Planning and Environment Act 1987

Panel Report

Greater Shepparton Planning Scheme: Amendment C118
Shepparton North East: Precinct Structure Plan and Development Contributions Plan

18 October 2018
Planning and Environment Act 1987
Panel Report pursuant to section 25 of the Act
Greater Shepparton Planning Scheme: Amendment C118
Shepparton North East: Precinct Structure Plan and Development Contributions Plan
18 October 2018

Kathy Mitchell, Chair

Geoff Underwood, Member
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List of Abbreviations

DCP  Development Contributions Plan
DCPO  Development Contributions Plan Overlay
DELWP  Department of Environment, Land, Water and Planning
DET  Department of Education and Training
EPA  Environment Protection Authority
IDM  Infrastructure Design Manual
MCA  Main Catchment Area
NDHA  Net Developable Hectare
PAO  Public Acquisition Overlay
PSP  Precinct Structure Plan
SAR  Shepparton Alternate Route
SPPF  State Planning Policy Framework
VPA  Victorian Planning Authority
vpd  Vehicles per Day
VPP  Victoria Planning Provisions
Overview

Amendment summary

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<td>Shepparton North East: Precinct Structure Plan and Development Contributions Plan</td>
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<td>Brief description</td>
<td>The Amendment seeks to implement the Shepparton North East Precinct Structure Plan and the Shepparton North East Development Contributions Plan by incorporating both documents and inserting the relevant statutory provisions into the Greater Shepparton Planning Scheme</td>
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Panel process

| The Panel                             | Kathy Mitchell (Chair) and Geoff Underwood          |
|Directions Hearing                     | Planning Panels Victoria, 11 May 2018               |
|                                        | Planning Panels Victoria, 2 August 2018             |
|Panel Hearing                          | Shepparton Law Courts, 20 and 21 August 2018        |
|                                        | Planning Panels Victoria, 22 and 23 August 2018      |
|Site inspections                       | Unaccompanied, 19 August and 12 October 2018        |
|Appearances                            | See Appendix B                                      |
|Citation                               | Greater Shepparton PSA 118 [2018] PPV               |
|Date of this Report                    | 18 October 2018                                     |
Executive summary

(i) Summary

Shepparton is the fourth largest regional city in Victoria and is well placed to take significant regional growth into the future. The City of Greater Shepparton has been proactive in developing a range of housing, commercial centres, community and transport strategies to realise its long-term future. Identifying and planning for growth is a key strategic plank to drive the City and its regional economy.

In conjunction with the Victorian Planning Authority, Council has embarked on planning for two major growth areas in its north-east and south. The Shepparton North East Growth Area is the subject of Amendment C118 to the Shepparton Planning Scheme and it has been through a significant and well-constructed planning process. The Amendment seeks to implement the Shepparton North East Precinct Structure Plan and Shepparton North East Development Contributions Plan, and associated changes to the planning scheme.

Following an exhibition process, a Panel was appointed to consider the submissions, most of which supported the intent of the Precinct Structure Plan but expressed significant concern with the ‘high end’ cost of the Development Contributions Plan. Following a Directions Hearing, where an adjournment was sought to review these costs, the Panel agreed that aspects of the Precinct Structure Plan and Development Contributions Plan needed to be reviewed. Upon completion of this review by the VPA and Council, the cost of the proposed development contributions was reduced from $264,588 to $174,944 per net developable hectare. This was then further reduced post-hearing by the VPA/Council to be $151,406 per net developable hectare.

The submitters generally supported the rezoning of the land through Amendment C118. Government departments, agencies and authorities supported the Amendment while pointing to individual requirements to guide development. Among them, VicRoads assessed development in the Precinct in the context of broad regional transport planning and the impact of road and transport proposals on the transport network. Discussion of the VicRoads issues was a key issue at the Hearing, and while a conclave of traffic experts assisted, it did not resolve all transport issues.

The submissions from property owners focussed mostly on individual properties and addressed how they were impacted by proposals across the Precinct through the proposed development controls, road projects (including scale and costs) and other infrastructure items such as retarding basins and the community centre. A central argument from submitters was that the scope of projects in the Development Contributions Plan and cost of development resulted in a development levy that was too high for the area and would affect the viability of development.

The Hearing was assisted by a willingness of the VPA/Council to review and amend the Precinct Structure Plan and the Development Contributions Plan on the advice of its expert consultants and in response to submissions. The Panel appreciates this level of cooperation. The Panel further appreciates the manner of the presentations by submitters and their
expert witnesses. The presentations at the Hearing and consequent review of positions has assisted the Panel to reach its conclusions.

The Panel recommends the Amendment be adopted subject to specific changes and further review of some elements. The Panel takes the position that the Precinct Structure Plan should guide development to achieve broad objectives of quality development and maximum yield from the area but allow for flexibility in how developers respond to meet the local market. At the same time, the Development Contributions Plan should minimise costs to assist in achieving the goals. The changes recommended by the Panel, including the Development Contributions Plan post-hearing cost $151,406 per net developable hectare will assist to achieve those outcomes.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Shepparton Planning Scheme: Amendment C118 be adopted, as exhibited, subject to the following:

1. Review Amendment C118 documentation and the Precinct Structure Plan and Development Contributions Plan prior to adoption and approval to ensure consistency with Amendment VC148.

2. Adopt the July 2018 versions of the Precinct Structure Plan, Development Contributions Plan and Schedule 1 to the Urban Growth Zone, subject to the further modifications outlined in this report.

3. Adopt the modified provisions for shop and supermarket in accordance with the Schedule 4 to the Urban Growth Zone (Appendix D).

4. Amend Figure 1 in the Precinct Structure Plan to:
   a) Provide a note that the plan is ‘indicative only’
   b) Remove the notation for the loading zone.


6. Delete Requirement 13 in the July 2018 version of the and include it as a new Guideline 11 in the Precinct Structure Plan to read:

   The key design elements of the local convenience centre should have regard to the indicative Concept Plan (Figure 1 and Appendix C), including:
   Integration and connectivity of the local convenience centre with the community centre and district open space through design, landscape and connectivity of paths and access roads.
   Consideration for pedestrian and cyclist access to the site, including opportunities for pedestrian crossings in proximity to bus stop locations
   Incorporation of shared infrastructure (eg seating, car parking and landscaping).
   Landscaping, screening and shading of car park areas and, in addition, large trees along the Verney Road interface.
   A central square or plaza area.
7. Amend the last sentence of Requirement 12 in the July 2018 version of the Precinct Structure Plan to read:

*Sensitive design and location of any loading zone must ensure it does not adversely impact on the surrounding residential uses or detract from the design of the centre and its presentation to any street frontage.*


9. Reconsider the alignment of road RD-02 to provide a bus-capable route that services the Precinct to the maximum extent.

10. Delete the proposed local access road shown on Plan 5 in the Precinct Structure Plan located on the south side of the Shepparton Christian College within property 13.

11. Ensure the adopted version of the Precinct Structure Plan includes Plan 6 Integrated Water Management and Utilities (23 August 2018) with the notation that reads:

*Note: The location and design of the stormwater quality treatment assets shown on this plan is indicative, are subject to confirmation through the preparation of detailed design to be undertaken as part of the future subdivision process to the satisfaction of the responsible authority.*

12. Insert an additional Guideline (as Guideline 31 or the next appropriate number) in section 3.5 Integrated Water Management and Utilities in the Precinct Structure Plan, to read:

*Where a stormwater quality treatment asset is shown on Plan 6 as being located within more than one parcel of land, the final location of the asset should, to the extent practicable, facilitate an equitable distribution of the asset across those parcels of land.*

13. Amend Requirement 63 in the Precinct Structure Plan to read:

*The area identified on Plan 2 as the ‘area subject to potential adverse amenity’ may be used or developed for a sensitive use to the satisfaction of the responsible authority provided the location within the buffer area is noted as a restriction on a plan of subdivision.*

14. Amend Clause 3.0 to the Schedule to the Urban Growth Zone, Application requirements, by including the following provision:

**Acoustic report**

a) A subdivision application must be accompanied by an acoustic report prepared by a qualified acoustic engineer if the subdivision land is within:  
   - 500 metres of the existing asphalt batching plant located on Apollo Drive;  
   - 30 metres of the Goulburn-Murray Water irrigation channel which runs parallel to the eastern boundary of the precinct.

b) Such acoustic report must, to the satisfaction of the responsible authority:
• Detail how the amenity of future occupants of any sensitive use (such as a Dwelling) which might establish within the subdivision will be protected from noise generated either by traffic on Grahamvale Road or from the batching plant, as relevant; and
• Have regard to the noise assessment and conclusions detailed in the Shepparton North East PSP Noise Assessment (Marshall Day Acoustics Pty Ltd, July 2017).

15. Amend the Development Contributions Plan to:

• Increase the developable area of property 25 by 0.47 hectares
• Increase the total net developable area by 0.47 hectares
• Make corresponding adjustments to the land budget, cost apportionments
• Amend relevant tables.

1 Introduction

1.1 The Amendment

Amendment C118 to the Greater Shepparton Planning Scheme seeks to implement the Shepparton North East Precinct Structure Plan, July 2018 (the PSP) and the Shepparton North East Development Contributions Plan, July 2018 (the DCP). The Amendment proposed to:

- insert Schedule 1 to Clause 37.07 (Urban Growth Zone) which will set out specific land use and development controls for the Precinct and apply the Shepparton North East Precinct Structure Plan, February 2018
- rezone the land from Farming Zone Schedule 1 and Public Use Zone Schedule 1 to Urban Growth Zone
- amend the Schedule to Clause 45.01 Public Acquisition Overlay (PAO) to reserve land for retarding basins, open space, roads and community facilities nominating Greater Shepparton City Council as the acquiring authority as appropriate
- insert Schedule 4 to Clause 45.06 Development Contributions Plan Overlay (DCPO4) and apply the overlay to all land within the Amendment area
- amend the Schedule to Clause 52.01 to include a public open space contribution for subdivision of land within the Amendment area
- amend Schedule to Clause 61.03 to insert map 19 DCPO
- amend Clause 81.01 of the Scheme to incorporate the two new documents:
  - Shepparton North East Precinct Structure Plan July 2018
  - Shepparton North East Development Contributions Plan July 2018
- amend relevant Planning Scheme Maps.

The Victorian Planning Authority (VPA) is the planning authority for the Amendment. Greater Shepparton City Council (Council) is the responsible authority for administration of the Planning Scheme and will be both the collecting and development agency for the purpose of the DCP. At the commencement of the Hearing, Ms Morris indicated that “the VPA/Council are both singing from the same hymn sheet and are both on the same page” with regard to this Amendment, in that they have worked collaboratively together.

