housing ie. 87% of dwellings in Greater Shepparton are detached houses and 72% have three or more bedrooms.</p> <p>The proposed density targets was initially considered the viable density under the context of housing affordability in Shepparton, given the PSP 2.0 guidelines was not in place when the project started. The guide notes - Applying the PSP Guidelines in regional areas also provide for target adaption of viable density.</p>
11	Housing/ density/ typology	Apply the amenity-based density model and include a walkable catchment area of 400m around town centre, community facility, school and active open space.	The VPA is investigating applying a higher density to the standard 400m walkable catchment from the town centre and the existing Activity Centre Zone. As per the justifications in the above response, the minimum density target of this area will be 15 dwellings per hectare.
11	Housing/ density/ typology	<p>Change the wording of the Guideline 9 as per below:</p> <ul style="list-style-type: none"> <li>- Applications for residential subdivision and development should demonstrate how they will contribute to the municipal target of 12% minimum affordable housing generally in accordance with the Greater Shepparton Affordable Housing Strategy 2020 and its background paper (or subsequent revisions).</li> <li>- Social and affordable housing, and special needs housing should be located in high amenity locations close to services and community facilities.</li> </ul>	<p>The Greater Shepparton Affordable Housing Strategy 2020 adopted by Council does not specify any targets of minimum affordable housing. The strategy provides the planning direction of the PSP to development localised development guidelines to respond the demand for affordable housing.</p> <p>The PSP has included housing density guidelines to support greater housing diversity and higher density around public transport, amenities and services and the DCP exemption for social housing, which will encourage the delivery of affordable housing in the PSP.</p>

Sub no.	Category	Change sought by the submission	VPA response
			The VPA has also discussed this submission with Council and note Council do not support the inclusion of a specific affordable housing percent target, with Council being comfortable with the wording of G9 as exhibited.
11	Housing/ density/ typology	The Victorian Housing Register (VHR) records a high demand for one-bedroom dwellings in Shepparton South-East. Increased housing diversity and in particular, a larger supply of smaller housing typologies, will assist addressing this gap, alongside other government, and private investment initiatives.	See above response.
11	Housing/ density/ typology	The PSP 2.0 Guidelines application was applied to Wonthaggi NE so can be expected in the Shepparton South East PSP as well.	<p>Noted.</p> <p>The context of the Shepparton South East PSP - such as the project's history under Council and significant length of preparation before the release of PSP 2.0 - has precluded it from being prepared under a standard PSP 2.0 pathway and relevant application of the PSP Guidelines.</p> <p>Although Shepparton South East is not a PSP 2.0 project, the guidelines have been incorporated into the precinct and documentation including the application of the amenity model, and guidelines on achieving a high quality public realm.</p>
11	Housing/ density/ typology	<p>Amend the DCP to be in accordance with Ministerial Direction On The Preparation And Content Of Development Contributions Plans and insert the below into the DCP and DCPO:</p> <ul style="list-style-type: none"> <li>The Collecting Agency must exempt or discount development and community levies applicable to land developed for housing by or for the Department of Families, Fairness and Housing (previous Health and Human Services), as defined in Ministerial Direction on the Preparation and Content of Development Contributions Plans of 11 October 2016. This also applies to social housing development delivered by and for registered housing associations.</li> </ul>	Section 5.3.7 of the DCP has been updated to reflect the exemption for certain housing in accordance with the Ministerial Direction 'Preparation and Content of Development Contributions Plans'.

Sub no.	Category	Change sought by the submission	VPA response
25	Housing/ density/ typology	<p>Amend Plan 5 – Character, Heritage and Housing and Plan 6 – Local Convenience and Employment to show a 400 metre Walkable Catchment from the Local Convenience Centre.</p> <p>It is requested the current Amendment is updated to include incorporation of the Small Lot Housing Code into the Greater Shepparton Planning Scheme at Clause 72.04 – Document Incorporated in this Planning Scheme.</p> <p>Update the Schedule of the UGZ at Section 2.5 Specific Provisions – Buildings and works and Section 4.0 – Conditions and Requirements for Permits to allow the implementation of the Small Lot Housing Code in the PSP area.</p> <p>OR</p> <p>Include a new Requirement in Section 4.1.2 – Housing of the PSP stating ‘Eliminate the need for a planning permit for small lot housing (less than 300m2) in appropriate locations where the requirements of the Small Lot Housing Code (Attachment 1) are met.’</p> <p>Include the Small Lot Housing Code as an attachment to the PSP.</p> <p>Update the Schedule of the UGZ at Section 2.5 Specific Provision – Buildings and Works to implement the requirement that exempts the need for a planning permit for a dwelling on a lot less than 300m2 as detailed above.</p>	<p>The PSP is to be updated to:</p> <p><b>400 metre Walkable Catchment Area</b></p> <ul style="list-style-type: none"> <li>• Remove ‘residential – amenity area’ around the local open space network from Plan 5 of the PSP;</li> <li>• Identify a 400m walkable catchment area around the proposed Local Convenience Centre and the existing Activity Centre Zone to the north of the PSP;</li> <li>• Incorporate the Small Lot Housing Code into the Greater Shepparton Planning Scheme which is encouraged within the 400m walkable catchment areas under the PSP; and</li> <li>• Increase the minimum average density to 15 dwellings per NDHa within the 400m walkable catchment area</li> </ul> <p><b>Transitional Area</b></p> <ul style="list-style-type: none"> <li>• Identify a transitional area between the proposed overland flow path and the Broken River floodplain</li> <li>• Reduce the minimum average density to 8 dwellings per NDHa in the transitional area.</li> </ul>
31	Infrastructure Requirements	Concern on insufficient supporting infrastructure, public transport, footpaths and open space for Shep's urban growth	<p>The Community Infrastructure Needs Assessment, completed by ASR Research outlines the future demand created by the future development of the precinct. The assessment considers the capacity of existing and planned infrastructure as well as the gaps within the infrastructure provisions in the precinct, and how these gaps could be addressed through the precinct.</p> <p>The report is detailed, with the methodology outlined on page 3-4. This report will be reviewed and discussed at the upcoming Standing Advisory Committee with independent experts.</p>

Sub no.	Category	Change sought by the submission	VPA response
			<p>As part of the delivery of the precinct, the Broken River floodplain will be enhanced with a shared path running alongside, allowing for a continuation of an active and sustainable transport route into the Shepparton CBD. A number of local parks will also be delivered as a part of this project, as well as a sporting reserve providing for active recreational activity.</p> <p>For traffic and transport related infrastructure, refer to the previous response.</p>
30	Lot Cap	Submitter is currently peer-reviewing the traffic report and reserve right to further submit on the lot cap requirements.	We note this and would ask that if you are able to provide an update on the peer review, and it's potential timeframe? If not, we can refer this to the Standing Advisory Committee for consideration.
38	Lot Cap	Proposed lot cap is likely to be a significant deterrent to developers	The lot cap is supported by Stantec TIA and required to protect Doyles Road as the national and state significant freight route from the traffic generated from the PSP. Through the lot cap it will ensure the efficient and safe access of vehicles into and out from the precinct.
31	Open Space Provision	The Plan does not provide a sufficient allocation towards open space (4.8% of land area), given that most of the existing land area provides an open space amenity value as agricultural land. That amenity value will be lost once a further 65% of this land area is developed for residential living. We suggest that at least 10% of the land area should be set aside for open space.	<p>The Precinct Structure Guidelines which we based the precinct on, sets a minimum of 10% of the NDA, is to be dedicated to public open space. These spaces can vary between passive (land set aside for unstructured physical activity, eg. parks and gardens) and active open space (areas for organised sport eg. oval). Table 1 (page 16) of the PSP document, outlines the land use budget, which in this precinct, that there is approximately 4.83% credited to active open space with the remaining amount being passive in a mixture of areas throughout the precinct. Some open spaces will have dual functions such as a retarding basin (areas which temporarily store stormwater during heavy rain) and a park.</p> <p>We acknowledge in isolation that this percentage seem small, but in comparison to the total percentage of open space distribution of 21.5% and 33.06% of the total NDA of the precinct, we are achieving well above the open space requirements.</p>

Sub no.	Category	Change sought by the submission	VPA response
38	Open Space Provision	Review the need for LP-02 given the restrictive location. Further consider alternative location within the buffer to Rendevski Transport on property 30	LP-02 provides open space within the precinct and is a requirement in line with the Precinct Structure Plan Guidelines. The open space of the precinct was planned in line with walkable catchments from existing dwellings.
25	PAO - Drainage Asset	Clarification on PAO extent if the basin can be delivered in a smaller footprint, would the total acquisition be required?	Acquiring authority may reduce the acquisition extent based on the ultimate design of asset.
25	PAO - Drainage Asset	It is requested that PAO41 is amended to remove these gaps to ensure the PAO covers all land from Channel Road to RBWL-1 to allow for the drainage asset to be constructed prior to the road, if necessary.	PAO41 is to be removed due to the relocation of LP-05.
28	PAO - Drainage Asset	<p>Concern on:</p> <ul style="list-style-type: none"> <li>- Inaccuracies of flood model based on observation of 1993 flood</li> <li>- Proposed Flood Overlay to be applied to 105 McPhees Road and associated PAO is unjustified due to the inaccurate model and must be amended to not detriment property in benefit of more developable land for properties on the north.</li> <li>- Stormwater design of southern section of PSP unfairly favours lots to the north- retention basin should be located within properties 48-54 and 59 due to groundwater depths</li> </ul> <p>Request re-assessment of land valuation and land budget based on any basin/open space is required on properties 48-54 and 59</p>	As above response to Drainage & Water - Flood Modelling / Floodplain Extent
28	PAO - Drainage Asset	<p>Seeking clarification on why compensation is only proposed for a small portion of land ie. 0.41 ha</p> <p>Object to the proposed compensation rate of \$260k/ha</p>	<p>We acknowledge this error in the initial land valuation report. The report is currently being updated and will be available for review as part of the upcoming Standing Advisory Committee.</p> <p>Please note that the DCP does not determine the actual compensation process by Council in the future. When acquisition does occur, updated land valuations will be required in line with the Land Acquisition and Compensation Act 1986. Please refer to <a href="https://www.planning.vic.gov.au/guides-and-resources/guides/guide-to-victorias-planning-system/chapter-6-acquisition-and-compensation">https://www.planning.vic.gov.au/guides-and-resources/guides/guide-to-victorias-planning-system/chapter-6-acquisition-and-compensation</a> for further information</p>



Sub no.	Category	Change sought by the submission	VPA response
18	PAO - Floodplain	The submitter has an approved planning permit for his parcel of land. He has requested that the proposed Broken River floodplain (PAO38) be shifted 60m south to allow for his dwelling to be constructed.	VPA, Council and Goulburn Broken Catchment Management Authority have resolved to include the approved development site into the developable area (applied zone as General Residential Zone) under the PSP.
21	PAO - Floodplain	<p>The submission questions the inclusion of the parcel of land within the PSP and states that the amendment documentation does not justify the proposed acquisition. The land is not identified within SC-01 and is considered existing developed land as per the PSP and DCP. Furthermore, the application of the PAO is not a logical outcome, with only land the dwelling to remain under ownership, without any access to Doyles Road.</p> <p>The submission questions the justification for the shared path and that the amendment documentation (DCP and Explanatory Report) are not consistent with the PSP. As a result, the proposed shared path should be relocated from the submitters property.</p>	The proposed PAO has been reduced following further investigation works considering land tenure, physical and topographical constraints and the constructability and cost. The recreation path has been removed from your property. No acquisition is now proposed at your property.
25	PAO - Others	<p>An additional PAO for land acquisition to facilitate intersection upgrades</p> <p>Amend Planning Scheme Maps 11PAO &amp; 27PAO to include a PAO on the land required for the upgrade of Channel Road / Doyles Road intersection.</p>	<p>The DCP has included the land purchase project IN-03 for the land take of the intersection upgrade. Based on the current design of the intersection, the land takes on each freehold land exceeds 10% by 0.9% of the land area.</p> <p>If design efficiencies cannot be found during detailed design, separate negotiation, including consideration of apply a PAO can occur outside the current PSP and DCP process.</p>
38	PSP General/Requirements & Guidelines	Review of all proposed amendment documentation including the proposed UGZ Schedule	Noted.
31	Rural land uses	Concern on reducing the availability of productive agricultural land	We acknowledge your submission on preserving the localised agricultural land, however, the PSP area has been identified to accommodate residential growth in approved local policy since 1996, including the Greater Shepparton Housing Strategy (2011) and is not identified as an area for productive agricultural to be maintained. While this precinct does contain some existing agricultural uses, it is not identified for irrigation modernisation, with infrastructure to be progressively decommissioned as development occurs.