1.2 Shepparton North East Precinct

The Shepparton North East Precinct (the Precinct) is located approximately three kilometres north-east of the City of Shepparton and covers approximately 177 hectares. It is bounded by Verney Road to the west, Ford Road and an existing low density residential neighbourhood to the north, Grahamvale Road to the east and a Goulburn-Murray Water drain (drain 3) to the south.
The land is predominately flat and includes Goulburn-Murray Water drainage and irrigation channels within and adjacent to the Precinct. The land is relatively fragmented, with several smaller rural residential allotments abutting Verney and Grahamvale Roads.

The main land uses within the Precinct comprise a mixture of horticulture, agriculture and ancillary farming uses. Several rural residential lots exist to the south west of the Precinct bounded by Verney Road. Two schools are located within the Precinct, Grahamvale Primary School and Shepparton Christian College.

The land is currently zoned Farming Zone 1 in the Greater Shepparton Planning Scheme. A Public Use Zone Schedule 1 covers the Goulburn-Murray Water channels.

The land surrounding the Precinct to the north and east is predominately rural or rural-residential. Other land comprises residential uses, horticultural and agricultural to the east and north-east and industrial uses to the south-east.

1.3 Panel Process

The Amendment was prepared by the VPA as Planning Authority in conjunction with Greater Shepparton City Council and other government agencies.

The Amendment was authorised by the Department of Environment, Land, Water and Planning (DELWP) on 3 December 2017 as A03586, subject to the following condition:
Prior to exhibition, the Shepparton North East Background Report, Shepparton North East Precinct Structure Plan and Shepparton North East Development Contributions Plan are to be revised (November 2017) to address Councils engineering requirements as set out in the Infrastructure Design Manual, including road cross-sections and shared path networks.

The Amendment was placed on public exhibition between 9 March and 13 April 2018, with a total of 18 original submissions received (see Appendix A).

The VPA referred the submissions to a Panel on 24 April 2018. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 30 April 2018 and comprised Kathy Mitchell (Chair), and Geoff Underwood. The Panel was assisted by Andrea Harwood of Planning Panels Victoria.

A Directions Hearing was held in relation to the Amendment on 11 May 2018 at Planning Panels Victoria. A second Directions Hearing was held on 2 August 2018 at Planning Panels Victoria.

The Panel undertook an unaccompanied inspection of the subject site and its surrounds on 19 August 2018. This included inspecting sites nominated by submitters. It further reviewed the area subject to the proposed buffer on 12 October 2018.

The Panel then met in the Shepparton Law Courts on 20 and 21 August 2018 and at Planning Panels Victoria on 22 and 23 August 2018 to hear submissions and evidence about the Amendment.

Those in attendance at the Panel Hearing are listed in Appendix B.

1.4 Procedural issues

Over the course of the Panel process, the Panel considered and ruled on procedural matters.

(i) Deferral of hearing

The first Directions Hearing was held on 11 May 2018 at which time the VPA/Council sought to defer the Public Hearing from the pre-set date of the week of 4 June 2018 to the week of 13 July 2018. The reasons provided related to the desire to undertake a peer review of the DCP, as well as other refinements to the PSP relating to issues raised in submissions and other further work.

No party opposed that request, and the Panel affirmed the postponement by directing new dates for the circulation of revised documents, a second Directions Hearing, submission of evidence and the commencement of the Public Hearing.

To allow further submissions to be made in response to any updates to the PSP, DCP and planning controls, the Panel determined to hold a second Directions Hearing on 2 August 2018 and to commence the Hearing on 20 August 2018.

On 16 July 2018, the VPA circulated to all submitters a revised PSP (Document 1), revised DCP (Document 2), revised Background Report (Documents 3a and 3b), a revised Schedule 1 to the Urban Growth Zone (Document 4) and other associated documents. Parties were provided until 30 July 2018 to submit an addendum to their original submission, based on
the revised documentation. The VPA referred 11 submission addendums to the Panel on 31 July 2018 (Appendix A).

(ii) Traffic evidence

Through its written directions dated 3 August 2018, the Panel directed a conclave meeting of traffic experts (Directions 18 to 26) to discuss and agree on key issues in dispute and key assumptions prior to the Hearing.

The Panel was advised that a traffic conclave took place on 16 August 2018 and was attended by Mr John Bob Citroen for VPA/Council, Mr Henry Turnbull for Ms Margaret and Mr Paul Bennetts and Mr Neil Paterson, Manager Regional Design – Network Design Services of VicRoads. A conclave statement (Document 25) was circulated by Harwood Andrews on 17 August 2018 to all parties to the Hearing which outlined areas of agreement and disagreement between the experts.

During its presentation to the Panel on 20 August 2018, Mr Bismire for VicRoads advised that it did not support components of the statement as agreed and signed by its representative in the conclave. Mr Bismire advised that Mr Paterson did not have delegated authority to agree to any matters pertaining to the PSP and should not have made any agreement about responsibility for funding infrastructure.

Further, during cross examination, Mr Citroen noted that he departed from components of the conclave statement previously agreed on:

- the siting of road RD-03 to reduce the extent of a diagonal link to the roundabout
- the alignment of road RD-02 to cater better for buses.

Following the submission of VicRoads and the evidence of Mr Citroen, the Panel directed that VicRoads provide its revised position in writing by 23 August 2018, including clarification of the following matters:

1) An explanation in writing why VicRoads withdrew from the agreed and signed conclave statement.

2) The following information for the Shepparton Alternative Route:
   a. indicative costings for railway crossing(s)
   b. indicative costings for the Ford Road/Grahamvale Road roundabout
   c. A summary of VicRoads policy regarding the use of signals on truck routes in urban and non-urban areas, and how the policy is being applied on Grahamvale Road
   d. Advice on the timing of construction of the proposed Grahamvale Road upgrade.

3) An outline of any proposed traffic management upgrades associated with Grahamvale Primary School.

4) A response to relevant matters contained in Appendix 3 of the Whiteman submission, (advice of Mr Higgs) ... including:
a. changed access arrangements on to Grahamvale Road
b. the impact of the railway flyover
c. whether temporary access to Grahamvale Road would be permitted through the redevelopment of the precinct.

VicRoads responded to these matters on 23 August 2018 (Document 48).

Additionally, the Panel requested that Mr Citroen and Mr Turnbull provide a response to the advice of Mr Higgs, appended to the submission by Mr Whiteman on behalf of Mr Sfetcopoulos, tabled on 20 August 2018 (Documents 47 and 51 respectively).

(iii) Further Panel directions

Towards the conclusion of the Panel Hearing on Thursday 23 August 2018, Ms Morris for the VPA/Council advised that her client was seeking to undertake further costings and possible changes to the revised DCP (Document 61).

In response to a question from the Panel, Ms Morris indicated that she did not consider it necessary for any further changes to be provided to the parties, as such changes would most likely be a further reduction in costs.

Submitters present indicated they considered that such changes should be made publicly available.

The Panel determined through further written directions (Document 62), issued on 24 August 2018, that in the interests of procedural fairness, the revised DCP should be made publicly available to all submitters to the Hearing (including those who had not sought to be heard) for further review and commentary.

The VPA circulated the revised DCP (Document 64) on 20 September 2018, and revised parks and retarding basin (Document 65) and road and intersection costs (Document 66) on 21 September 2018. The Panel provided a five-business day period from the circulation for parties to provide comments on the DCP only. Three responses were received through Documents 67, 68 and 69.

Within its further Directions, the Panel directed that the VPA provide a short-written response to outstanding matters raised by the Panel at the end of the Hearing in relation to wording of the PSP Requirements 61, 62 and 63. The VPA circulated this response through Document 63 on 3 September 2018.

(iv) Amendment VC148

Amendment VC148 was introduced into the Victoria Planning Provisions and all planning schemes on 31 July 2018. It replaces the State Planning Policy Framework with an integrated Planning Policy Framework, changes clause numbers through the Planning Scheme and makes other changes from the Smart Planning Program. Any Planning Scheme clause numbers referred to in this report reflect clauses which existed before Amendment VC148 was introduced.

The Panel noted at the second Directions Hearing through Directions 27 and 28 that the Panel had not and would not review the Amendment to take into account the implications of
VC148. The VPA/Council should review the Amendment against the new planning provisions before progressing it further.

1.5 Revisions to the Amendment

The VPA proposed various changes to the Amendment in response to submissions before, during and after the Hearing. The VPA documented these changes to the exhibited PSP in change matrix tables (Documents 9 and 10, and Appendices 3 and 4 to the VPA Part A submission, Document 18) and in track changes versions of the relevant planning ordinances (Document 4), tabled prior to the Hearing.

In considering the Amendment, the Panel has accepted these changes as a starting point and has addressed them where expressly raised in submissions throughout the report.

The starting point for the Panel’s recommendations relate to the VPA post-exhibition versions of the PSP, DCP and Urban Growth Zone Schedule which were circulated to parties to the Hearing on 16 July 2018. Specifically, these documents are:

- Shepparton North East PSP, July 2018 (Document 1)
- Shepparton North East DCP, July 2018 (Document 2)
- Schedule 1 to the Urban Growth Zone, undated (Document 4).

The VPA described the nature of the changes between the exhibited version and the 16 July 2018 version as follows:

- the per Net Developable Hectare (NDHA) development contributions rate reduced from $264,588 to $174,944
- the intersection onto Ford Road was removed
- one local park and one retardation basin were removed
- the size of the remaining local parks reduced from 1ha to approximately 0.7ha
- except for in one instance to the drainage basin in the north east of the precinct (RB-03), the PAO is no longer being applied
- a potential alternative road layout which provides access via a roundabout at the corner of Ford and Grahamvale Road which negated the need for the exhibited intersection onto Grahamvale Road.

Even though the VPA/Council further revised the development contribution costs and the PSP post-Hearing, the Panel has used the July 2018 version of all documents for discussion and consideration as that was the version used and considered at the Hearing. Recommendations in this report are made are based upon the July 2018 versions.

In this report:

- the PSP, DCP and other documents exhibited as part of the Amendment in February 2018 are referred to as the ‘exhibited’ documents
- the documents presented for consideration in advance of and at the commencement of the Hearing are referred to as the ‘July’ version and the ‘revised’ documents
- the documents presented at the closing session of the Hearing and after the Hearing are referred to as the ‘September’ version and ‘post-Panel’ version.
1.6 Summary of issues raised in submissions

The key issues raised in the original submissions are briefly summarised as follows:

- the overall (high) DCP rate and that it would preclude viable development opportunities
- the amount and level of embellishments of the drainage, open space and road infrastructure
- buffers between the Precinct and the adjacent industrial precinct to the south
- the proposed convenience retail and its relationship to the broader retail hierarchy in North Shepparton
- the distribution of infrastructure, costs and footprint, across the Precinct
- the use of the PAO to determine the location of infrastructure
- co-location of the proposed community facility with the existing government school
- access onto Ford and Grahamvale Roads.