Sub no.	Category	Change sought by the submission	VPA response
31	Rural land uses	The draft plan does not include a carbon footprint assessment of the impacts of the planned residential development on greenhouse gas emissions, nor any recommendations for how those emission impacts will be offset and reduced. Given Greater Shepparton City Council's declaration of a climate emergency and its commitment to net zero emissions by 2030, we expect much more concrete emission reduction plans and targets to be included as part of this planning process.	A carbon footprint assessment has not been prepared as a part of the amendment documentation. The energy use including greenhouse gas emissions of future residential developments will be dealt with under the new whole-of-home energy efficiency requirement. (Link: <a href="https://www.vba.vic.gov.au/consumers/home-renovation-essentials/energy-efficient-requirements">https://www.vba.vic.gov.au/consumers/home-renovation-essentials/energy-efficient-requirements</a> )
38	Sodic Soils	Seeking incorporating sodic soil management plans into CEMP requirement.	The VPA will update the UGZ schedule sodic soils application requirement as an application requirement as part of the preparation of a CEMP.
25	Staging	Amend Plan 13 – Infrastructure Development and Staging Plan to reflect the correct staging of infrastructure items as outlined in Table 9 – Public Infrastructure Plan.	Plan 13 is being updated to align with Table 9 with greater clarity on the staging objectives.
30	Staging / Infrastructure Delivery	Seeking flexibility in R61 and Plan 13 in relation to staging and allowing Council to issue permit with adequate infrastructure provisions from developers on a case-by-case basis.	<p>Plan 13 Infrastructure &amp; Development Staging Plan (page 54 of the Precinct Structure Plan) provides an indicative timing of supporting infrastructure and a potential layout of how the precinct can be developed in the future. The purpose of the plan is to provide a guide for staged development within the precinct. The plan does not mandate the sequencing of the precinct.</p> <p>We acknowledge that some developers may seek to develop sooner than expected and have prepared this plan to help guide development in the precinct. As such, we proposed to include a new guideline as per below.</p> <p>Guideline: Out-of-sequence development is only permitted where the developer demonstrates that bringing forward development will not impose an unreasonable additional burden on infrastructure providers (or where the developer agrees to be responsible for the costs of the additional burden on infrastructure providers imposed by allowing out-of-sequence development).</p> <p>Proposals for out-of-sequence development are only capable of submission and approval if they are consistent with the above guideline.</p>

Sub no.	Category	Change sought by the submission	VPA response
38	Staging / Infrastructure Delivery	Developers/landowners should be responsible for the property frontage of deliverable road and pathways within existing road reserve	The VPA will remove Pedestrian Network Plan subdivision requirement which reference constructing footpaths to adjoining infrastructure.
45	Staging / Infrastructure Delivery	GMW believe that the best approach to GMW assets within the precinct is for Council to enter into an overarching Memorandum Of Understanding. These agreements will be at the cost of Council, including GMW's legal costs.	As above response to Drainage & Water - Irrigation Water Supply / GMW Channel
25	Street Cross Sections	Amend Plan 12 – Integrated Water Management and Cross Section 5 – Local Access Street Level 1 (20m) Doyles Road Interface) to reflect the above information.	New cross section is created to reflect a 60m-wide drainage reserve comprising a 20m-wide local access street and a 40m-wide linear park ie. LP-05.
25	Street Cross Sections	Include a cross section to reflect a Connector Boulevard – Local Park Interface	Cross sections have been updated to reflect the changes including the relocation of LP-05.
15	Supports Amendment	Submitter confirm support for the PSP and state that all previous concerns have been addressed.	The VPA thank you for submission and note the information provided.
50	Transport - Doyles Road / SAR	Acknowledgement of the close working relationship between DTP, VPA and GSCC on the SAR-related matters.	The VPA thanks the DTP for providing support and advice throughout the plan preparation process will continue to work closely with the DTP the upcoming SAC process on the matters as outlined in the memo dated 8th July 2024 from Russell Kennedy Lawyers to DTP.
50	Transport - Doyles Road / SAR	Access control measures for land adjoining the SAR, with no direct access provided from the PSP.	<p>The exhibited Place based plan and road network plan have shown a substantial separation between the existing Doyles Road, comprising a 20m-wide interface local access street and the future road reserve for Doyles Road duplication.</p> <p>Following the considerations of the VPA's drainage expert advice and Submission 26, an additional drainage reserve is proposed to further separate the interface access street and the future road reserve to protect new development from the overtopping of Doyles Road. No direct access to Doyles Road from new residential development of the precinct is anticipated.</p>
50	Transport - Doyles Road / SAR	Modification of the Poplar Avenue intersection to an ultimate left-in and left-out configuration.	The LILO [left in left out] arrangement in Popular Avenue has been included in the exhibition documents as a DCP transport project.

Sub no.	Category	Change sought by the submission	VPA response
50	Transport - Doyles Road / SAR	Provision of a roundabout at the Channel Road intersection.	The roundabout upgrade in Channel Road has been included in the exhibition documents as a DCP transport project.
50	Transport - Doyles Road / SAR	Allocation of land for the future widening of the SAR to accommodate duplication at a future time.	<p>The exhibited Place based plan has shown the future road reserve for the future widening works.</p> <p>Cross section 5a (as attached) is proposed to clearly show the dimension of the future road reserve.</p>
50	Transport - Doyles Road / SAR	Establishment of pedestrian facilities to enable safe crossing of the SAR near Channel Road, linking the PSP area with the existing township of Orrvale to the east.	<p>In response to Submission 26.29 and 49 (GSCC), the VPA has sought the DTP's advice on the appropriate location of PED-01 Pedestrian Operated Signals in relation to the IN-03 roundabout.</p> <p>The VPA has reviewed and adopted the DTP's advice below and will update the Day 1 documents to relocate PED-01 to the south of IN-03:</p> <p>The approach speed of vehicles on Doyles Road is a concern with the location proposed for Pedestrian Operated Signals north of Channel Road. In this section of Channel Road, there is no lateral speed control, as such the likely approach speed would be close to the posted speed limit of 80 km/h. Relocating the Pedestrian Operated Signals to the south of Channel Road close to the roundabout can improve the safety arrangement with the design of IN-03. In this location northbound traffic on Doyles Road has a lateral speed control with the proposed median and southbound traffic on Doyles Road has the speed control from the roundabout.</p> <p>The VPA informed the Department of Education on 9 July 2024 on the above change.</p>
50	Transport - Doyles Road / SAR	The proposed roundabout on the SAR at Channel Road (IN-03) represents an interim configuration, accommodating single lanes on the SAR. Construction costs for this interim design are included in the Development Contribution Plan (DCP).	Noted. The proposed roundabout upgrade ie. IN-03c have been included in the exhibited DCP with further Day-1 adjustment to the costing based on DTP's email advice dated 26 June 2024.

Sub no.	Category	Change sought by the submission	VPA response
50	Transport - Doyles Road / SAR	The ultimate roundabout configuration with dual lanes on the SAR has been considered in the PSP and DCP.	The exhibited Place based plan and road network plan have shown the future road reserve for Doyles Road duplication. Cross section 5a is proposed to clearly show the dimension of the future road reserve.
50	Transport - Doyles Road / SAR	The costs associated with the land required for the ultimate design are included in the DCP. The Department considers this approach as designed to ensuring balanced outcomes that will secure adequate land provided for future expansion works.	<p>In the meeting with DTP and GSCC on 22 May 2024, it is agreed that:</p> <ul style="list-style-type: none"> <li>- The cost of IN-03 (land purchase for the interim roundabout design) will be amended to cover the cost of land acquisition required to facilitate construction of the interim roundabout.</li> <li>- The cost of IN-03c (design and construction of interim roundabout design) in the DCP will remove the cost of land acquisition.</li> <li>- The land purchase for Doyles Road duplication does not form part of the PSP/DCP scope.</li> <li>- The concept design of IN-03 prepared by OneMileGrid will allow further reconfiguration to accommodate ultimate design generally in accordance with the interim footprint.</li> </ul> <p>Please note that the application of PAO to facilitate IN-03 was not included as part of the amendment package. The acquisition of land should it be deemed necessary will need to take place outside of this planning scheme amendment.</p>
36	Transport - Local Traffic	<p>Supportive of the land being identified for future residential development.</p> <p>Seek to be consulted through the design process of the Channel Road/McPhees Road roundabout</p>	Through further analysis the roundabout which was proposed at the intersection of Channel Road/McPhees Road is not required and the existing arrangement of a giveaway arrangement will be sufficient as the precinct is developed.

Sub no.	Category	Change sought by the submission	VPA response
31	Transport & Active network	<p>The plan should require higher environmental standards for the new homes, for example:</p> <ul style="list-style-type: none"> <li>• Maximum house size limits</li> <li>• Blocks orientated to optimise solar radiation opportunities</li> <li>• All houses to be at least 10 star rating</li> <li>• Open space requirements to be increased</li> <li>• All existing remnant trees to be maintained in enhanced open spaces</li> <li>• All roofs to be an appropriate colour to optimise albedo effect (lighter colours to ensure heat is reflected back into space)</li> </ul>	<p>The dwelling design, siting and relevant rating standards will be dealt with under Clause 54 of the Planning Scheme and, at building permit stage, under the new energy efficiency requirements recently introduced to new residential dwelling design and construction. (Link: <a href="https://www.vba.vic.gov.au/consumers/home-renovation-essentials/energy-efficient-requirements">https://www.vba.vic.gov.au/consumers/home-renovation-essentials/energy-efficient-requirements</a>) Homes will be required to achieve 7-stars and a whole-of-home rating not less than 60 under the [Nationwide House Energy Rating Scheme] (NatHERS) option.</p>
14	Utilities	<p>Potential installation of new 66kV sub-transmission lines would follow existing overhead line routes where feasible, but new line routes may be required in some areas.</p> <p>If existing infrastructure reaches its capacity limit, augmentation of the current infrastructure will be required, possibly necessitating a new high voltage feeder to service the entire precinct ultimately.</p> <p>Regarding the zone substation in Benalla Road, Shepparton, our current forecasts indicate it may likely meet the demands of the growth area. Additionally, provisions for augmentation ensure that future demands can be met without necessitating additional zone substations within the growth area.</p>	<p>Electricity supply and upgrades will be assessed at subdivision stage.</p>

## Appendix F      Procedural issues

### **VPA and Council as joint Proponent**

The VPA and Council advised they would make submissions jointly and would be jointly represented at the Hearing as the Proponent. They are referred to as the Proponent in this Report.

At the Directions Hearing the Committee asked how the VPA and Council proposed to manage submissions on matters where they were not in agreement. The VPA advised that Council had withdrawn its submission and provided written correspondence confirming this (Document 9).

### **Submitter numbers**

There were inconsistencies in how submissions had been numbered in the materials initially referred to the Committee. To correct this the Proponent changed the submission numbers it used in its Part A submission. This resulted in expert witness reports using different submission numbering than the Proponent's Part A submission. When providing evidence at the hearing each expert updated the submitter numbers to match the Proponent's Part A submission. For the purposes of this Report submitter numbers are consistent with the Proponent's Part A and Part B submissions (see Appendix C).