Following revision of the PSP, DCP and associated planning report, further addenda submissions were received, summarised as:

- the use of non-local contractor rates for the construction of the local parks, district park, landscaping of the retardation basins and the community facility
- the location of particular infrastructure items
- the role of the proposed convenience retail centre and its relationship to the broader retail hierarchy was not considered to be resolved
- the extent of the applied Commercial 1 Zone and proposed limit on as-of-right shop floor space
- the increased cost of the community facility
- access to the Precinct via a proposed roundabout on the corner of Ford and Grahamvale Roads
- decreased land valuations
- planning costs included in the DCP.

1.7 Issues dealt with in this Report

The Panel has considered all written submissions made in response to the exhibition and re-notification of the Amendment as well as further submissions, evidence and other material presented to it during the Hearing, and observations from site visits.

In determining its response to submissions, the Panel has been mindful of the advice of VPA/Council in Document 28 that:

*The Amendment has been prepared by the VPA in collaboration with Council, government agencies and relevant stakeholders including landowners.*

*The VPA and Council have together worked diligently with all stakeholders to resolve as many of the submissions as practicable.*

*The position presented by the VPA and Council in this submission where possible represents a whole of government submission. The VPA received submissions from several State government agencies and departments, and*
the following submission represents the agreed position (unless otherwise stated within this submission) of the following:

- Greater Shepparton City Council;
- Goulburn-Murray Water;
- Goulburn Valley Water;
- Goulburn Broken Catchment Management Authority;
- Environment Protection Agency;
- Country Fire Authority;
- VicRoads;
- Transport for Victoria;
- Heritage Victoria;
- Aboriginal Victoria; and
- Department of Environment, Land, Water and Planning.

Considering this advice, the Panel has not examined all aspects of the PSP in detail, but rather has concentrated on unresolved matters. The VPA/Council tabled a list of all unresolved matters with its Part A submission prior to the Hearing. During the Hearing, discussions continued between the VPA/Council, submitters and landowners to further resolve issues. Matters raised through submissions but satisfactorily resolved where a little or no further commentary is required include:

- acquisition of land to deliver infrastructure items through the use of the PAO
- the requirement for a Kangaroo Management plan in Clause 3.0 of the Schedule to the Urban Growth Zone
- open space contributions through Clause 52.01
- a process for decommissioning irrigation channels located on Crown land.

The Panel has reviewed a large volume of material and has been selective in referring to relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This report deals with the issues under the following headings:

- Shepparton North East Growth Area
- Planning context
- Community infrastructure
- Roads
- Drainage
- Development Contributions.

1.8 Recommendations

The Panel makes the following overarching recommendations in relation Amendment C118 to the Greater Shepparton Planning Scheme:

1. Review Amendment C118 documentation and the Precinct Structure Plan and Development Contributions Plan prior to adoption and approval to ensure consistency with Amendment VC148.
2. Adopt the July 2018 versions of the Precinct Structure Plan, Development Contributions Plan and Schedule 1 to the Urban Growth Zone, subject to the further modifications outlined in this report.
2 Shepparton North East Growth Area

The key elements of the Amendment are the Shepparton North East PSP and the Shepparton North East DCP.

2.1 Shepparton North East Precinct Structure Plan

(i) Role and function

The PSP is a long-term plan for the future urban development of the Precinct. It describes how the land is expected to develop, and how and where services are planned to support the development. It was prepared by the VPA and Council in conjunction with Government agencies, service authorities and key stakeholders.

The PSP (July 2018 version) contains Objectives, Requirements and Guidelines and is supported by a range of plans, tables and figures that address:

- interfaces
- community facilities and open space
- street network
- public transport and movement
- drainage, utilities and services
- land use budget
- various road and interface cross sections.

(ii) Vision and objectives

The PSP provided the following ‘Vision’ and ‘Future Urban Structure’ at sections 2.1 and 2.2:

The PSP will offer the Shepparton community a new residential neighbourhood in close proximity to the Shepparton city centre. The new neighbourhood will seamlessly integrate with the surrounding urban framework of Shepparton. The precinct will ultimately support approximately 1,500 homes and 4,000 residents.

The precinct will feature abundant open space, including five distinct retarding basins that integrate with a variety of adjoining parks. Reserves associated with the existing Goulburn–Murray Water drains will be converted into landscaped waterway corridors with shared path links, connecting the precinct with the city’s open space network.

An anticipated local convenience centre will allow residents to shop locally for basic conveniences whilst capitalising on its Verney Road frontage for exposure to surrounding neighbourhoods. The local convenience centre is positioned to integrate directly with a planned community centre and town square, creating a vibrant community hub for local residents.

The precinct will build on the structure of the existing road network and include safe and convenient access to Verney Road, Ford Road and Grahamvale Road to connect the precinct with the wider Shepparton area.
Tree-lined connector streets will cater to local bus routes within the precinct and feature shared bicycle and pedestrian paths that directly link residents to schools, community facilities and the open space network.

Shepparton North East Precinct Structure Plan will embrace the regional city character of Shepparton and acknowledge its surrounding rural landscapes. It will assist and strengthen the growth of the regional city, while maintaining its unique character and high standard of liveability.

The Panel considers the Vision and Future Urban Structure is clear and well thought out.

(iii) Urban Structure and Land Use Budget

Plan 2 of the PSP, the Future Urban Structure, spatially expresses the PSP vision as shown in Figure 2.

The Precinct has a Gross Developable Area of 176.87 hectares and a Net Developable Area of 146.51 hectares, meaning approximately 83 per cent of the Precinct is available for development. It is anticipated that approximately 1,500 dwellings will accommodate 4,000 residents.

The PSP requires the delivery of an overall minimum average density of 10 dwellings per NDHA. It envisages a range of lot sizes suitable for the delivery of medium density housing on land within walkable distance of the community facilities and designated public transport routes. Residential land is proposed to be connected by a series of permeable connector roads, building on the surrounding road network.

The PSP encourages the provision of local retail on Verney Road to meet the daily needs of residents within the Precinct, without compromising the function and role of nearby activity centres. The PSP includes the provision for potential expansion of the existing government school on Grahamvale Road and the non-government school on Verney Road.

The PSP (now as Document 60) seeks to provide three local parks (each of approximately 0.7 hectares) and one district park of 2.22 hectares. The parks will integrate with retarding basins and be connected to the Precinct through shared paths and frontages to the road network.

The PSP applies the General Residential Zone at Clause 32.08 to all land apart from the area subject to the local convenience centre, which will be in the Commercial 1 Zone through the provisions of Clause 34.01.
The Shepparton North East Precinct Structure Plan Background Report (July 2018) summarises the background to the preparation of the PSP and describes how the PSP responds to the following issues and/or themes:

- services and utilities
• drainage and stormwater management  
• transport and movement  
• open space  
• community infrastructure  
• activity centre analysis  
• housing

The general approach to, and the overall Vision of the PSP taken by the VPA/Council was not challenged in submissions and evidence. The Panel has not examined the background reports in detail, except as required to address issues raised in submissions.

2.2 Shepparton North East Development Contributions Plan

The Shepparton North East Development Contributions Plan (July 2018) was developed in parallel with the PSP to inform and direct the future planning and development of the Precinct. It requires development proponents to contribute toward infrastructure required to support the future community within the Main Catchment Area (MCA).

The Amendment proposes to:
• incorporate the DCP into the Planning Scheme  
• implement the contributions by applying DCPO4 to the subject land.

The revised development contributions (at July 2018) applicable to the DCP are summarised:

<table>
<thead>
<tr>
<th>Charge Area</th>
<th>Total Cost of Contribution</th>
<th>NDHA with MCA</th>
<th>Contribution per NDHA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$25,630,988</td>
<td>146.51</td>
<td>$174,944</td>
</tr>
</tbody>
</table>

Source: Document 2 - Table 1, Shepparton North East Development Contributions Plan (July 2018)

<table>
<thead>
<tr>
<th>Projects</th>
<th>Total Cost of Projects</th>
<th>Contribution per NDHA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport</td>
<td>$6,805,953</td>
<td>$46,454</td>
</tr>
<tr>
<td>Community Facilities</td>
<td>$3,975,440</td>
<td>$27,134</td>
</tr>
<tr>
<td>Open Space</td>
<td>$5,401,000</td>
<td>$36,865</td>
</tr>
<tr>
<td>Drainage</td>
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<td>$62,872</td>
</tr>
<tr>
<td>Strategic Planning</td>
<td>$237,240</td>
<td>$1,619</td>
</tr>
</tbody>
</table>

Source: Document 2 - Table 1, Shepparton North East Development Contributions Plan (July 2018)

2.3 Further background material

The documents tabled throughout the course of the Hearing are listed in Appendix C. Additionally, the Panel was provided with background and technical reports including:
• City of Greater Shepparton Commercial Activity Centre Strategy (Essential Economics Pty Ltd, 2015)
• *Drainage Strategy Report Shepparton North East Growth Corridor* (Reeds Pty Ltd, 2012)
• *Drainage Strategy Report Shepparton North East Growth Corridor* (Reeds Pty Ltd, 2014)
• *Environmental Assessment Shepparton North East Growth Area* (ENSR Australia Pty Ltd, 2008)
• *Greater Shepparton Housing Strategy* (David Lock Associates Pty Ltd, 2011)
• *North East Precinct Structure Plan Buffer Constraint and Odour Impact Assessment* (GHD Pty Ltd, 2017)
• *Shepparton East Overland Flow Urban Flood Study* (BMT WBM Pty Ltd, 2016)
• *Shepparton North Activity Centre Community Services and Facilities Needs Assessment* (Capire Pty Ltd, 2016)
• *Shepparton North East Growth Area Activity Centre Demand* (Development Research Pty Ltd, 2008)
• *Shepparton North East Growth Corridor Drainage Strategy Peer Review* (Spiire Pty Ltd, 2018)
• *Shepparton North East Growth Corridor Economic Retail Assessment* (CPG Australia Pty Ltd, 2012)
• *Shepparton North East Growth Corridor Open Space Peer Review* (@Leisure Pty Ltd, 2010)
• *Shepparton North East Growth Corridor Open Space Peer Review* (@Leisure Pty Ltd, 2012)
• *Shepparton North East Growth Corridor Social Infrastructure Assessment* (Greater Shepparton City Council, 2012)
• *Shepparton North East Growth Corridor Traffic Engineering Assessment* (Traffix Group Pty Ltd, 2011)
• *Shepparton North East Growth Corridor Traffic Impact Assessment* (Trafficworks Pty Ltd, 2014)
• *Shepparton North East Growth Corridor Traffic Impact Assessment* (Trafficworks Pty Ltd, 2018)
3 Planning context

The VPA/Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report and its Part A submission. That content is not repeated; however, this Chapter provides a summary of the policy context and other material that has informed the Panel’s consideration of the PSP and DCP.