### **Experts and expert meetings**

Parties were required to provide details of experts before or at the Directions Hearing. The Committee directed that, unless otherwise directed details of expert witnesses must be provided Friday 19 July 2024.

Some parties requested more time and further directions were issued by the Committee as follows:

- If TB Innes-Irons & JM Innes-Irons (Innes-Irons) (Submitter 38) intended to call a planning expert, to provide details by Monday 12 August 2024 and to provide the expert witness report to be provided by Thursday 15 August 2024 (Document 8).
- If Annemarie Close (Submitter 48) intended to call an expert:
  - in planning, to provide details by Monday 12 August 2024 and to provide the expert witness report by Thursday 15 August 2024
  - in any area other than planning, to provide details by Monday 5 August 2024 and to provide the expert witness report by Friday 9 August 2024 (Document 17).

The VPA requested and no party objected to the expert meeting and Agreed Statement to be limited to drainage and hydrology evidence. The Committee agreed and issued directions accordingly.

At the Directions Hearing there was some discussion and different views about whether it would be appropriate for representatives of relevant government authorities or agencies, not directly involved in the matter, to be invited to the expert meetings, and what exactly their role would be. The Committee directed the VPA to advise who it proposed to involve and to clarify what their role would be. The VPA advised that no representatives from government authorities or agencies would attend the drainage conclave (Document 15).

### **Documents requested**

Some parties indicated they were seeking further documents from the VPA, and asked the Committee to direct the VPA to provide these. The Committee encouraged parties to continue to liaise with the VPA to access the documents they were seeking. It advised that if a party considered further document/s may be of benefit to the Committee in considering the issues before it, the Committee would consider a request to issue a direction to the Proponent to have this information circulated.

Following the Directions Hearing the Committee received written requests from Submitters 12 and 30 relating to these documents (Documents 6 and 7). The Committee issued directions for the VPA to advise the Committee and parties on if, and how, the documents were relevant to the issues before the Committee, and whether the document/s can be provided. The VPA responded to both requests (Documents 11 and 14).

### **Hearing and site inspection arrangements**

Due to venue availability and to provide an opportunity for local parties to present to the Committee in person, the hearing was held in Shepparton for the first week. The Committee heard from the Proponent on days one to three of the hearing and local parties presented on the afternoon of day three and of day four. The Proponent presented the remainder of its main submission in week two of the hearing.

The Committee advised it would undertake an unaccompanied site inspection before the Hearing. The Committee directed:

- parties wishing to nominate locations for the Committee to view to do so by Monday 22 July 2024
- for the Proponent to prepare and circulate an itinerary by Thursday 1 August 2024.

Two parties nominated sites for the Committee to view (Documents 18a and 18b), and these were included in the site visit itinerary prepared by the Proponent (Document 18).

### **EPA submissions**

The VPA wrote to the Committee before the Directions Hearing and provided a copy of correspondence it had sent to the EPA dated 11 July 2024 regarding the proposed extent of application of the EAO. The EPA attended the Directions Hearing and advised it wished to be a party to the Hearing and would make a written submission in response to the VPA's letter. It was agreed the EPA's written response would be provided by Friday 2 August 2024.

The EPA provided a written submission on 2 August 2024 responding to the VPA's letter. In this letter the EPA offered to assist the Committee by undertaking a technical review of the updated SMEC Land Capability Report.

On 9 August the Committee wrote to the parties with an updated document list, timetable and distribution list and to respond to the EPA's offer. The Committee said:

In response to Committee Direction 18, the EPA provided a written response to the VPA's letter of July 2024 (Document 19). In this response the EPA:

- advised it may wish to provide further submission following its review of the Proponent's submissions
- offered to assist the Committee by providing a technical review of the updated SMEC Land Capability Report, and requested three weeks to prepare and provide the review following receipt of the updated SMEC report from the Proponent.

The Committee requests the EPA to confirm during week 1 of the hearing if it wishes to provide further written submission, and the proposed timeframe for this, noting any further submission will need to be provided well before the Proponent's closing submission on 4 September 2024.

The Committee notes the Proponent has circulated the following SMEC Land Capability Report:

- Document 12.033 Desktop Land Capability Assessment SMEC October 2022 Part 1 of 2
- Document 12.034 Desktop Land Capability Assessment SMEC October 2022 Part 2 of 2
- Document 12.035 Land Capability Assessment SMEC 2022 Part 1
- Document 12.036 Land Capability Assessment SMEC 2022 Part 2
- Document 12.037 Land Capability Assessment SMEC 2022 Part 3
- Document 12.038 Land Capability Assessment SMEC 2022 Part 4
- Document 12.039 Land Capability Assessment SMEC 2022 Part 5.

Regarding technical review of the SMEC Land Capability Report the Committee directs the VPA and EPA to liaise and confirm the most current version of the report, and if not the report listed above, for the Proponent to circulate an updated report to the Committee and parties.

If the EPA has not yet reviewed the most current SMEC report, the Committee accepts the EPA's offer and requests the EPA to prepare and circulate the technical review by **12 noon on Friday 30 August 2024**.

It would assist the Committee if any further submission from the EPA could be prepared in consultation with the Proponent and include a summary of issues agreed and issues in dispute.

On 21 August 2024 the EPA requested until 30 August to file a further submission to comment on the Proponent's Part B submissions. This was raised at the Hearing and the Proponent accepted this timeframe, and the Committee granted the request.

On 30 August 2024 the EPA provided its further written submissions (Document 84, 85, 85a and 86).



## Appendix G Planning context

### G:1 Planning policy framework

The Proponent submitted that the draft Amendment is supported by relevant planning policy and strategies in the Planning Policy Framework, which the Committee has summarised below.

#### Victorian planning objectives

The Explanatory Report details how the draft Amendment will assist in implementing the following objectives in section 4 of the PE Act:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community
- (f) to balance the present and future interests of all Victorians.

Part 3B of the PE Act addresses Development Contributions and includes:

#### Section 46I

Without limiting section 6, a planning scheme may include one or more development contributions plans for the purposes of levying contributions to fund -

- (a) the provision of works, services and facilities in relation to the development of land in the area to which the plan applies; and
- (b) the reasonable costs and expenses incurred by the planning authority in preparing the plan and any strategic plan or precinct structure plan relating to, or required for, the preparation of the development contributions plan (the plan preparation costs).

#### Planning policy

Table 7 provides an overview of relevant State and Local planning policy.

**Table 7 State and Local Planning Policy Framework**

Policy	Overview
Clause 11 (Settlement)	<ul style="list-style-type: none"> <li>- 11 (Settlement): Planning is to anticipate and respond to the needs of communities by providing zoned land and infrastructure for housing, employment, and amenities, while promoting sustainability, health, diversity, climate adaptation, and preventing environmental and land use conflicts.</li> <li>- 11.01 (Victoria)</li> <li>- 11.01-1S (Settlement): To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.</li> <li>- 11.01-1R (Settlement – Hume): Facilitate growth and development in Shepparton, Wangaratta, Wodonga, and Benalla, support small rural settlements, and improve access to employment and education in key urban</li> </ul>

Policy	Overview
	<p>areas.</p> <ul style="list-style-type: none"> <li>- 11.01-1L (Settlement – Urban growth and consolidation): Discourage residential growth outside designated settlement boundaries, direct small township expansion to minimise impacts on agricultural land, maintain a distinct urban-rural interface, and ensure residential developments buffer agricultural uses.</li> <li>- 11.02 (Managing growth)</li> <li>- 11.02-1S (Supply of urban land): To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.</li> <li>- 11.02-2S (Structure planning): To facilitate the fair, orderly, economic and sustainable use and development of urban areas.</li> <li>- 11.02-3S (Sequencing of development): To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.</li> <li>- 11.02-3L (Sequencing of development): Discourage out-of-sequence growth unless land supply is constrained, the development can be serviced efficiently with sewer and drainage, and the developer covers the full cost of extending infrastructure.</li> <li>- 11.03 (Planning for places)</li> <li>- 11.03-2S (Growth areas): To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.</li> <li>- 11.03-6S (Regional and local places): To facilitate integrated place based planning.</li> </ul>
<p>Clause 12 (Environmental and landscape values)</p>	<ul style="list-style-type: none"> <li>- 12 (Environmental and landscape values): Planning should aim to protect ecosystems, biodiversity, and areas of environmental or landscape value. It must also implement principles from national and international agreements around sustainable development.</li> <li>- 12.01 (Biodiversity)</li> <li>- 12.01-1S (Protection of biodiversity): To protect and enhance Victoria's biodiversity.</li> <li>- 12.01-1L (Biodiversity): Minimise tree removal and protect remnant native vegetation, protect sensitive environments such as wetlands, and encourage residential developments and PSPs to include measures to protect native vegetation, enhance waterway habitats, and improve biodiversity.</li> <li>- 12.01-2S (Native vegetation management): To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.</li> </ul>
<p>Clause 13 (Environmental risks and amenity)</p>	<ul style="list-style-type: none"> <li>- 13 (Environmental risks and amenity): Planning should follow best practices in environmental and risk management to minimise risks to the environment, human health and amenity, manage potential environmental impacts on societal wellbeing, protect natural processes, and prepare for climate change impacts.</li> </ul>

Policy	Overview
	<ul style="list-style-type: none"> <li>- 13.01 (Climate change impacts)</li> <li>- 13.02 (Bushfire)</li> <li>- 13.02-1S (Bushfire planning): To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.</li> <li>- 13.03-1S (Floodplain management): To assist the protection of: <ul style="list-style-type: none"> <li>- Life, property and community infrastructure from flood hazard, including coastal inundation,</li> <li>- riverine and overland flows.</li> <li>- The natural flood carrying capacity of rivers, streams and floodways.</li> <li>- The flood storage function of floodplains and waterways.</li> <li>- Floodplain areas of environmental significance or of importance to river, wetland or coastal health.</li> </ul> </li> <li>- 13.04 (Soil degradation)</li> <li>- 13.04-1S (Contaminated and potentially contaminated land): To ensure that contaminated and potentially contaminated land is used and developed safely.</li> <li>- 13.04-3S (Salinity): To minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt load in rivers.</li> <li>- 13.05 (Noise)</li> <li>- 13.05-1S (Noise management): To assist the management of noise effects on sensitive land uses.</li> </ul>
Clause 14 (Natural resource management)	<ul style="list-style-type: none"> <li>- 14.02-3S (Protection of declared irrigation districts): To plan and manage for sustainable change within irrigation districts declared under Part 6A of the <i>Water Act 1989</i>.</li> <li>- 14.02-1S (Catchment planning and management): To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.</li> <li>- 14.02-2S (Water quality): To protect water quality.</li> </ul>
Clause 15 (Built environment)	<ul style="list-style-type: none"> <li>- 15 (Built environment and heritage): Planning should promote sustainable, liveable cities and communities through urban design, heritage protection and environmentally friendly practices, ensuring development is compatible with local character and cultural significance. Planning should create safe, accessible environments that enhance community wellbeing, support environmentally sustainable practices and protect against climate-related risks.</li> <li>- 15.01 (Built environment)</li> <li>- 15.03-1S (Heritage conservation): To ensure the conservation of places of heritage significance.</li> <li>- 15.03-1L</li> </ul>
Clause 16 (Housing)	<ul style="list-style-type: none"> <li>- 16 (Housing): Planning should promote housing diversity, sustainability and affordable housing by ensuring infrastructure is provided and encouraging access to services, walkability, and proximity to public transport, schools and</li> </ul>