3.1 Policy framework

(i) Planning Policy Framework

Clause 11 (Settlement) - the Amendment will facilitate the orderly planning and delivery of land for residential development that has been identified for growth through the PSP. The PSP will direct how the Precinct will accommodate growth and the relevant infrastructure required to support this growth.

The Amendment implements the Hume Regional Growth Plan 2014 through the preparation of the PSP in an area identified as a key growth corridor to accommodate population growth for Shepparton.

Clause 12 (Environmental and Landscape Values) - the Precinct does not include any areas of matters of significance regarding biodiversity, therefore there are no requirements for biodiversity protection.

Clause 13 (Environmental Risks and Amenity) - bushfire risk in the Precinct is currently managed through the Building Regulations 2006, however the Amendment requires site-management during construction to minimise the potential spread of any bushfire through land. This will be implemented via relevant provisions and requirements incorporated into Schedule 1 to the Urban Growth Zone.

Clause 15 (Built Environment and Heritage) - the Amendment seeks to implement the PSP to guide urban development and provide for a liveable, diverse, connected and integrated community. The PSP provides a future urban structure that outlines a permeable subdivision pattern and transport network that fosters the use of sustainable modes of transport, a safe public environment, a network of public open space, and housing stock to attract a diverse community.

Clause 16 (Housing) - the Amendment provides that housing in the Precinct will be fully serviced. New residents will have access to existing services and employment opportunities within the community and in adjacent developed neighbourhoods. The PSP sets out provisions to facilitate a diverse range of potential housing types and densities.

Clause 17 (Economic Development) - the Amendment includes a local convenience centre to provide essential services and potential employment opportunities for residents within the Precinct.

Clause 18 (Transport) - the Precinct’s road network will integrate with the existing arterial road network and provide opportunities for bus routes to traverse through it. The proposed road network provides a robust structure for traffic and transport movement within and through the Precinct.
(ii) Local Planning Policy Framework

Clause 21.04 (Settlement) - provides strategic direction for the anticipated growth of the municipality, including guidance on urban consolidation and growth; housing; rural residential living; community life; and non-residential uses. The Precinct is identified in the Shepparton North Framework Plan as an area for urban growth, reflecting the policy directions in Greater Shepparton Housing Strategy, 2011 and the Hume Regional Growth Plan, 2014.

Subclause 21.04-1 (Urban Consolidation and Growth) - seeks to maintain a supply of land to accommodate projected population growth over at least a 15-year period. It supports increased densities, such as 15 dwellings per hectare, where reticulated sewer and urban services are provided. Medium density housing is encouraged in preferred locations including within existing residential areas, near public transport and adjacent to open spaces.

Clause 21.05 (Environment) - the PSP supports the policy objectives through the requirement of an integrated water management system that operates to best practice standards ensuring that drainage and stormwater is managed consistent with pre-development levels.

Clause 21.06 (Economic Development) - the PSP includes a local convenience centre which will provide employment opportunities and economic development for the community. The size of the local convenience centre will service the basic daily needs of the future community, thereby complementing the established hierarchy of commercial and activity centres within Shepparton North and the Central Business District.

Clause 21.07 (Infrastructure) - the Amendment supports this clause by identifying the required infrastructure to service the Precinct. The road structure within the Precinct is designed to ensure it will successfully improve and integrate with the existing road network. The PSP includes bus-capable roads to reduce car dependency.

3.2 Relevant planning strategies, policies and plans


Outcome 7 states “Regional Victoria is productive, sustainable and supports jobs and economic growth”. Direction 7.1 states: “invest in regional Victoria to support housing and economic growth and policy 7.1.1 stimulate growth and employment in regional cities”. The VPA/Council noted this includes recognising residential growth opportunities in regional Victoria to assist in making regions competitive in global markets.

(ii) Hume Regional Growth Plan (2014)

The Hume Regional Growth Plan (2014) is one of eight regional growth plans that provides broad direction for land use and development across regional Victoria. The Plan identifies the Precinct as a key residential growth front in Victoria. It identifies that growth corridors in Shepparton can accommodate up to 17,600 new residents by 2031 and specifically identifies an area which incorporates the north east precinct as a key residential growth front in Shepparton.
(iii) Greater Shepparton Housing Strategy (2011)

The Greater Shepparton Housing Strategy provides further strategic direction on housing and residential development following the adoption of the Greater Shepparton 2030 Strategy Plan 2006. It sets objectives, strategies and actions and establishes a development framework to guide future residential development in the municipality.

The Strategy outlines the four main growth corridors which are identified in the Municipal Strategic Statement of the Greater Shepparton Planning Scheme. The Strategy anticipates that the main growth corridors will satisfy a significant portion of the predicted short to medium term residential growth needs of the municipality. The PSP is an area designated for such development within five years.


The Greater Shepparton Commercial Activity Centres Strategy 2015 provides a hierarchy of activity centres and defines their respective roles in supporting retail growth in Shepparton. The strategy prioritises the Shepparton Central Business District as a key regional retail and commercial centre. It designates the Shepparton North centre, located on the eastern side of the Goulburn Valley Highway as one of three subregional centres in the municipality which serve an immediate residential catchment in the surrounding urban area.

Shepparton North Action 6 in the Activity Centres Strategy seeks to allow for the development of a small local centre in association with the Shepparton North East precinct to meet local convenience needs. The Action states that it will not include uses such as a full-line supermarket that would be more appropriately located in the Shepparton North centre.

3.3 Planning scheme provisions

The Amendment proposes to apply the Urban Growth Zone, PAO and DCPO.

(i) Precinct Structure Planning Guidelines and the Urban Growth Zone

The Precinct Structure Planning Guidelines (2009) set out the key objectives of growth area planning and include a step by step guide on how to achieve the identified objectives. The explanatory report details how the Amendment meet each relevant objective of the Precinct Structure Planning Guidelines.

The Urban Growth Zone applies to land that has been identified for future urban development within the Urban Growth Boundary. It has been specifically designed to implement an incorporated PSP and ensure that future development accords with the approved PSP. A schedule to the Urban Growth Zone is drafted for each PSP area and can include requirements for land use, buildings and works, application/advertising requirements, decision guidelines and any other conditions or requirements.

The purposes of the Urban Growth Zone are:

- ...
- To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.
To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.

To contain urban use and development to areas identified for urban development in a precinct structure plan.

To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.

To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.

The Amendment proposes to introduce the Urban Growth Zone Schedule 1 (Shepparton North East PSP) to the Greater Shepparton Planning Scheme and apply it to the Amendment area.

(ii) Overlays

As exhibited, the Amendment proposed to apply the PAO to retardation basins, open space, road projects and the community centre. The purposes of the PAO are:

To identify land which is proposed to be acquired by a Minister, public authority or municipal council.

To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.

To designate a Minister, public authority or municipal council as a acquiring authority for land reserved for a public purpose.

This application was reviewed as part of the peer review process and the Amendment now proposes to remove all but one PAO, which is the proposed PAO23 on RB-03. In its Part A submission, the VPA/Council noted:

Mesh reviewed the land ownership pattern and the location of proposed infrastructure and there was a low to medium risk to development. In order for Parcel 6 to develop in isolation, access to RB-03 is required. Considering RB-03 is entirely within parcel 3, it was considered necessary to maintain a PAO on this infrastructure item in order to enable parcel 6 to develop in isolation.

The Amendment proposed to introduce the DCP Schedule 4 to the Greater Shepparton Planning Scheme and apply it to the PSP area. The purposes of the DCP are:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.
3.4 Ministerial Directions and Practice Notes

Ministerial Directions

The VPA/Council submitted that the Amendment complies with the applicable Ministerial Directions including Ministerial Direction 11 - Strategic Assessment of Amendments, and Ministerial Direction 12 - Urban Growth Areas.

Planning Practice Notes

The Panel is satisfied that the Amendment is consistent with:
- Planning Practice Note 46 (PPN46) Strategic Assessment Guidelines, June 2015
- Planning Practice Note 47 (PPN47) Urban Growth Zone, June 2015.

3.5 Infrastructure Design Manual

The Infrastructure Design Manual (IDM) is a joint initiative of regional Victorian councils. The IDM sets consistent requirements and standards for the design and development of infrastructure. The IDM is a reference document within the Greater Shepparton Planning Scheme and is referred to in Clause 21.07 Infrastructure.

Amendment C112 to the Greater Shepparton Planning Scheme, which was gazetted on 6 April 2017, further implemented the IDM into the Planning Scheme by augmenting the existing wording in Clause 21.07 and including the document in Clause 21.09.

The IDM is the preferred guidance document for Council for infrastructure standards and design but allows for flexibility:

While the Manual sets minimum standards, Councils and developers may wish to consider adopting alternative standards to achieve residential development outcomes that are more appropriate to the character or a particular rural or regional township.

The VPA/Council advised that the IDM has been used in guiding the design of the proposed infrastructure for the PSP.

3.6 Findings

Shepparton is Victoria’s fourth largest regional city and is a high-functioning regional business, food production, retail and service hub. It is strategically located along the Goulburn Valley transport corridor.

The Hume Regional Growth Plan directs major urban growth and development in the Goulburn Valley region to be focussed in Shepparton. This is reflected in the Victorian Settlement Framework at Clause 11.01-R and supporting strategies of the Planning Policy Framework.

The Hume Regional Growth Plan emphasises the important role that land designated for future residential use in Shepparton will play in accommodating growth, which includes the Shepparton North East Precinct. As outlined in the Planning Policy Framework and Regional Growth Plan, an estimated 17,600 new residents over a 15-year period is driving the need for sufficient and available land supply.
The development of the Shepparton North East Precinct enjoys strong strategic support through a clear hierarchy of strategic plans prepared by State government and Council. These plans set out the framework for Shepparton’s further growth and designate the Shepparton North East Precinct as a key growth front.