Policy	Overview
	<p>public open space.</p> <ul style="list-style-type: none"> <li>- 16.01 (Residential development)</li> <li>- 16.01-1S (Housing supply): To facilitate well located, integrated and diverse housing that meets community needs.</li> <li>- 16.01-1L (Residential development): Support retention of existing dwellings that front the street, encourage additional dwellings behind them, and encourage lot consolidation for larger scale development in the General Residential Zone.</li> <li>- 16.01-2S (Housing affordability): To deliver more affordable housing closer to jobs, transport and services.</li> </ul>
Clause 17 (Economic development)	<ul style="list-style-type: none"> <li>- 17 (Economic development): Planning should provide land and resolve land use conflicts to support economic growth.</li> <li>- 17.02 (Commercial)</li> <li>- 17.02-1L (Commercial activity centres): Support a hierarchy of commercial activity centres that prioritises the Shepparton CBD as the primary hub, while encouraging the expansion of Shepparton North and the Shepparton Marketplace. Restrict certain developments and uses outside designated areas to maintain pedestrian connectivity and regional balance.</li> </ul>

Policy	Overview
Clause 18 (Transport)	<ul style="list-style-type: none"> <li>- 18 (Transport)</li> <li>- 18.01-1S (Land use and transport integration): To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.</li> <li>- 18.01-2S (Transport system): To facilitate the efficient, coordinated and reliable movement of people and goods by developing an integrated and efficient transport system.</li> <li>- 18.01-2L (Transport system): Facilitate efficient distribution of local produce. Promote walkable neighbourhoods that prioritise pedestrian safety.</li> <li>- 18.01-3S (Sustainable and safe transport): To facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.</li> <li>- 18.02 (Movement networks)</li> <li>- 18.02-1S (Walking): To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.</li> <li>- 18.02-2S (Cycling): To facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.</li> <li>- 18.02-3S (Public transport): To facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.</li> <li>- 18.02-4S (Roads): To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.</li> <li>- 18.02-4L (Road system): Discourage land uses that compromise the Goulburn Valley Highway, minimise traffic noise, reduce traffic intrusion into Shepparton and Mooroopna by planning for a ring road around the Shepparton-Mooroopna area, and avoid adding new direct access roads to the Goulburn Valley Highway.</li> <li>- 18.02-5S (Freight): To facilitate an efficient, coordinated, safe and sustainable freight and logistics system that enhances Victoria's economic prosperity and liveability.</li> </ul>

Policy	Overview
Clause 19 (Infrastructure)	<ul style="list-style-type: none"> <li>- 19 (Infrastructure)</li> <li>- 19.02 (Community infrastructure)</li> <li>- 19.02-1S (Health facilities): To assist the integration of health facilities with local and regional communities.</li> <li>- 19.02-2S (Education facilities): To assist the integration of education and early childhood facilities with local and regional communities.</li> <li>- 19.02-4S (Social and cultural infrastructure): To provide fairer distribution of and access to, social and cultural infrastructure.</li> <li>- 19.02-4L (Community facilities): Promote clustering of facilities to enable multi use and sharing of community facilities.</li> <li>- 19.02-6S (Open space): To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community</li> <li>- 19.02-6L (Open space): Encourage development that facilitates the conversion of the floodplain into a recreation asset, linking parks, open spaces and bicycle paths to create connectivity between the three urban areas of Shepparton, Mooroopna and Kialla.</li> <li>- 19.03 (Development infrastructure)</li> <li>- 19.03-1S (Development and infrastructure contributions plans): To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.</li> <li>- 19.03-2S (Infrastructure design and provision): To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.</li> <li>- 19.03-2L-01 (Infrastructure design and provision)</li> <li>- 19.03-3S (Integrated water management): To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.</li> </ul>

## G:2 Other relevant strategies and policies

### (i) State and regional documents

#### Plan Melbourne 2017-2050 (DELWP, 2017)

*Plan Melbourne 2017-2050* aims to promote the sustainable growth of Melbourne and regional Victoria. It seeks to cater for future housing needs in regional Victoria by ensuring that housing change areas are defined. Plan Melbourne outlines the expected population of the regions to grow from 1.5 million to 2.2 million by 2051. Shepparton is one of Victoria's 10 regional cities.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved, including:

- Outcome 7 Regional Victoria is productive, sustainable and supports jobs and economic growth
- Direction 7.1 Invest in regional Victoria to support housing and economic growth

- Direction 7.2 Improve connections between cities and regions.

Development of Shepparton should be in keeping with its existing character, balanced with the protection of productive agricultural and horticultural land, economic resources, heritage, and biodiversity assets that are critical to Victoria's continued economic and environmental sustainability.

#### **Hume Regional Growth Plan 2014**

The Hume Regional Growth Plan provides guidance for land use and development across the Hume region. Greater Shepparton is identified as a major growth location within the Regional Growth Plan. The plan identifies the PSP area is identified as a "*key residential growth front*".

#### **Victorian Cycling Strategy 2018-2028**

The *Victorian Cycling Strategy 2018-2028* aims to improve cycling infrastructure across Melbourne and regional areas with a focus on safety, connectivity, and the development of new cycling corridors and shared paths.

#### **Shepparton and Mooroopna 2050: Regional City Growth Plan (Council and VPA, 2021)**

The *Shepparton and Mooroopna 2050: Regional City Growth Plan* provides a framework to guide growth, land development, infrastructure projects, and future investment in the Shepparton, Mooroopna, and Kialla areas over the next 30 years.

#### **Greater Shepparton 2030 Strategy (Council, 2006)**

The *Greater Shepparton 2030 Strategy* outlines a plan for sustainable economic development and improvements to quality of life in the municipality.

#### **Victorian Floodplain Management Strategy (DELWP, 2016)**

The *Victorian Floodplain Management Strategy* defines the roles and responsibilities of government agencies in flood management, aiming to improve flood risk assessment and communication.

#### **Victoria's Infrastructure Strategy 2021-2051 (Infrastructure Victoria, 2021)**

*Victoria's Infrastructure Strategy 2021-2051* outlines a plan for Victoria's infrastructure development across areas including housing, energy, transport, and social infrastructure.

#### **Victoria's Housing Statement: The Decade Ahead 2024-2034 (Department of Premier and Cabinet, 2023)**

*Victoria's Housing Statement: The Decade Ahead 2024-2034* plans to increase housing supply and affordability in Victoria, with a view to building 800,000 homes over the next decade. It includes reforms to streamline development approvals and promote affordable housing near key infrastructure.

#### **Shepparton Housing Strategy 2011 (Council, 2011)**

The *Greater Shepparton Housing Strategy*, adopted in 2011, aims to guide housing delivery and residential growth in Shepparton and surrounding townships through to 2031.

#### **Greater Shepparton Affordable Housing Strategy: Houses for People 2020 (Council, 2020)**

The *Greater Shepparton Affordable Housing Strategy 2020* aims to address housing insecurity and homelessness in Greater Shepparton by increasing the supply of social and affordable housing.

### **Greater Shepparton Movement and Place Strategy (Council, 2017)**

The *Greater Shepparton Movement and Place Strategy* seeks to improve transport connectivity across the region with a focus on local and regional connections, active travel, road safety, public transport, and parking.

### **Greater Shepparton Cycling Strategy 2013-2017 (Council, 2014)**

The *Greater Shepparton Cycling Strategy 2013-2017* provides a framework for developing a cycling network and associated facilities in the Shepparton region, including support for sports and tourism cycling.

### **RiverConnect Strategic Plan 2023-2028 (RiverConnect, 2022)**

The *RiverConnect Strategic Plan 2023-2028* sets out a vision for protecting the Goulburn and Broken Rivers, focusing on community involvement, education, health, accessibility, and care for the environment.

### **Goulburn Murray Irrigation District (GMID) Drainage Management Strategy 2022 (Goulburn Broken Catchment Management Authority, North Central Catchment Management Authority, Goulburn Murray Water and DELWP, 2022)**

The *Goulburn Murray Irrigation District (GMID) Drainage Management Strategy 2022* guides the management of irrigation drainage in the GMID, including drain rationalisation, environmental repurposing, and engagement with landowners to accommodate changes in the irrigation footprint.

## **G:3 Planning scheme provisions**

### **Zone and overlay provisions**

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

Table 8 includes the relevant zone and overlay provisions (as summarised from the Practitioner's Guide).

**Table 8**      **Zones and overlays**

Clause	
<b>Zones</b>	
<b>Farming Zone</b>	This zone encourages the retention of productive agricultural land and encourages the retention of employment and population to support rural communities. The zone provides a minimum lot size of 40 hectares unless an alternative is specified in a schedule to the zone. The creation of smaller lots is allowed under particular circumstances.
<b>Public Conservation and Resource Zone (PCRZ)</b>	This zone provides for places where the primary intention is to conserve and protect the natural environment or resources. It also allows associated educational activities and resource-based uses.
<b>Public Use Zone (PUZ)</b>	This zone recognises the use of land for a public purpose and prescribes a number of categories of public use which can be shown on the planning scheme map.



Clause	
<b>Urban Floodway Zone (UFZ)</b>	This zone is applied to urban land where the primary function of the land is to carry or store floodwater. It applies to high hazard areas with high flow velocities, where impediment of floodwater can cause significant changes in flood flows and adversely affect flooding in other areas. Where land is subject only to inundation and low velocities, the Land Subject to Inundation Overlay can be used. The views and flooding information of the relevant floodplain management authority must be considered when applying this zone
<b>Urban Growth Zone (UGZ)</b>	This zone sets out the requirements for the development of new residential and employment precincts on previously undeveloped land. It requires the establishment of a precinct structure plan before a growth area can be developed and subdivided. The zone includes provisions to ensure that any new use and development does not prejudice the future urban use and development of the land where a precinct structure plan is yet to be applied. Where a precinct structure plan is in place, the zone provides for specific zone provisions to be applied by way of a schedule.
<b>Overlays</b>	
<b>Development Contributions Plan Overlay (DCPO)</b>	This overlay identifies areas where a development contributions plan is in place. The schedule to the overlay summarises the development contributions required. A more detailed incorporated document and local content within the Planning Policy Framework will usually be associated with the overlay.
<b>Development Plan Overlay (DPO)</b>	This overlay is used where the form of development is appropriately controlled by a plan that satisfies the responsible authority as there is no public approval process for the plan. A planning scheme amendment is not required to amend a plan established by a Development Plan Overlay.
<b>Environmental Audit Overlay (EAO)</b>	This overlay is applied to land identified, known or reasonably suspected of being contaminated for which certain obligations under the EP Act have not been met. Refer to MD1 and PPN30 for further direction on how the overlay is applied.
<b>Floodway Overlay</b>	This overlay is applied to urban and rural land that is subject to mainstream flooding where the focus of control is on development, rather than land use. These areas convey active flood flows or store floodwater in a similar way to the Urban Floodway Zone but with a lesser flood risk. The identification of these areas should be established in consultation with the relevant floodplain management authority.
<b>Heritage Overlay</b>	<p>Any heritage place with a recognised citation should be included in the schedule to this overlay. In addition, any heritage place identified in local heritage studies can also be included, provided the significance of the place can be shown to justify application of the overlay.</p> <p>The documentation for each place must include a statement of significance that establishes the importance of the place. The statement of significance must form part of an incorporated document and be specified in the schedule to the Heritage Overlay. Relevant guidance is included in PPN01.</p>

Clause	
<b>Land Subject to Inundation Overlay (LSIO)</b>	This overlay applies to either rural or urban land in riverine areas that are subject to inundation but are not part of the primary floodway. The overlay is also applied to areas subject to coastal flooding, including areas where the flood risk will increase as a result of climate change. The identification of these areas should be established in consultation with the relevant floodplain management authority.
<b>Public Acquisition Overlay (PAO)</b>	This overlay identifies land that is proposed to be acquired for a public purpose. It has the effect of reserving the land under the <i>Land Acquisition and Compensation Act 1986</i> . The authority acquiring the land and the purpose of the acquisition must be set out in the schedule. Once land is acquired by a public authority, it should be rezoned to an appropriate zone.

## G:4 Ministerial Directions, Planning Practice Notes and guidelines

### (ii) Ministerial Directions

#### Ministerial Direction on the Form and Content of Planning Schemes

The Ministerial Direction sets out the layout and mandatory information that must be included in a planning scheme and also applies to amendments to planning schemes.

#### Ministerial Direction 1: Potentially Contaminated Land

MD1 applies to potentially contaminated land and seeks to ensure the land is suitable for a use which is proposed to be allowed under a planning scheme amendment and which could be significantly adversely affected by contamination. It includes a definition of potentially contaminated land and requirements that must be met in preparing a planning scheme amendment for potentially contaminated land.

For sensitive land uses, including residential use or use of land as a playground or secondary school, MD1 contains requirements for planning scheme amendments which allow land to be used for a sensitive use, including residential, childcare centre, kindergarten, pre-school centre or primary school, even if ancillary to another use. In preparing the planning scheme amendment the planning authority must comply with one of the following:

- satisfy itself whether or not the land, or parts of the land, are potentially contaminated
- where it has determined that the land is not potentially contaminated, state the determination in the amendment Explanatory Report
- where it has determined the land, or parts of the land, are potentially contaminated, must state the determination in the amendment Explanatory Report and satisfy itself that the environmental conditions of that land are or will be suitable for that use.

It also contains requirements for planning scheme amendments which allow land to be used for agriculture or public open space. Where these uses are allowed on potentially contaminated land, the planning authority must satisfy itself that the land is or will be suitable for that use.

#### Ministerial Direction 9: Metropolitan Planning Strategy

The Ministerial Direction requires the responsible authority to ensure that planning scheme amendments have regard to the Metropolitan Planning Strategy by setting out necessary requirements.

**Ministerial Direction 11: Strategic Assessment of Amendments**

The Ministerial Direction requires the responsible authority to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces.

**Ministerial Direction 12 Urban Growth Areas**

The Ministerial Direction is to manage the provision of sustainable and coordinated urban development in growth areas.

**Ministerial Direction 19: Amendments that may result in impacts of the environment, amenity and human health**

The Ministerial Direction recognises the preventative value of EPA's early involvement in strategic land use planning and requires planning authorities to seek the views of the EPA in the preparation of planning scheme reviews and amendments that could result in use of development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

**Ministerial Direction on the preparation and content of development contributions plans and Ministerial reporting requirements for development contributions plans**

The Ministerial Direction is to direct planning authorities in relation to the preparation and content of a development contributions plan and to set out the requirements of the Minister in relation to reports prepared by collecting agencies and development agencies in respect of development contributions plans.

**(iii) Planning Practice Notes****Planning Practice Note 46: Strategic Assessment Guidelines, September 2022**

Provides a consistent framework for preparing and evaluating a proposed planning scheme amendment.

**Planning Practice Note 30: Potentially Contaminated Land**

PPN30 provides planning guidance on:

- how to identify potentially contaminated land
- the appropriate level of assessment of contamination in different circumstances
- appropriate provisions in planning scheme amendments
- appropriate conditions on planning permits.

PPN30 identifies the recommended assessment mechanism for a planning proposal (see Table 9).

**Table 9 Recommended approach to assessing potentially contaminated land**

Planning Proposal		Potential for Contamination	
		High	Medium
<b>Uses defined in Ministerial Direction No. 1, the EAO, and clause 13.04-15</b>			
<ul style="list-style-type: none"> <li>Sensitive uses: Residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use.</li> <li>Children's playground</li> <li>Secondary school</li> </ul>	New use, or buildings and works associated with a new use	A	B
	Buildings and works associated with an existing use	B	B
<b>Other land use</b>			
Open space Agriculture Retail or office Industry or warehouse	New use, or buildings and works associated with a new or existing use	C	D

Planning Scheme Amendment		Planning Permit Application
A	PRSA or audit option applies	PRSA or audit option applies
	Proceeding directly to an audit is recommended.	Proceeding directly to an audit is recommended.
B	PRSA or audit option applies	PRSA or audit option applies
	PRSA to determine need for audit is recommended.	PRSA to determine need for audit is recommended.
C	PSI to inform need for audit is recommended	PSI to inform need for audit is recommended
D	Planning authority to document consideration of potential for contamination to impact proposal	Responsible authority to document consideration of potential for contamination to impact proposal
Note: Where land is used for more than one purpose, the most sensitive land use should be used to inform the approach to determining if an audit is required.		

Source: PPN30 Table 3 (July 2021)

**(iv) Guidelines****Practitioner's Guide**

*A Practitioner's Guide to Victorian Planning Schemes Version 1.5*, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victoria Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

**Guidelines for Development in Flood Affected Areas**

The Guidelines for Development in Flood Affected Areas:

- provide an assessment framework and method to assist decisions on development in flood affected areas
- have the purpose is to provide a clear, consistent and transparent process for managing land use and development in flood affected areas in Victoria

- consist of three parts including:
  - Part One introduces the guidelines and includes basic information on flood risk management and climate change.
  - Part Two contains information on the regulatory framework used in decision-making, including key legislation and the roles and responsibilities of key agencies and administrative processes for preparing, assessing and reviewing planning permits.
  - Part Three provides the methodology used by floodplain management authorities when assessing development proposals.

The following key principles are identified as relevant:

The flood risk to people (including emergency services personnel) should be kept to acceptable safety thresholds, as per the latest updated Australian Rainfall and Runoff Guidelines.

Any development in a flood affected area, including associated infrastructure, should be planned to avoid or minimise the flood damage potential.

There should be no detrimental impacts to nearby properties, particularly properties downstream.

Development should preserve, and if possible enhance, the social and environmental values and benefits of floodplains and waterways.

## Appendix H Committee preferred version of the Urban Growth Zone Schedule 2

This Committee preferred version of the UGZ2 shows recommendations based on the Proponent's Day 1 version (Document 25j).

[Tracked Added](#)

~~Tracked Deleted~~

### SCHEDULE 2 TO THE URBAN GROWTH ZONE

DD/MM/YYYY

Proposed  
C117gshe

Shown on the planning scheme map as **UGZ2**

#### Shepparton South East Precinct Structure Plan

#### 1.0

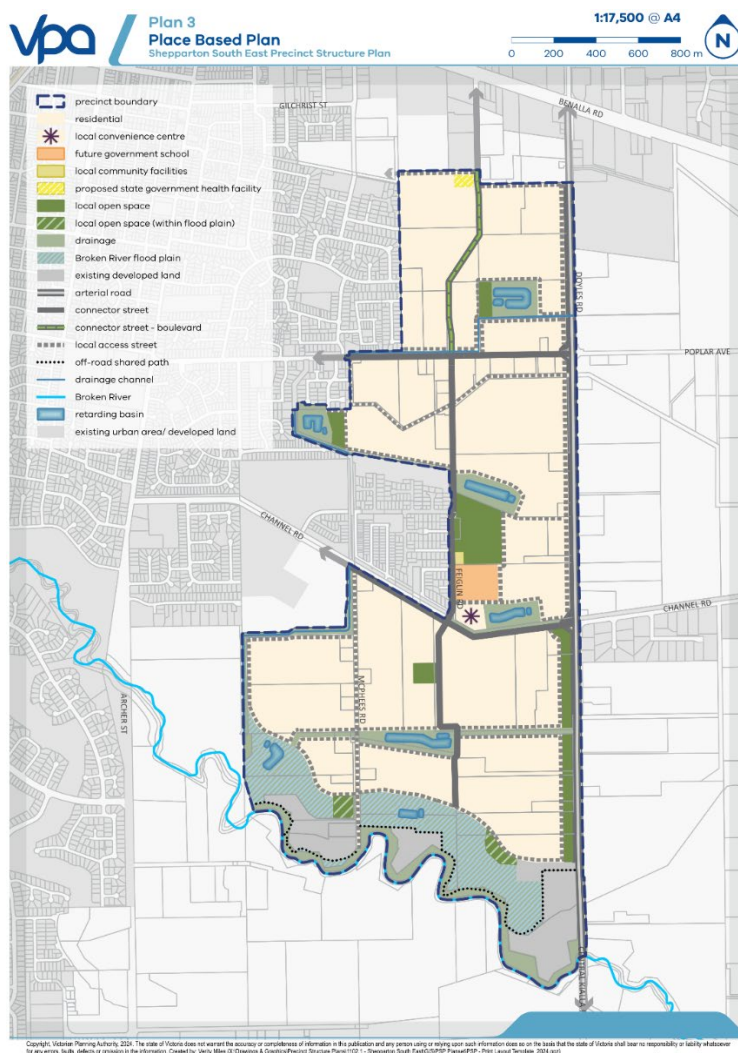
#### The Plan

DD/MM/YYYY

Proposed  
C117gshe

Plan 1 shows the future urban structure proposed in the *Shepparton South East Precinct Structure Plan*.

#### Plan 1 to Schedule 2 to Clause 37.07



## 2.0 Use and development

### 2.1 The land

DD/MM/YYYY

Proposed  
C117gshe

The use and development provisions specified in this schedule apply to the land as shown within the 'precinct boundary' on Plan 1 of this schedule and shown as UGZ2 on the planning scheme maps.

*Note: If land shown on Plan 1 is not zoned UGZ, the provisions of this zone do not apply.*

### 2.2 Applied zone provisions

DD/MM/YYYY

Proposed  
C117gshe

Table 1 allocates the land use/development shown on Plan 1 of this schedule with a corresponding zone from this scheme.

Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated *Shepparton South East Precinct Structure Plan*, the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: eg. The Commercial 2 Zone specifies 'Shop' as a Section 1 Use with the condition, 'The site must adjoin, or have access to, a road in a Road Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land'*

**Table 1: Applied zone provisions**

<a href="#">Land shown on plan 1 of this schedule</a> Local convenience centre	Clause 34.01 - Commercial 1 Zone
<a href="#">Land shown on plan 1 of this schedule</a> Existing developed land	Clause 35.07 – Farming Zone
<a href="#">Land shown on plan 1 of this schedule</a> Broken River floodplain	Clause 37.03 – Urban Floodway Zone
<a href="#">Land shown on plan 1 of this schedule</a> <a href="#">Arterial Road</a>	<a href="#">Clause 36.04 – Transport Zone 2</a>
<a href="#">Land shown on plan 1 of this schedule</a> All other land	Clause 32.08 – General Residential Zone

### 2.3 Specific provision – Use of land

DD/MM/YYYY

Proposed  
C117gshe

#### Section 1 – Permit not required

USE	CONDITION
Child care centre Hall Indoor recreation centre Library Medical Centre	On land identified as 'local community facilities' in the incorporated <i>Shepparton South East Precinct Structure Plan</i> and with the prior written consent of Greater Shepparton City Council.
Hospital	On land shown as ' <del>proposed</del> <a href="#">potential</a> state government health facility' <del>on Plan 3</del> in the incorporated <i>Shepparton South East Precinct</i>

	<i>Structure Plan.</i>
Minor sports and recreation facility	On land identified as 'local sports reserve' <del>on Plan 4</del> in the incorporated <i>Shepparton South East Precinct Structure Plan</i> and with the prior written consent of Greater Shepparton City Council.
Restricted recreation facility	On land identified as 'local community facilities' in the incorporated <i>Shepparton South East Precinct Structure Plan</i> and with the prior written consent of Greater Shepparton City Council.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

## Section 2 – Permit required

USE	CONDITION
<del>None specified</del>	
<a href="#">Any other use not in Section 1 or 3</a>	

## Section 3 – Prohibited

USE	CONDITION
<del>None specified</del>	
<a href="#">Any other use in Section 3 in the Table of uses of the applicable applied zone</a>	

2.4 DD/MM/YYYY

Proposed  
C117gshe

## Specific provisions – Subdivision

### Construction of intersection upgrades

A planning permit must not be issued for any subdivision that results in a combined total of more than 800 residential lots in the incorporated *Shepparton South East Precinct Structure Plan* area, [unless otherwise agreed in writing by the relevant road authorities](#), until:

- ~~Interim eConstruction~~ of the Poplar Avenue and Doyles Road intersection; and
- ~~Interim eConstruction~~ construction and purchase of land of the Channel Road and Doyles Road intersection; and
- All land required for both of these intersections within the precinct is vested in the relevant public authority.