The preparation of the PSP is the primary implementation mechanism of the policy directions articulated through Plan Melbourne, the Hume Regional Growth Plan and in the Greater Shepparton Housing Strategy. The PSP and DCP will provide the long-term vision for the future planning and development of the Precinct and a broad framework to coordinate development and assist in the transition of the area from non-urban to urban land.

The Panel queried the proposed density in the PSP of 10 dwellings per hectare, specifically to ascertain why this was to be lower than the rate of 15 dwellings per hectare supported in local policy. The VPA/Council advised that while local policy encourages such density, the development market had not yet responded to this policy objective. It was noted that market forces may mature by the time that development of this PSP is underway, enabling a greater residential density.

The Panel is satisfied that the PSP is generally consistent with the strategic intent of these plans and strategies. The broader strategic merits of the Amendment were not challenged by submitters.

The Panel finds that the Amendment is consistent with the broad planning policy context, subject to addressing the more specific issues raised in submissions and discussed in the following Chapters.

As Amendment VC148 was introduced after exhibition, the VPA/Council will need to review the Planning Policy Framework to ensure consistency prior to adoption and approval.

The Panel is satisfied that the Amendment is well founded and strategically justified, and that it should be adopted subject to the Panel’s recommendations.
4 Community Infrastructure

4.1 Overview

Plan 2 of the PSP provides the ‘Future Urban Structure’ for the Precinct. It nominates locations for connector streets and the urban area, as well as locations for:

- existing and potential expansion of a government school (Grahamvale Primary)
- community facilities
- open space
- local convenience centre.

4.2 Education facilities

(i) The issue

Unusually for a new growth area, there are two existing schools located within the PSP area. These are the Grahamvale Primary School on Grahamvale Road (government) and the Shepparton Christian College on Verney Road (non-government).

The key issues to be resolved are:

- whether the schools are sufficient to accommodate an increase in student numbers arising from the changed land use
- whether the PSP adequately caters for the potential expansion of the Grahamvale Primary School to accommodate an increased student population.

(ii) Evidence and submissions

The VPA/Council Part B submission advised that in relation to the potential expansion of the site for the Grahamvale Primary School:

*The site expansion has the potential to facilitate a reorientation at the existing Grahamvale Primary School to shift the main entrance to the school away from Grahamvale Road to the west side of the school site. This would facilitate safety and efficiency of traffic and pedestrian movement, especially at pick-up and drop-off times, as well as better access to future residential development.*

VPA/Council observed that if expanded, the site would be in the order of 3.5 hectares, which it said is the recommended size by the Department of Education and Training (DET) for a government primary school.

DET made a submission about the location of the Grahamvale Primary School and the land designated for further expansion, which it noted it could not commit to. This was supplemented by a letter on 20 August 2018 to the VPA (Document 41). In summary, the VPA/Council Part B submission advised:

*DET submits that it is unable to commit to acquiring land to expand this school site. DET has indicated that it will continue to review the need for the site expansion and additional school capacity in this location by using demographic modelling of population change, enrolment growth and the*
capacity of existing schools as part of its statewide planning process for schools.

Both Schools made a submission about the Amendment and the Principal and School Council President of Grahamvale Primary School appeared at the Hearing.

Grahamvale Primary School supported the setting aside of land for an extension to its existing campus and noted that even though DET has not committed to purchasing the land, its current enrolments indicate that the school is growing at a fast rate and the site should be developed soon. It noted that enrolments have increased from 300 students in 2007 to a projection of 409 in 2019. Further, these figures do not consider the proposed development because of the PSP, and the school anticipates a further 372 students over the next 15 years when the land is developed for residential purposes.

The school is not zoned or capped (i.e. no enrolment restrictions) and clearly it sources its students from residential areas quite external to its site. The Panel was advised that no students can walk to the school, nor do they ride bikes. Additionally, there are no facilities for active sport at the school and all students get bussed to other schools or sites for active and competitive sports.

The school raised several other issues relating to safety concerns about drop off and pick up, the condition of Grahamvale Road, and the potential danger for parents and students due to trucks travelling along Grahamvale Road. Recent footage from a drone enhanced and exemplified the presentation from the school.

The Shepparton Christian College is an interdenominational, independent school that has students from Prep to Year 12. It is located on Verney Road. The school made a late submission that sought a change to the location of the local access road from the south to the north. This is dealt with in Chapter 5.3.

(iii) Discussion

The Panel agrees with VPA/Council that it is logical to use the existing Grahamvale Primary School for a new residential population and supplement that with an expanded school and school site as the student population increases through growth because of the PSP. Should the Grahamvale Primary School not already be on site, it would be likely that a site in the order of 3.5 hectares would need to be designated for a government primary school.

Clearly it would be efficient to use and grow the existing school to meet community needs and expectations.

The Panel accepts and supports the VPA/Council submission that no change should be made to the exhibited PSP regarding the land designated to facilitate the potential expansion of the Grahamvale Primary School. The Panel supports the expanded location and agrees that enhanced safety conditions for students (as well as staff and parents) is a key issue that needs to be acknowledged and resolved (but not through this PSP process).

The Panel further considers that the school could be expanded to provide for a kindergarten service when warranted. Co-location of kindergarten and child care services provide excellent synergies with a primary school.
While no submission was made by the Shepparton Christian College on matters apart from the access road (see Chapter 5), the Panel considers having two options for education within the PSP area provides for diversity and choice.

(iv) Conclusions
The Panel concludes:
- The PSP appropriately provides for an expansion of the site of the Government school to enable it to expand its operations when required.
- Both schools will adequately cater for increased student numbers because of the increased residential population of the PSP area.
- The designation of an expanded site for the Grahamvale Primary School should remain as exhibited on the PSP.

4.3 Community facilities

(i) The issue
Plan 2 of the PSP provides an area to the west of the proposed District Park and east of the proposed local convenience centre for the location of community facilities.

The key issues to be addressed are:
- whether the designation of community facilities in this location is appropriate
- whether community facilities should be co-located with the existing Grahamvale Primary School and its potential expansion site.

(ii) Evidence and submissions
The VPA/Council supported the designation of an area for community services and in the location as exhibited. Its Part B submission (Document 28) noted that the Shepparton North Activity Centre Community Services and Facilities Needs Assessment (Capire, 2016) concluded that given the extent of growth proposed, the area for community hub remains appropriate to where population growth will occur. As the community centre is proposed to be located on the western edge of the PSP area, it will also serve the established residential area west of Verney Road.

As noted in the VPA/Council Part B submission:

> The VPA Precinct Structure Plan Guidelines state that community facilities (e.g. schools, community centres, active open space) should generally be co-located with each other, and located either close to a neighbourhood activity centre or with good visual and physical links to a neighbourhood activity centre. While the proposed location of the community facility is not co-located with the existing government primary school, it is co-located with the proposed local convenience centre and the district park and in close proximity to the existing non-government school.

In her evidence for VPA/Council, Ms Wittingslow noted the importance of striking a balance with locating schools and community facilities close to each other and as a principle, co-location is preferred. However, she noted that in this PSP area, these will be less connected,
mainly due to the need for the community facility to serve a wider catchment, particularly to the west.

Ms Wittingslow was questioned about the cost and apportionment of the community facility, this is dealt with in Chapter 7.

DET requested the co-location of the proposed community facility with the Grahamvale Primary School “… to enable opportunities for shared use and integrated community facilities, particularly schools and early childhood facilities …” DET requested a change to the PSP to reflect its position. The supplementary letter to the VPA from DET (Document 41) confirmed its preference that:

"... co-location of Government schools and community facilities should be encouraged and achieved wherever possible in new greenfield areas, particularly the co-location of primary schools and kindergartens."

However, DET noted that it was cognisant of the circumstances regarding this PSP that may preclude such an outcome. Further, while DET indicated it would be open to considering other options, “... it recognises that it will ultimately be Council’s decision as to where the community facility is located”.

While not part of its written submission, the Grahamvale Primary School noted at the Hearing that it would prefer the community centre and early childhood services next to its school.

The closing submission of VPA/Council observed that co-location of community services with the Grahamvale Primary School was not a major issue raised in submissions.

(iii) Discussion

The Panel observes that if the PSP area was a blank sheet of paper, a primary school, a local convenience centre, community facilities and a major area of open space would likely be designed to ensure superior relationships with each other in an area central to the residential population. In this way, a higher proportion of the population could access such services and convenience by walking or cycling, as well as being able to ‘multi-task’. There would be a high degree of synergy and it would present a more sustainable, cohesive and beneficial outcome.

The location of the Grahamvale Primary School, which has been operating in its current location for many years, has very little immediate population catchment, and indeed, the Panel was advised that no students are able to walk to that school. This is not the norm under any circumstances. It is unusual to see a thriving State primary school in such a location and clearly it must be a major attractor school to achieve its obvious successes.

Shifting the school to the west of the PSP area to co-locate with the community services was not discussed, nor would it be viable. If the community facilities were to be co-located, so too could the local convenience centre to create a true and enduring functional community hub. The Panel does acknowledge however, that a different location for the local convenience centre was not raised or discussed at the Hearing. In saying this, the Panel notes that the landowner of the existing site and the proposed site adjacent to the Grahamvale Primary School is the same.
Further, the Panel is aware that convenience centres of any kind prefer to be located centrally within a broader area and on a main road where there is the opportunity to capture passing traffic.

The aim of the PSP should be to ensure community synergy, vibrancy and sustainability, especially in a small PSP area such as this.

While not making it as a recommendation, the Panel considers that location of the community facilities and possibly the local convenience centre could be revisited to enable co-location adjacent to the area proposed for expansion of the Grahamvale Primary School and north of OS-04. This could require a small realignment of RD-02 to align with the relevant property boundary.

(iv) Conclusions

The Panel concludes:

- It is appropriate to plan for a small community centre to service local needs as part of the PSP process.
- Co-location of community facilities (including a kindergarten and possibly the local convenience centre) with the Grahamvale Primary School could be reviewed further prior to finalisation of the PSP and Amendment.

4.4 Open space

(i) The issue

The exhibited PSP designated five areas for open space, all in conjunction with drainage basins. Due to submissions and the consequent review of the DCP costs, the PSP was amended to provide for four areas of open space, generally in central and accessible locations.

The key issue to be resolved is:

- whether the amount and location of the open space areas are adequate.

A further issue relates to the use of Clause 52.01 as a contribution to open space, however this is addressed in Chapter 7.

(ii) Evidence and submissions

There was very little submission and discussion about the extent and location of the open space network once the PSP was refined to reduce these from five locations to four. The VPA/Council Part B submission noted that the issues raised by submitters related to the quantum proposed, not the locations.

(iii) Discussion

The Panel supports the location and extent of open space, including their immediate abuttal to the drainage reserves and the location of the District Park next to the local convenience centre and the community facility (should these remain in this location). If these uses are moved to the area adjacent to the Grahamvale Primary School, then it may be appropriate that the local park becomes the district park.
Further co-location of open space with the drainage reserve will be a positive outcome and will enable larger areas to be utilised to serve the open space needs of the community.

(iv) Conclusion

The Panel concludes:
- The allocation and location of open space is appropriate and fit for purpose, and the Panel supports Plan 4 of the revised PSP in this regard.

4.5 Local convenience centre

(i) The issue

A local convenience centre is proposed to be located in the vicinity of the north east corner of the intersection of Verney Road and RD-01. The applied zone would be Clause 34.01 – Commercial 1 Zone.

The exhibited Amendment provided for Shop as a section 2 – permit required use on the condition that “A permit is required to use land for a Shop where the applied zone is Commercial 1 Zone if the combined leasable floor area of all shops exceeds 1,600 square metres in the local convenience centre in the Shepparton North East Precinct Structure Plan”.

The revised Amendment (July 2018) provided for Shop as a section 1 – permit not required use on the condition that “the combined leasable floor area of all shops must not exceed 2,000 square metres”.

The key issue to be resolved is:
- the amount of shop floor space allocated to the local convenience centre.

(ii) Evidence and submissions

Submissions were received from Shepparton Pty Ltd and Marl Enterprises Pty Ltd (Marl), land owner, and owner and occupier of the Fairley’s Supa IGA respectively. Shepparton Pty Ltd tabled planning and retail economic evidence (Mr Barnes of Hansen Partnership and Mr Lee of Deep End respectively).

Through Mr O’Farrell, Shepparton Pty Ltd objected to the floor space as proposed and amended as he considered it would undermine the role, function and viability of the existing IGA Supermarket and the proposed new second supermarket on its site in Shepparton North. Mr Kane, on behalf of the IGA, adopted the position of Shepparton Pty Ltd.

At the beginning of Day 3 of the Hearing, the VPA/Council advised that it sought to reconcile the differences between it and the two submitters. Subsequently, an agreed outcome with respect to the proposed floor area was reached between the parties in attendance. Evidence was not required to be called and tested.

The agreed outcome modified:
- Section 1 Use Shop (other than supermarket) – where the applied zone is Commercial 1 Zone on the condition “The combined leasable floor area of all shops (including any Supermarket) must not exceed 1500 square metres”.


• Further, Section 1 was modified to include Supermarket as a use, with the condition that “The leasable floor area must not exceed 800 square metres”.
• Section 3 – Prohibited was modified to include:
  - Shop (if the Section 1 condition is not met)
  - Supermarket (if the Section 1 condition is not met)
• Further, Clause 3.0 - Application requirements was modified to delete all requirements relating to Supermarket use.

These changes were included in Document 44. Document 59 further modified the Section 1 use relating to Supermarket to add the words “where the applied zone is Commercial 1 Zone”.

Nordic submitted that it sought a higher floor area than that proposed and through Mr Mondous argued that the current commercial area is too small to be viable and economical. He noted that specialty shops could not survive without a supermarket and the site should be in the order of one hectare to provide for a full line supermarket with accompanying car park and landscaping. He argued it should not be a planning requirement to dictate the size of the land.

At the Hearing, the Panel raised concern about Figure 1 (Local convenience centre and community hub concept) in the July 2018 version in that it seemed to present a layout and built form envelope which was quite detailed. For example, it showed a loading zone along the Verney Road frontage and the Panel queried whether that was the best design outcome. Further, it did not provide direct connectivity to the District Park through connecting paths. While the Panel recognises that the plan must be seen as conceptual, it has the potential to present issues when at the permit stage, given that the PSP will be incorporated into the Planning Scheme. When raised, the VPA/Council conceded that it could present as being a preferred outcome, rather than being the only option.

(iii) Discussion

The Panel acknowledges the role, function and location of the Shepparton North subregional centre. The Council has an adopted Commercial Centres Strategy that went through a robust Amendment and Panel process in 2017. The issues raised by Shepparton Pty and IGA turn on the primacy of the Shepparton North centre and its role in the retail hierarchy.

Given the issues raised by Mr Mondous (who attended on Day 4), the Panel queried why he did not attend the Hearing on the previous day when the retail issue was being pursued by Shepparton Pty Ltd and Marl, especially as evidence had been tabled. The Panel notes that no issues were raised by Mr Mondous in relation to the proposed convenience centre in its original submission (No 1) or its amended submission (No 16). Both Shepparton Pty Ltd and Marl had provided original and then updated submissions, so their position was known at the time of the first and then second exhibition process.

Given the proposed changes to the schedule to the Urban Growth Zone provides for a shop floor space of 1,500 square metres, of which no more than 800 square metres should be for a supermarket, and the agreement reached between the parties, the Panel adopts this recommendation.
The Panel considers that the outcome reached provides clarity and certainty for both the Shepparton North subregional centre and the PSP area. The revised controls provide a hard cap for certainty but is robust enough to ensure it can allow a range of uses in this location.

The Panel appreciates that what could have been a contentious issue was resolved by the affected parties in a proactive and positive manner.

While the Panel has previously raised the issue of co-location of all community uses on the one site, it does further acknowledge the importance of a retail use on main road and, in this case, central to an existing and an emerging growth front.

Additionally, the Panel found that the Guidelines and Requirements in section 3.2.1 in the July version of the PSP were repetitive so it recommends changes to them.

With regard to Figure 1 of the PSP, the VPA/Council acknowledged through its closing submission that some amendments could be made to the Requirements and Guidelines in the PSP to ensure better integration and connectivity.

(iv) Conclusions and recommendations

The Panel concludes:

- It is appropriate to provide for a local convenience centre in the PSP area.
- It would be inappropriate to allow the opportunity for a full line supermarket to establish in the PSP area.
- The agreed floor space proposed for the local convenience centre (1,500 square metres in total of which the supermarket should not exceed 800 square metres) is appropriate to its role and function.
- The location of the local convenience centre could be further reviewed as per the discussion in Chapter 4.2 and 4.3.

The Panel recommends:

3. Adopt the modified provisions for shop and supermarket in accordance with the Schedule 4 to the Urban Growth Zone (Appendix D).

4. Amend Figure 1 in the Precinct Structure Plan to:
   a) Provide a note that the plan is ‘indicative only’
   b) Remove the notation for the loading zone.


6. Delete Requirement 13 in the July 2018 version of the and include it as a new Guideline 11 in the Precinct Structure Plan to read:

   The key design elements of the local convenience centre should have regard to the indicative Concept Plan (Figure 1 and Appendix C), including:
   Integration and connectivity of the local convenience centre with the community centre and district open space through design, landscape and connectivity of paths and access roads.
   Consideration for pedestrian and cyclist access to the site, including opportunities for pedestrian crossings in proximity to bus stop locations.
Incorporation of shared infrastructure (eg seating, car parking and landscaping).
Landscaping, screening and shading of car park areas and, in addition, large trees along the Verney Road interface.
A central square or plaza area.

7. Amend the last sentence of Requirement 12 in the July 2018 version of the Precinct Structure Plan to read:

    Sensitive design and location of any loading zone must ensure it does not adversely impact on the surrounding residential uses or detract from the design of the centre and its presentation to any street frontage.
5 Roads

5.1 Overview

The resolution of road and traffic proposals will affect the outcome of the PSP and consequently the DCP. VicRoads will have the main influence in determining projects external to the PSP but highly relevant to the shape of internal layouts.

The joint submission by Transport for Victoria and VicRoads (Submission 16a) noted the complexity of road planning in the Shepparton region. Numerous proposals in the region are under consideration. Key is the future roles of Ford Road and Grahamvale Road which forms part of the Shepparton Alternative Route (SAR) that is to operate until the Shepparton By Pass is competed at an indeterminate time. Other works planned or under investigation to improve traffic flow on the SAR include a future grade separation of the railway level crossing on Grahamvale Road. The projects with most effect on the PSP and DCP are connections to Grahamvale Road and Ford Road and the acquisition of land for widening of Ford Road as a DCP project.

Numerous submissions addressed external road issues as well as issues with the form and alignment of connector roads, their intersections with the abutting permitter roads and standards to be applied.

The key issues to be resolved are (matters relating to):

• Grahamvale Road
• Ford Road
• Verney Road
• frontage roads around the perimeter of the Precinct
• revision of internal Road RD-02 within the PSP.

For reference, the Panel has included Plan 3 of the post-Panel version of the DCP as Figure 3.
Figure 3: Transport Projects

Source: Document 64 - Plan 3, Shepparton North East Development Contributions Plan (September 2018).
5.2 Grahamvale Road

(i) The issue

Grahamvale Road forms the east boundary of the Precinct. It serves as a major road link in the area for local passenger vehicle traffic, local truck traffic and interstate freight vehicles. In a letter to the VPA dated 15 August 2018 (Document 23) VicRoads and Transport for Victoria stated that since 1992, Grahamvale Road has been an integral part of the SAR that functions to remove heavy vehicles from the centre of Shepparton.

The key issue to be resolved is:

- the role Grahamvale Road is to play in the growth of the Shepparton North East PSP area and what access should be available onto the road.

(ii) Evidence and submissions

The exhibited PSP proposed to use Grahamvale Road as a road servicing the Precinct with a link to the Precinct through a signalised intersection at a point approximately mid-way along the east boundary of the PSP. The link would be the end point of road RD-03 that would cross the Precinct from Verney Road in the west and emerge from property 6 at intersection IN-03. This concept was supported by the landowner (Submitter 3), and others, but it was not included in the revised PSP because of further consideration of transport planning for the region by VicRoads. VicRoads instead proposed the realignment of road RD-03 to the north-east corner of the Precinct where a roundabout was proposed at the junction of Grahamvale Road and Ford Road with a link off the roundabout into the Precinct.

The Panel heard submissions about the desirability of access to the east. Some parties wished to retain the original access, while VicRoads and the VPA/Council advocated its deletion. Evidence from the traffic engineers and the outcome of the conclave added to this debate.

Mr Bismire for VicRoads presented to the Panel on Day 1 of the Hearing. After his presentation, the Panel put a series of questions to clarify the position of VicRoads (Document 46). A response was provided on 23 August 2018 (Document 48). The Panel regards the following matters as key aspects of the response:

- there is no cost estimate for the construction of the Ford Road/Grahamvale Road roundabout because of the conceptual and preliminary nature of the design, although an estimate of $6 to $7million was provided
- a funding submission for the roundabout is proposed in the 2019/20 State Budget, which, if successful, may see construction commence in mid to late 2020
- no budget estimate has been prepared for acquisition of land for the roundabout
- no design exists or has been agreed to for works to integrate the Goulbourn-Murray Water main channel located in the area of works and no costing is available
- upgrades on Grahamvale Road and the SAR in general are being scoped in a current VicRoads planning study but no construction funding is currently available.