To the satisfaction of the responsible authority and the Head, Transport for Victoria.

2.5

DD/MM/YYYY

Proposed  
C117gshe

## Specific provisions – Buildings and works

### Buildings and works for future local parks and local community facilities

A permit is not required to construct a building or carry out works on land shown in the *Shepparton South East Precinct Structure Plan* as a local park or community facility provided the development is carried out generally in accordance with the incorporated *Shepparton South East Precinct Structure Plan* and with the prior written consent of the responsible authority.

### Dwellings on a lot less than 300 square metres

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) via a restriction on title, and it complies with the *Small Lot Housing Code* (Victorian Planning Authority, 2019), incorporated into the Greater Shepparton Planning Scheme.



## Bulk earthworks

A permit is required for bulk earthworks.

### 3.0

DD/MM/YYYY

Proposed  
C117gshe

## Application requirements

The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority.

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

## Subdivision - residential development

In addition to any requirement in Clause 56.01-2, a subdivision design response must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- A demonstration of how the subdivision will contribute to the delivery of a diversity of housing.
- A demonstration of how the subdivision will contribute to the achievement of the residential density outcomes in the *Shepparton South East Precinct Structure Plan* applying to the land.
- A plan that demonstrates how the local street and movement network integrates, or is capable of integrating, with existing or likely development of adjacent land parcels.
- A demonstration of how the subdivision will provide an appropriate buffer response where adjacent to existing orchards.
- A report or written statement demonstrating how the subdivision will appropriately respond to any Goulburn Murray Water assets within the precinct.
- Written statement outlining how the proposal will contribute to the delivery of affordable housing in the precinct, including proposed delivery mechanisms.

## Public Infrastructure Plan

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of the relevant water authority;
- what land may be affected or required for the provision of infrastructure works;
- the provision, staging and timing of stormwater drainage works;
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- [the provision, staging and timing of any upgrades required to the intersections on Doyles Road with consideration including but not limited to:](#)
  - [the timing required to complete the design and construction of any intersection upgrades;](#)
  - [the lot cap application requirement listed under section 2.4 of this schedule;](#)
  - [the status of other residential subdivision planning permits issued within the precinct;](#)
  - [the timing of land acquisition required to facilitate any intersection upgrades.](#)

- the provision, staging and timing of any Goulburn-Murray Water asset reconfiguration or decommissioning works consistent with any relevant drainage report or stormwater functional design subject to the written consent of Goulburn-Murray Water ;
- the landscaping of any land;
- what, if any, infrastructure set out in the *Shepparton South East Development Contributions Plan* is sought to be provided as "works in lieu" subject to the written consent of Greater Shepparton City Council;
- the provision of public open space and land for any community facilities; and
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

### **Preliminary Risk Screen Assessment**

~~An application to subdivide land or use or develop land for a sensitive use (residential use, childcare centre, pre-school centre, primary school or children's playground) must be accompanied by a Preliminary Risk Screen Assessment in accordance with the Environment Protection Act 2017. The assessment must be issued stating that an environmental audit is not required for the application.~~

~~If a Preliminary Risk Screen Assessment determines that an environmental audit is required, a condition must be included on the planning permit consistent with section 4.0 of this schedule to require that an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or proposed use.~~

~~This application requirement does not apply to land at 650 Doyles Road, Shepparton (Lot 1 PS312497) and to any lot where the Environmental Audit Overlay applies.~~

### **Preliminary Site Investigations**

An application to use, subdivide land (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), construct a building or construct or carry out works associated with the use of the land for minor sports and recreation facility, retail premises, office, agriculture, public open space, industry or warehouse on land described in Table 3 must be accompanied by a Preliminary Site Investigation (PSI) prepared by a suitably qualified environmental consultant in accordance with the National Environment Protection (Assessment of Site Contamination) Measure (National Environment Protection Council, 1999) to the satisfaction of the responsible authority.

The PSI must make a recommendation as to:

- The likelihood of contamination and its potential to affect the planning proposal.
- Whether a risk-based remediation or management strategy can be derived or further investigation (such as an audit) is recommended.

**Table 3: Preliminary Site Investigation**

Address	Lot Number
32 Feiglin Road, Shepparton, 3630	Lot 1 PS823648
180 Channel Road, Shepparton, 3630	Allot 145 Sec D Parish of Shepparton
640 Doyles Road, Shepparton, 3630	Lot 2 PS312497

### **Stormwater and Flood Management**

An application to subdivide land must be accompanied by a Stormwater Management Strategy and / or Flood Management Strategy to the satisfaction of the responsible authority and the Goulburn Broken Catchment Management Authority, and must include the following:

- Demonstration of how the proposed subdivision will satisfy the requirements of Clause 56.07, relevant stormwater drainage policies, strategies and guidelines;
- Demonstration of how the proposed subdivision mitigates the impact of predicted climate change;
- Demonstration of how the proposed subdivision will contribute to the delivery of the ultimate drainage management strategy for the incorporated *Shepparton South East Precinct Structure Plan*;
- Demonstration of how stormwater management for any stage of the proposed development will:
  - Drain the subject development stage;
  - Protect adjoining land outside of the development or stage from any adverse drainage and flooding impacts;
- Details of any site cut and fill for the subdivision or stage, which facilitates drainage for the development while ensuring the delivery of the ultimate drainage strategy for the *Shepparton South East Precinct Structure Plan*;
- Details of any interim drainage works;
- Flood modelling where required to demonstrate the impacts of the proposed development on flooding behaviour within and outside of the development.

### **Traffic Impact Assessment**

An application that proposes to create or change access to a primary or secondary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility/concept road safety audit, must be to the satisfaction of the Head, Transport for Victoria or Greater Shepparton City Council, as required.

### **Acoustic Assessment Report**

Any application for subdivision and / or use or development of land for Accommodation, Education centre (other than Tertiary institution and Employment training centre) or Hospital on land within an interface impact area shown on Plan 11 of the *Shepparton South East Precinct Structure Plan*, must be accompanied by an acoustic assessment report prepared by a qualified acoustic consultant or other suitably skilled person to the satisfaction of the responsible authority which:

- Applies the following noise objectives:
  - Not greater than 35 dB LAeq,8h when measured within a sleeping area between 10pm and 6am.
  - Not greater than 40 dB LAeq,16h when measured within a living area between 6am and 10pm.
  - For areas other than sleeping and living areas, not greater than the median value of the range of recommended designed sound levels of Australian Standard AS/NZ 2107:2016 (*Acoustics – Recommended design sound level and reverberation times for building interiors*).
- Noise levels should be assessed:
  - Considering the cumulative noise from all sources impacting on the proposal including road traffic noise, agriculture and industry noise, as well as other potential noise sources; and
  - In unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.
- Identifies lots and/or buildings requiring mitigation from noise from all sources impacting on the proposal, including road traffic noise and industry noise. If lots and/or buildings requiring acoustic mitigation are identified, the report should include recommendations for any noise attenuation measures required to meet the applicable

noise level objectives. These recommendations should prioritise measures that benefit both outdoor and indoor spaces, and should address:

- Noise compatible design for buildings, with siting, orientation, and internal layout, to be considered prior to setting building envelope performance requirements;
- Potential noise character (tonality, impulsiveness or intermittency);
- Noise with high energy in the low frequency range;
- Transient or variable noise; and
- Vibration.

This requirement does not apply if the permit applicant provides, to the satisfaction of the responsible authority, a statement in writing, supported by verifiable evidence from a qualified acoustic consultant or other suitably skilled person and having regard to Clause 13.05. The statement must demonstrate that:

- The proposed development is not prejudiced;
- Community amenity and human health is not adversely impacts by noise emissions; and
- No noise attenuation measures are required.

### **Bushfire Management Plan**

An application to subdivide land adjacent to a Bushfire Hazard Area as shown on Plan 8 Bushfire Hazard Areas of the *Shepparton South East Precinct Structure Plan* must be accompanied by a Bushfire Management Plan that demonstrates how the application will address bushfire risk at the site. The plan must be prepared in accordance with the Bushfire Management section of the *Shepparton South East Precinct Structure Plan*, unless otherwise agreed in writing by the Responsible Authority and CFA. The plan must include:

- The design and layout of the subdivision, including lot layout, road design and access points, both vehicular and pedestrian;
- The location of any bushfire hazard areas;
- The details of any bushfire protection measures required for individual lots;
- The identification of any areas to form the setback between a bushfire hazard and built form;
- The details of any vegetation management in any area of defendable space including, information on how vegetation will be managed and when the vegetation management will occur (i.e. annually, quarterly, during the fire danger period);
- Notation that indicates what authority is responsible for managing vegetation within open space areas; and
- Notation that ensures that the areas of classified vegetation in the nominated bushfire hazard areas must be managed to a level that will ensure the vegetation classification under ~~AS3959-2018~~ [AS 3959:2018, Construction of buildings in bushfire-prone areas](#) will not be altered.

The responsible authority and fire authority may waive this requirement if a plan has been approved for the land.

### **Sodic and dispersive soils management plan**

An application to subdivide land or construct or carry out bulk earthworks must be accompanied by a sodic and dispersive soils management plan prepared by a suitability qualified professional, that describes:

- The existing site conditions, including:
  - extent of sodic and dispersive soils based on topsoil and subsoil samples in the works area.
  - land gradient.
  - erosion risk mapping.

- the extent of any existing erosion, landslip or other land degradation.
- Soils investigation, undertaken by a soil scientist;
- The extent of any proposed earthworks;
- Recommendations for soil management practices (including fill) with consideration of anticipated sodic and dispersive soil exposure;
- The management of drainage during all stages of development (including run-off);
- The staging of development;
- Any training and supervisions processes proposed for construction contractors to ensure compliance with the sodic and dispersive soils management plan;
- Proposed document monitoring and reporting processes that ensure works are undertaken in accordance with the sodic and dispersive soils management plan;
- Any treatment of soil proposed to be removed from the site;
- Any post-construction monitoring and/or management requirements; and
- Recommendations that inform a site management plan including:
  - The management, volume and location of any stockpiles.
  - Vehicle access and movement within the site area.
  - Any treatment to manage the soil while works are undertaken.
  - Treatments to rehabilitate areas that are disturbed during site works.
  - Any soil treatment to manage the soil to reduce risk to existing or current infrastructure and dwellings.

The recommendations that inform the site management plan may be incorporated into a construction environmental management plan to the satisfaction of the responsible authority.

#### 4.0

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#### Conditions and requirements for permits

##### Conditions - land required for community facilities, public open space or road widening

A permit for subdivision or buildings and works, where land is required for community facilities, public open space or road widening, must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder.
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

[The above conditions do not apply where the land is included under a Public Acquisition Overlay identified for community facilities, public open space or road widening purposes.](#)

##### Conditions – Subdivision permits that allow for the creation of a lot of less than 300 square metres

Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

- Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the Responsible Authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated pursuant to Clause 72.04 of the Greater Shepparton Planning Scheme; and
- The plan of subdivision submitted for certification must identify whether type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies to each lot to the satisfaction of the Responsible Authority.

### Conditions—Environmental Audit

~~Any permit for the use and development of land for a sensitive use (residential use, child care centre, pre school centre, primary school or children's playground) and where the Preliminary Risk Screen Assessment requires an environmental audit, must contain the following condition:~~

- ~~▪ Prior to the commencement of the use or buildings and works associated with the use, an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 must be issued stating that the land is suitable for the use or development of the land allowed by this permit.~~

### Conditions - Public transport

Unless otherwise agreed by Public Transport Victoria, prior to the issue of Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:

- In accordance with the *Public Transport Guidelines for Land Use and Development*; and compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*.
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.