Further, the Panel was advised that consideration of a flyover of the railway on Grahamvale Road near the Grahamvale Primary School is at an extremely early conceptual stage and is insufficiently progressed to determine its specific impact on the operation of the school.
However, the requirements of any flyover to cater for double-stack rail freight movements indicate a structure of considerable scale with likely impacts on the continued use of the SAR as a means of vehicle access to the school and the siting of an access point into the Precinct as exhibited as IN-03.

VicRoads submitted that the siting of IN-03 was problematic for numerous reasons:

- A concern to protect the role and function of the SAR as a key heavy freight route for the foreseeable future which it submitted necessitates that access from adjoining land be effectively managed and controlled.
- There was a lesser demand for the intersection than to the west of the Precinct based on assessment that the proportion of traffic generated by the Precinct seeking to exit to the east and north east would be significantly less than to the west. VicRoads submitted that the Ford Road/Grahamvale Road roundabout maintains an option for vehicles travelling to and from the Precinct from those points is a preferred traffic management outcome and can be implemented at a reduced cost to the PSP and the DCP. (The Panel notes that during cross-examination by Ms Morris, Mr Turnbull expanded the traffic allocation figures in his evidence to state that traffic in the precinct would split with 6,000 vehicles per day (vpd) on RD-02, the southern connector road in the precinct, 4,500 vpd on RD-01 and 1,500 vpd on the north-east leg of that road linking to the roundabout. These figures are similar to those in the Trafficworks Addendum Report and the evidence of Mr Citroen, although his figures vary up and down depending on access being provided to Grahamvale Road.)
- There are design and operational constraints through the limited 20 metre width of the reservation for the road at the intersection, the narrowness of the land available for the intersection between the Shepparton-Tocumwal Railway and the main channel, and the extent of turning lanes at the signalised intersection, all of which VicRoads submitted would restrict the potential capacity of the intersection onto and on Grahamvale Road.
- In the absence of permanent access, temporary access to Grahamvale Road from property 6 as sought by Submitter 3 would be dependent on numerous matters including the duration of temporary access, the nature and volumes of vehicles seeking access and the style of any proposed intersection meeting standards including the crossing of the channel. VicRoads believed the role and function of the SAR as a key heavy freight route for the foreseeable future necessitates that access from adjoining land be effectively managed and controlled.

The response from VicRoads (Document 48) advised that there is no specific policy or document on the use of traffic signals over roundabouts or vice versa as an intersection traffic management device. The VicRoads North East Region office determined that roundabouts are the preferred solution for all intersections along the SAR as a principle freight route:

- to achieve a consistent driver experience for all users (both trucks and passenger vehicles)
- because of a view, reinforced by Safe Systems principles, that roundabouts have capacity to reduce the incidence of vehicle-related deaths and serious injuries as
any collisions will generally be at an oblique rather than a right angle, and, at lower speeds
• because acceleration/deceleration of heavy vehicles (and associated wear and tear, noise generation from braking/gear changing/stopping, exhaust emissions) is more likely with signalised intersections than with roundabouts.

VicRoads advised that the potential solution of the roundabout was generated in discussions since exhibition of the Amendment. The roundabout would be constructed by VicRoads, except the leg into the Precinct which VicRoads proposed would be funded by the DCP.

The new roundabout in the north-east corner of the Precinct to control the Grahamvale Road/Ford Road intersection with a new Precinct entry road off the new roundabout allows the realignment of the exhibited connector road RD-03 within the Precinct and the deletion of the intersections IN-03 onto Grahamvale Road and IN-04 onto Ford Road. The realigned road RD-03 would link to the roundabout and intersection IN-03 would become the junction point. As with roads RD-01 and RD-02, the first 150 metres of the connector road would be designed and constructed to the boulevard standard that applies elsewhere in developing areas of the municipality and would be funded by the DCP for that length.

The implications of closing off entry into and out of the Precinct on the east boundary was discussed by Mr Citroen and Mr Turnbull in evidence and by Mr Higgs of TTM Consulting in an attachment to the presentation by Mr Whiteman for Submitter 3 (Document 39).

The proposed deletion of access to Grahamvale Road was criticised by Mr Whiteman who noted surprise at a proposal that would deny access from the property to the abutting road. The Sfetcopoulou’s and other submitters criticised the new roundabout proposal, the realigned road RD-03 and consequent costs to the DCP.

The Panel notes Ms Wittingslow’s evidence included statements on this matter which she described as being “from a planning perspective”:

28. A key change from the February to the July version of the PSP relates to intersections along Ford Road and Grahamvale Road. It is my opinion that intended access arrangement along these roads is somewhat unclear from the PSP. I recommend that PSP clarify which intersection option is preferred, and likely interim/local access arrangements that may be permitted along these roads.

29. From a planning perspective, I would support a greater level of access along these roads than a lesser level, subject to traffic advice.

30. I support the current alignment of connector roads, having regard to local development constraints, such as the location of existing intersections, existing houses, and landownership patterns.

Her conclusion was:

122. From a planning perspective, I agree with the Trafficworks July report that removal of an easterly access to Grahamvale Road would be undesirable, and in my option, it would be inconsistent with PSP objectives to create a connected and permeable street network.
The traffic experts interchangeably used the terms Access C and IN-03 to describe the intersection onto Grahamvale Road in the east of the Precinct.

As is clear from the Trafficworks Addendum Traffic Report, the deletion of Access C and IN-03 onto Grahamvale Road for RD-02 emerged from discussions between the VPA/Council and VicRoads. The proposal found agreement among the experts at the traffic conclave to delete IN-03 in favour of the roundabout. The conclave (Document 25) recorded the position that:

NP advised that VicRoads moved Access C north due to investigations for future grade separation of the railway level crossing on Grahamvale Road. Consideration of a future railway overpass for the Grahamvale Road truck route would make the HT location (adjacent to the northern boundary of Grahamvale Primary School) unviable.

Accordingly, the HT location should not proceed.

There was consensus among the traffic experts that access from the east of the Precinct is desirable, but Mr Citroen and Mr Turnbull both supported the roundabout as a superior solution to Access C, IN-03.

Mr Citroen supported “an appropriate connection to Grahamvale Road” but added:

The provision of a stand-alone intersection at IN-03 is expected to operate satisfactorily if signalised. However, the recently suggested relocation of this access to the intersection of Grahamvale Road and Ford Road, by way of an additional leg to the proposed roundabout at this location, as per the VicRoads layout shown in Attachment C, is considered to provide a superior solution.

Mr Turnbull opined that local conditions were such that “a new access point to the PSP area preferably further south than shown on the PSP map, in the vicinity of the existing primary school would not be unreasonable, unexpected or unsafe”. Further, he noted that the denial of access onto Grahamvale Road along the length of the PSP boundary “… places an unreasonable constraint on the development of the Shepparton North East Growth Corridor to prohibit any connection to the growth area from Grahamvale Road south of Ford Road”.

(iii) Discussion

The Panel agrees with Mr Turnbull that the deletion of IN-03 is “not a minor impact, and such a decision would need to be made prior to adopting the final version of the PSP and DCP, as there are potentially significant costs and impacts on Verney Road and Pine Road residents which haven’t been thoroughly considered”. Perhaps as a way of making a choice, Mr Turnbull supported the roundabout option over his alternative access point to the south of the Precinct near the Grahamvale Primary School.

Mr Higgs’ attachment noted that it was practical to have options for southerly and western travel through access onto Grahamvale Road, preferably at a point as far south as possible. He disagreed with the roundabout option stating that an access point shown in the PSP and another point north of the primary school made sense to accommodate traffic from the north-eastern corner of the Precinct.
Mr Higgs noted the standard of road needed only to be the equivalent of a local street for deliverability of access as the property through which RD-02 passes and where the resulting intersection is sited can be developed without reliance upon other developers.

The Panel notes the VicRoads comment (Document 33) that “though access to Grahamvale Road is considered needed”, the proposed access at IN-03 presented safety and access concerns which it submitted:

... would introduce a mid-block hazard, create a ‘choke point’ to reduce Grahamvale Road’s mid-block capacity, and would require signalisation for safety reasons. This is not supported by VicRoads given the consistent use of roundabouts on this key freight route, both to help expedite heavy vehicle movements, and to reduce road safety outcomes.

Ms Morris said in closing that the roundabout option was supported by the VPA/Council “as the preferred access to the precinct from the east and that no further access onto Grahamvale Road or Ford Road be provided by the precinct”.

In this regard, the Panel notes:
- the opinions of the traffic experts in support of access onto Grahamvale Road, notwithstanding that both Mr Citroen and Mr Turnbull conclude that the roundabout option is better
- VicRoads position
- the VPA/Council position
- the opinion by Ms Wittingslow in support of IN-03 “from a planning perspective”.

(iv) Conclusions and recommendation

The Panel concludes:
- Access onto Grahamvale Road is desirable at a suitable and safe location along the east boundary of the PSP area. The Panel accepts the need to ensure safe operation of Grahamvale Road for all users whether traffic accessing the primary school, freight vehicles or any other road user, but for planning reasons believes that an access point should be provided for the Precinct.
- RD-03 and IN-03 should be reinstated in the PSP and the DCP.
- If the road and intersection are not to be reinstated in the same location as exhibited in the Precinct Structure Plan:
  - the access point should be located within property 6
  - the intersection should be designed to be similar to Access C as proposed in the revised PSP and DCP but subject to review of the need for a four-way intersection with the area across Grahamvale Road to the east depending on the selected location
  - the traffic control mechanism for the intersection can be determined as part of the design process but a signalised intersection should not automatically be ruled out as there is no VicRoads policy either for or against and because there may be platooning effects and benefits that a signalised intersection would bring for traffic accessing the Grahamvale Primary School
- the cost of the project as determined will be a DCP project with costs apportioned over the whole of the PSP area.

The Panel recommends:

8. Reinstall road RD-03 and intersection IN-03 in the Precinct Structure Plan and the Development Contributions Plan.

5.3 Ford Road

(i) The issue

Ford Road plays a role in the wider Shepparton traffic network. The PSP as exhibited proposed a widening of Ford Road on the south side abutting the Precinct; controlled access to the road as well as a signalised intersection approximately mid-way along the northern boundary with the Precinct. Those projects were to be funded by the DCP. The revised PSP deleted those proposals and transferred the access point to the roundabout.