### Conditions - Road network

Any permit for subdivision or building and works must contain the following conditions:

Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.

Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in Council at no cost to the acquiring agency unless funded by the *Shepparton South East Development Contributions Plan*.

### Conditions - Precinct Infrastructure Plan

Any permit for subdivision must contain the following condition:

Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under Section 173 of the *Planning and Environment Act 1987* which provides for:

- The implementation of the Public Infrastructure Plan approved under this permit.
- The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.

### Condition – Bushfire Management Plan

Any permit to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 7 of the *Shepparton South East Precinct Structure Plan*, must include the following condition:

- Unless otherwise agreed by the Responsible Authority and the Country Fire Authority, before certification of the plan of subdivision the Bushfire Management Plan must be endorsed by the Responsible Authority.

### Requirement – Acoustic Report

Any permit for subdivision and / or use or development of land where an acoustic assessment report has identified that mitigation from noise sources is required, must implement any recommendations of the acoustic assessment report submitted with the application and include any

conditions necessary, in the opinion of the responsible authority, to implement noise attenuation measures.

All to the satisfaction of the responsible authority.

### **Requirement – Sodic and dispersive soil site management plan**

A permit to subdivide land or to undertake earthworks must include a condition that requires a site management plan be prepared that implements the recommendations identified in the sodic and dispersive soil management plan, to the satisfaction of the Responsible Authority.

## **5.0 Exemption from notice and review**

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None specified.

## **6.0 Decision Guidelines**

DD/MM/YYYY

Proposed  
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The following decision guidelines apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

### **Acoustic Attenuation**

Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:

- If Accommodation, Hospital or Education centre (other than Tertiary institution and Employment training centre) is proposed, whether the proposal minimises the risk of harm from noise exposure (near the transport system and other noise emission sources) to human health and the environment so far as reasonably practicable having regard to:
  - whether the impact of potential noise sources have been mitigated through siting, orientation design, layout, and location and whether this reduces the need for acoustic treatment of buildings or compromises the useability of the building by its occupant;
  - any building façade treatments that are required to mitigate noise impacts;
  - any relevant recommendations of an Acoustic Assessment Report for the application.

### **Affordable Housing**

Before deciding on an application to develop or subdivide land for dwellings, the responsible authority must consider, as appropriate:

- Whether the proposed subdivision application contributes towards the provision of affordable housing.
- The Ministerial Notice under 3AA(2) of the Act, as amended from time to time.

### **Adverse Amenity Impacts**

Before deciding on an application to develop or subdivide land for dwellings, the responsible authority must consider, as appropriate:

- [\[Review and if needed amend wording to the satisfaction of the Environment Protection Authority Victoria\]](#) Whether an existing agricultural or industrial use with an associated separation distance as shown on plan 11 of the incorporated Shepparton South East Precinct Structure Plan has formally indicated that it will transition out of the precinct over a specified timeframe.
- ~~Whether the responsible authority may consider waiving or reducing application requirements relating to managing potential adverse amenity impacts where it can be~~

~~demonstrated that the proposed development would not be detrimental affected by noise, odour or spray drift.~~

## 7.0

### Signs

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Sign requirements are at Clause 52.05. The sign category for the land is the category specified in the zone applied to the land at Clause 2.2 of this schedule. All other land is in Category 3.



# Appendix I Committee preferred version of the Development Contributions Plan Overlay Schedule 5

This Committee preferred version of the DCPO5 shows recommendations based on the Proponent's Day 1 version (Document 28g).

**Committee note:** The final DCP rate should be revised to take account changes resulting from Committee recommendations.

[Tracked Added](#)

~~Tracked Deleted~~

## SCHEDULE 5 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

DD/MM/YYYY

Proposed  
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Shown on the planning scheme map as **DCPO5**.

### SHEPPARTON SOUTH EAST DEVELOPMENT CONTRIBUTIONS PLAN

#### 1.0

#### Area covered by this Development Contributions Plan

DD/MM/YYYY

Proposed  
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All land within the *Shepparton South East Development Contributions Plan* area shown as DCPO5 on the planning scheme maps.

#### 2.0

#### Summary of costs

DD/MM/YYYY

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Facility	Total cost \$	Time of provision	Actual cost contribution attributable to development \$	Proportion of cost attributable to development %
Transport	<del>\$18,634,822</del> <a href="#">[amend based on revised rate]</a>	Refer to details in the Shepparton South East Development Contributions Plan.	<del>\$17,398,902</del> <a href="#">[amend based on revised rate]</a>	<del>93%</del> <a href="#">[amend based on revised rate]</a>
Community facility	<del>\$40,595,096</del> <a href="#">\$40,908,645</a>	Refer to details in the Shepparton South East Development Contributions Plan.	<del>\$35,308,859</del> <a href="#">\$35,481,243</a>	87%
Drainage	<del>\$48,278,154</del> <a href="#">\$48,542,899</a>	Refer to details in the Shepparton South East Development Contributions Plan.	<del>\$48,278,154</del> <a href="#">\$48,542,899</a>	100%
Planning costs	\$2,494,494	Refer to details in the Shepparton South East Development Contributions	\$2,494,494	100%

		Plan.		
Early developer works	\$7,221,623	Refer to details in the Shepparton South East Development Contributions Plan.	\$7,221,623	100%
<b>TOTAL</b>	<del>\$117,224,189</del> <a href="#">[amend based on revised rate]</a>		<del>\$110,702,032</del> <a href="#">[amend based on revised rate]</a>	<del>96%</del> <a href="#">[amend based on revised rate]</a>

Note: Summary of costs for conventional infrastructure items in 2024 dollars.

### 3.0 Summary of contributions

DD/MM/YYYY

Proposed  
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Facility	Levies payable by the development	
	Development Infrastructure	Community infrastructure
	All development per net developable hectare	Residential per dwelling
Transport	<del>\$70,360</del> <a href="#">[amend based on revised rate]</a>	\$0
Community facility	<del>\$142,786</del> <a href="#">\$142,708</a>	<del>\$1,449</del> <a href="#">\$1,450</a>
Drainage	<del>\$195,223</del> <a href="#">\$195,243</a>	\$0
Strategic planning	<del>\$10,088</del> <a href="#">\$10,033</a>	\$0
Early developer works	<del>\$29,204</del> <a href="#">\$29,046</a>	\$0
<b>TOTAL</b>	<del>\$447,671</del> <a href="#">[amend based on revised rate]</a>	<del>\$0</del> <a href="#">\$1,450</a>

Note: The Community infrastructure levy is limited to a maximum of ~~\$1,499~~ [\\$1,450](#) per dwelling under legislation.

### 4.0 Land or development excluded from development contributions plan

DD/MM/YYYY

Proposed  
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Land required for the following is exempt from the provisions of this overlay:

- Use and development for a non-government school.
- Use and development associated with a dwelling that is existing or approved at the approval date of this provision.
- Housing provided by or on behalf of the Department of Health and Human Services.

The development of land for a small second dwelling is exempt from the requirement to pay development infrastructure levy and a community infrastructure levy.

Note: This schedule sets out a summary of the costs and contributions prescribed in the development contributions plan. Refer to the incorporated Shepparton South East Development Contributions Plan, ~~February 2024~~ [\[amend with final date\]](#) for full details.

## Appendix J Committee Recommended Changes to ‘Day 1’ Shepparton South East Precinct Structure Plan

PSP Reference	Day 1 version	Committee recommendation or Final day supported change	Committee Report Reference or Final day change
Whole document		Amend all references to dwelling numbers and anticipated population to reflect the revised density outcome.	Chapter 7
LP-05, various sections		Add a note to Plan 7 Open Space and Community Facilities, Plan 14 Precinct Infrastructure Plan and other sections as relevant, that consideration will need to be given to the location of LP-05 in the event that Doyles Road duplication is not committed by the time of land acquisition for LP-05	Chapter 4.3
IN-03, various sections		Remove all references to land acquisition associated with the Channel Road/Doyles Road (IN-03), unless external funding is obtained for the full cost of acquisition.	Chapter 5.2
PED-01, various sections		Show the timing of the pedestrian operated signals (PED-01) to coincide with the installation of the Channel Road/Doyles Road roundabout (IN-03) or as informed by a safety audit.	Chapter 5.3
State health facility, various sections		Change all references from “ <i>proposed</i> ” health facility to “ <i>potential</i> ” health facility	Chapter 6.5
Plan 4 - Land Use Budget		Updates to Plan 4 for corrections and clarity	Final day change
Plan 5 - Character, Heritage and Housing		The plan has been renamed as the heritage features have been removed from the plan.	Final day change
Section 4.1.2 (Housing), new Guideline G6		Unless a permit is specifically required by other provisions of the Greater Shepparton Planning Scheme, demolition of existing buildings associated with the rural and agricultural uses is encouraged to facilitate land amalgamation.	Chapter 7.2
Section 4.1.2 (Housing), new		<u>New application for use and development of a land for Accommodation use should be</u>	Chapter 7.2

PSP Reference	Day 1 version	Committee recommendation or Final day supported change	Committee Report Reference or Final day change
Guideline G7		assessed against any requirements and guidelines under the PSP, the DCP and the UGZ schedule that are applicable to residential subdivision.	
Section 4.1.2 (Housing), New requirement R9		New subdivision that proposes to exceed the preferred average dwelling density must demonstrate to the satisfaction of the responsible authority that the planned DCP infrastructure can accommodate the proposed increase in dwelling density.	Chapter 7
Section 4.1.2 (Housing), New requirement R10		Until the Poplar Avenue/Doyles Road intersection and the Channel Road/Doyles Road intersection are constructed and all land required is vested in the relevant public authority, a planning permit may be issued for subdivision that creates super lots, roads, open spaces or utility service installations subject to an approved masterplan that is generally consistent with the PSP and complies with the UGZ schedule and will not result in a combined total number of 800 residential lots in the precinct.	Chapter 5.2
Section 4.3.2 (Community Facilities & Education), new guideline		Where the responsible authority is satisfied that land shown as a potential State government facility is unlikely to be used for that purpose, the land may be used for an alternative purpose which is generally in accordance with the PSP and consistent with the provisions of the applied zone.  The responsible authority must be in receipt of a letter from the Department of Health stating that the land is no longer required, or a minimum of ten years has passed following the gazettal date of the PSP.	Chapter 6.5
Plan 9 - Road Network		Reference to cross section of secondary arterial was removed and GMW piped network.	Final day change
Section 4.5.4 Local Road Upgrade Implementation		Accept changes agreed by the Proponent and Goldfields on Final day documents (see below for details)	Chapter 5.6

PSP Reference	Day 1 version	Committee recommendation or Final day supported change	Committee Report Reference or Final day change
Cross Section 2	Total cross section width 30m	Total cross section width changed to 24m (reduction of 3m from either side of the nature strip from 6.2 to 3.2m).	Final day change
Cross Section 5a	Doyles Road maximum width 35m	Doyles Road maximum width 33m	Final day change
Cross Section 5b	Doyles Road maximum width 35m	Doyles Road maximum width 33m	Final day change
Figure 1 - Local Road Upgrade Implementation Concept		Removed reference to specific road type Added colour to indicate various subsequent developers	Final day change
Plan 11 - Interface Impact Areas		Change colour for Industrial 1 Zone and added in as a legend item	Final day change
Table 10 – Precinct Infrastructure Plan		Include definition of lot cap as “ <i>Approved subdivision of 800 residential lots</i> ”.	Chapter 5.2
Appendices		Add new appendix to include the detailed survey showing the location and width of the Broken River shared path (Documents 89h and 89i)	Chapter 6.2

## Proposed changes to Section 4.5.4 of the PSP

### 4.5.4 Local Road Upgrade Implementation

The precinct contains the existing rural road network, including McPhees Road, Channel Road, Feiglin Road, and Poplar Avenue. Facilitating urban development within the PSP requires accompanying urban upgrades to the existing rural road network in accordance with Plan 9.

Table 7, ‘Local Road Upgrade Deliverables’, sets out the process for delivering upgrades from rural to urbanised ~~connector~~ roads in the precinct. ~~New and upgraded road network must be delivered in a sequence that provides each new lot with sealed road access to the urbanised road network that is connected to an arterial road.~~

#### Implementation areas

Existing ~~connector~~ roads within the PSP will require upgrades to meet an urbanised road standard as defined by Plan 9. New subdivision or development abutting the defined roads is responsible for the upgrade to the deliverable section of road to an urbanised standard in line with the cross sections in the PSP. A deliverable section of road includes:

- The road section(s) abutting the parcel boundaries; and

- [The road section\(s\) from the access point of new subdivision or development to an existing urbanised road network](#) ~~with an arterial road connection.~~

### Initial developers and subsequent developers

Generally, local road network requirements will be implemented through subdivision permit conditions as determined by the Responsible Authority.

Delivery of ~~connector~~ roads to an ultimate standard, as illustrated in [the cross sections](#) of this PSP, will be achieved by requiring interim works to be undertaken by the 'initial developers' and completed in a piecemeal manner by 'subsequent developers'.

Table 7 'Local Road Upgrade Deliverables' outlines the delivery responsibilities of initial developers and subsequent developers, [unless otherwise agreed by the Responsible Authority](#). A proponent that first initiates development is the initial developer. A proponent that develops land after the initial developer is a subsequent developer. [An implementation concept is shown in Figure 1.](#)

Upgrading Poplar Avenue, Zurcas Lane, Feiglin Road and Channel Road to an urbanised standard specified by the cross sections will generally require ~~2m~~ additional [road reserve](#) on each side for widening as part of their ultimate delivery. [The additional road reserve must be vested in Council upon the completion of the road upgrade.](#) ~~All other roads for delivery require no additional land outside of existing road reserves and will, in almost all cases, fit within the existing road reserve or are new roads.~~

### Staging and 'out-of-sequence' development

Road projects must be provided by developers of land within the PSP. 'Out-of-sequence' development occurs when a property is developed outside of the logical sequence. In addition to providing the identified section of road associated with their property, an out-of-sequence developer may be required by the responsible authority to provide for road infrastructure attributed to the initial developer in the preceding section to ensure continuity of the road's delivery, as detailed in Table 7.

**Table 7** [Local Road Upgrade Deliverables](#)

	Applicable length	Cross Section
Initial Developer	Full length of deliverable section of road within existing road reserve	Full width of carriageway
	<a href="#">Full length of deliverable section of road within existing road reserve and additional road reserve (frontage)</a>	Parking bay Nature Strip (including landscaping) <a href="#">Shared path / pedestrian path (to be connected to the existing pedestrian/cycling network)</a>
	<a href="#">Partial length of deliverable section of road within underground service zone</a>	<a href="#">Extend/upgrade the underground service to the satisfaction of Responsible Authority and utility service providers</a>
Subsequent Developer	<a href="#">Remainder of deliverable section of road within existing road reserve and additional road reserve (frontage)</a>	Carriageway Parking bay Nature Strip (including landscaping) <a href="#">Shared path / pedestrian path (to be</a>

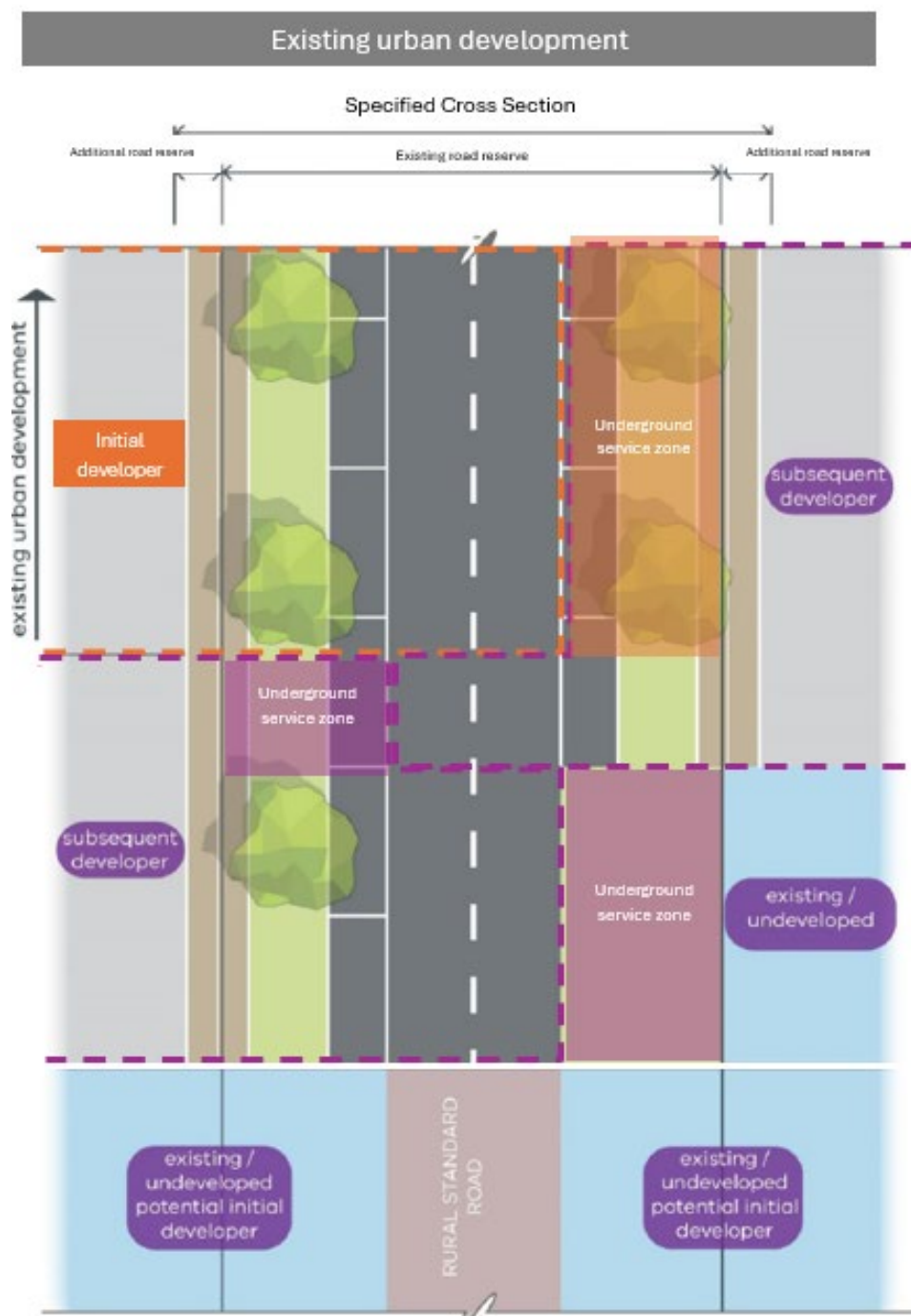
[connected to the existing pedestrian/cycling network\)](#)

[Partial length of deliverable section of road within underground service zone](#)

[Extend/upgrade the underground service to the satisfaction of Responsible Authority and utility service providers](#)

**Table Note:** Cross Section 1, 3, 4, 5, 6, 7, 8 and 9 of this PSP will be delivered by the initial developer for the full length of road in its entirety to provide access to their property or as agreed by the Responsible Authority.

**Figure 1 Local Road Upgrade Implementation Concept**



## Appendix K Committee Recommended Changes to 'Day 1' Shepparton South East Development Contributions Plan

PSP Reference	Day 1 version	Committee recommendation or Final day supported change	Committee Report Reference or Final day change
Whole document		Amend all references to dwelling numbers and anticipated population to reflect the revised density outcome.	Chapter 7
LP-05, various sections		Add a note to Section 2.4 Community Projects - Local Parks, Plan 4 – Community and Recreation Projects and other sections as relevant, that consideration will need to be given to the location of LP-05 in the event that Doyles Road duplication is not committed by the time of land acquisition for LP-05	Chapter 4.3
IN-03, various sections		Remove all references to land acquisition associated with the Channel Road/Doyles Road (IN-03), unless external funding is obtained for the full cost of acquisition.	Chapter 5.2
PED-01, various sections		Show the timing of the pedestrian operated signals (PED-01) to coincide with the installation of the Channel Road/Doyles Road roundabout (IN-03) or as informed by a safety audit.	Chapter 5.3
State health facility, various sections		Change all references from <i>“proposed”</i> health facility to <i>“potential”</i> health facility	Chapter 6.5
Plan 4 - Land Use Budget		Updates to Plan 4 for corrections and clarity	Final day change
Plan 5 - Character, Heritage and Housing		The plan has been renamed as the heritage features have been removed from the plan.	Final day change
Section 4.1.2 (Housing), new Guideline G6		Unless a permit is specifically required by other provisions of the Greater Shepparton Planning Scheme, demolition of existing buildings associated with the rural and agricultural uses is encouraged to facilitate land amalgamation.	Chapter 7.2



PSP Reference	Day 1 version	Committee recommendation or Final day supported change	Committee Report Reference or Final day change
Section 4.1.2 (Housing), new Guideline G7		New application for use and development of a land for Accommodation use should be assessed against any requirements and guidelines under the PSP, the DCP and the UGZ schedule that are applicable to residential subdivision.	Chapter 7.2
Section 4.1.2 (Housing), New requirement R9		New subdivision that proposes to exceed the preferred average dwelling density must demonstrate to the satisfaction of the responsible authority that the planned DCP infrastructure can accommodate the proposed increase in dwelling density.	Chapter 7
Section 4.1.2 (Housing), New requirement R10		Until the Poplar Avenue/Doyles Road intersection and the Channel Road/Doyles Road intersection are constructed and all land required is vested in the relevant public authority, a planning permit may be issued for subdivision that creates super lots, roads, open spaces or utility service installations subject to an approved masterplan that is generally consistent with the PSP and complies with the UGZ schedule and will not result in a combined total number of 800 residential lots in the precinct.	Chapter 5.2
Section 4.3.2 (Community Facilities & Education), new guideline		Where the responsible authority is satisfied that land shown as a potential State government facility is unlikely to be used for that purpose, the land may be used for an alternative purpose which is generally in accordance with the PSP and consistent with the provisions of the applied zone.  The responsible authority must be in receipt of a letter from the Department of Health stating that the land is no longer required, or a minimum of ten years has passed following the gazettal date of the PSP.	Chapter 6.5
Plan 9 - Road Network		Reference to cross section of secondary arterial was removed and GMW piped network.	Final day change
Section 4.5.4 Local Road Upgrade Implementation		Accept changes agreed by the Proponent and Goldfields on Final day documents (see below for details)	Chapter 5.6

PSP Reference	Day 1 version	Committee recommendation or Final day supported change	Committee Report Reference or Final day change
Cross Section 2	Total cross section width 30m	Total cross section width changed to 24m (reduction of 3m from either side of the nature strip from 6.2 to 3.2m).	Final day change
Cross Section 5a	Doyles Road maximum width 35m	Doyles Road maximum width 33m	Final day change
Cross Section 5b	Doyles Road maximum width 35m	Doyles Road maximum width 33m	Final day change
Figure 1 - Local Road Upgrade Implementation Concept		Removed reference to specific road type Added colour to indicate various subsequent developers	Final day change
Plan 11 - Interface Impact Areas		Change colour for Industrial 1 Zone and added in as a legend item	Final day change
Table 10 – Precinct Infrastructure Plan		Include definition of lot cap as “ <i>Approved subdivision of 800 residential lots</i> ”.	Chapter 5.2
Appendices		Add new appendix to include the detailed survey showing the location and width of the Broken River shared path (Documents 89h and 89i)	Chapter 6.2