The key issue to be resolved is:

- whether Ford Road is important to the planning and functioning of the PSP.

(ii) Evidence and submissions

Project RD-04 and the accompanying IN-04 is proposed to be removed from the Future Urban Structure, the Transport and Movement Plan and the DCP. So too will the widening of Ford Road, as VicRoads advised the Panel that it no longer proposed to include a cost in the DCP for the acquisition of land for its potential widening. VicRoads recognised that functionally, the configuration of Ford Road is not fit for an expanded purpose and will require future upgrading and widening, not as a PSP project or part of the DCP.

(iii) Discussion

Other than general commentary about the role of Ford Road and its place as part of the new roundabout, no submissions opposed the deletion of IN-04 or the widening.

(iv) Conclusion

The Panel concludes:

- It is appropriate to delete intersection IN-04 and the widening of Ford Road from the PSP and to remove all costs for those projects as exhibited from the DCP.

5.4 Verney Road

(i) The issue

The treatment of access onto Verney Road was questioned by submitters. Verney Road itself is not an issue; the issue lies in the treatment of intersection IN-02 at the junction with Pine Road and the ultimate selection of a frontage road or landscape strip at the time of subdivision.

The key issue to be resolved is:
• the preferred outcome for intersection IN-02.

(ii) Evidence and submissions
Verney Road forms the west boundary of the Precinct. The PSP proposes two intersections with Verney Road from within the Precinct:
• the northern intersection (IN-01) will provide the outlet for the road that crosses the Precinct identified as RD-01 near Verney Road and RD-03 in the east, through a signalised junction
• the southern intersection (IN-02) which will provide the outlet for the connector road that runs on a southern alignment through the Precinct.

Direct access to Verney Road is not permitted. Instead, the PSP requires the creation of either a frontage road or landscape strips to preclude access from abutting properties.

In his evidence, Mr Turnbull stated RD-02 should be realigned to be straighter, including a straighter cross-intersection at Verney Road/Pine Road. He recommended relocation of the road boundary into property 16, set out in Figure 4 below. This proposed realignment demonstrates how a 24-metre road reservation could be positioned on both properties to create a cross intersection with Pine Road.

Figure 4: Alternative intersection design for RD-02


Although Mr Citroen agreed “that the location of RD-02 entirely within parcel 13 does not seem equitable”, he did not support realignment of the intersection. He endorsed this position in answer to a question from Ms Morris when he noted that the intersection as
proposed “would work”. This position was different to the outcome of the traffic conclave where the opinion of the experts was:

It is agreed that the intersection IN-02 (RD-02) should be centred on Pine Road in accordance with Figure 14 of HT evidence. This is the optimum outcome and should be planned for in the PSP. This position is fully supported by VicRoads as the approval authority for signalised intersections. The current DCP plan for this intersection is not DDA compliant: pedestrian crossings should be at or as close as possible to right angles.

In closing, the VPA/Council (Document 53) held the position that the intersection did not need to be repositioned and stated:

Disagree with the conclave’s conclusion of moving the alignment of IN-02 to be within parcel 16 and 13 as this would be detrimental to the precinct from an implementation perspective. We note in both Mr Turnbull and Mr Citroen’s evidence they both conclude the proposed intersection arrangement would still work.

(iii) Discussion

There was no opposition about controlled access to Verney Road.

Intersection IN-02 describes the junction of RD-02 with Verney Road and the cross-connection with Pine Road. The project is described in the DCP as:

Pine Road and Verney Road (Access D): Purchase of land for intersection and construction of 4-way signalised intersection (ultimate standard).

The design of the intersection is illustrated in section 6.2.1 of the DCP with an estimated cost of $1,126,132. The sketch design of the intersection carries a note that the image is a “schematic layout for costing purposes only” but the cost of the project is adopted in the DCP and apportioned across the whole of the PSP area.

This 4-way signalised intersection has an off-set design as illustrated in Figure 5. The Panel was advised that aligning the intersection squarely with Pine Road would mean straddling the road across the boundary of two properties, property 13 where the road is wholly sited and intruding into property 16.
The Panel has the advice of two expert traffic engineers that the intersection as proposed will work effectively as designed. Notwithstanding Mr Turnbull believed the proposal is not the best outcome, it seems to the Panel there is no reason to reject the proposed design.

The owner of property 13 was not a submitter to the Amendment. The Panel has no information about how the owner might judge the impacts of shifting the road onto the property and close to the dwelling and improvements on the land.

For these reasons, the Panel accepts that IN-02 should remain as proposed.

(iv) Conclusions
The Panel concludes:
- The intersection IN-02 in the July 2018 version of the PSP and the DCP is appropriate.

5.5 Frontage Roads around the perimeter of the Precinct
(i) The issue
The use of frontage roads was raised in evidence by Mr Turnbull for Submitters 9 and 10 about property 13. The alternative in the PSP is the use of landscape strips instead of frontage roads.

The key issue to be resolved is:
• the circumstances where a frontage road might be provided and, where they are
provided, the relevant construction standards that apply.

(ii) Evidence and submissions

In the revised PSP, both Plan 2 Future Urban Structure Plan and Plan 5 Transport and Movement include ‘access streets’ generally around the perimeter of the Precinct. The streets are designed to restrict access onto abutting roads. Cross sections in the PSP illustrate treatments for ‘Interface Streets’.

At section 2.1.1, the DCP states:

While the delivery of the connector streets would typically be considered developer works (and not funded by the DCP) the DCP will make a contribution to the total funds needed to ensure that the connector street network can be efficiently and effectively delivered.

Mr Turnbull questioned the purpose, use and standard of frontage roads. He described the treatments in the cross sections as excessive for the purpose and proposed a lesser reservation width. After considering the existing landscape strips on the west side of Verney Road that work to restrict access from abutting properties, Mr Turnbull opined that the PSP does not need to be so prescriptive and should allow development to provide either a frontage road or landscape strip.

This issue was addressed in the traffic conclave where the experts agreed:

The PSP should be less prescriptive. - Abutting Verney Road and Ford Road, the PSP should allow for either frontage roads or landscape strips. - Abutting Grahamvale Road, mandatory frontage roads (to provide for access restoration once truck route is developed). - No need for frontage roads to the southern PSP boundary (existing properties back onto this boundary)

Where frontage roads are provided, these should be 12m reservations.

Where landscape strips are adopted as an alternative, these should match the existing provision on the west side of Verney Road opposite the PSP area, i.e. 5m wide.

In advance of the Hearing, Mr Ranson for BiDesign (Submitter 10) provided the Panel with a list of locations to inspect (Document 36). During its inspection of those locations, particularly Archer Street Shepparton, the Panel saw how landscape strips were used to limit access onto abutting roads and streets. The Panel acknowledges the assistance provided through the nomination of sites to visit.

(iii) Discussion

In the revised PSP, Plan 5 Traffic and Movement proposed access streets around most of the perimeter of the Precinct. The Panel notes there is no definition of a frontage street, or an interface street as Ms Morris synonymously called them, in the IDM or the PSP but there are cross sections in the PSP. Ms Morris advised that the profile of the access streets is the same as in the IDM.
In the PSP, frontage roads are required as subdivision roads to be constructed by the developer. The Panel notes the discussion about the standard of the roads in the context of ensuring the cost of subdivision is minimised.

Mr Turnbull’s approach was to modify road standards for his client’s land and elsewhere including in the vicinity of the Grahamvale Primary School. He favoured alternative standards for road reservation widths and pavement widths as well as the discretion to vary a requirement according to local conditions.

There is no doubt that either a no-access interface road or a landscape strip would achieve the desired objective of restricting access from abutting properties but the question for the Panel is whether the PSP should prescribe an approach. Based on the discussion at the Hearing, the Panel understands there may be differing treatments adopted on abutting roads according to the function of the road. For example, it seems to the Panel, that:

- Verney Road is suited to the application of a landscape strip
- Grahamvale Road is suited to a frontage road treatment north of the Grahamvale Primary School to Ford Road
- Ford Road is suited to a frontage road treatment.

The effect of Mr Turnbull’s approach is to leave the choice of an interface street or a landscape strip to the development stage. The design approach for the land at that time would point to the best treatment. The Panel agrees this approach has merit as it properly positions a decision to be made in the local context at the appropriate stage.

(iv) Conclusions

The Panel concludes:

- The outcome of the conclave is supported and the selection of the appropriate form of access control should be made and determined at the time of subdivision application, to the satisfaction of the Responsible Authority.

5.6 Revision of internal road RD-02 within the PSP

(i) The issue

The key issues to be resolved are:

- the appropriate alignment of RD-02
- the siting of a road adjacent to the Shepparton Christian College.

(ii) Evidence and submissions

Road RD-02

This road is designed and intended to operate as a bus-capable connector street sweeping through the Precinct. The design has an outlet at Verney Road but otherwise it is an internal road. Mr Citroen and Mr Turnbull gave evidence on the route the road should take, and it was a subject at the conclave. Although not evidence, Document 39 included an opinion from Mr Higgs that showed potential bus routes on the internal roads including RD-02 to service most properties within the Precinct.
Mr Citroen’s evidence (Document 20) considered the alignment of the road with and without access onto Grahamvale Road; the connection to the roundabout at the Ford Road/Grahamvale Road intersection; the classification, reservation width and construction standard of the road according to the role it is to play; the route through the Precinct to provide a bus service to most of the residences.

Mr Turnbull concentrated on the impact of the alignment on his client’s property, making recommendations for less impact while achieving an efficient route through the Precinct. Mr Turnbull presented his version of a suitable alignment shown as Figure 4 in Section 5.4.

Road RD-02 was discussed at the traffic conclave where the experts agreed the road should be a connector level 1 with a 24-metre reservation, (statement 7 at the conclave). The DCP is to fund the cost difference between a local access street standard and the connector road requirement (statement 9). The internal connector road network should be designed to avoid a cross intersection and roundabout control adjacent to Grahamvale Primary School as this is not a safe treatment where children may be crossing (statement 11). The experts agreed on a revised alignment of RD-02 shown in Figure 6 of the conclave report.

Figure 6: Revised alignment of RD-02

At the Hearing, Mr Citroen’s evidence relied on Plan 5 Transport and Movement from the revised PSP, but he presented a different route for RD-02. In response to the Panel request that he convey his reasons for changing his position, he advised (Document 37) that he remained in total agreement with statement 11 from the conclave about the route of RD-02 near the Grahamvale Primary School, but to better service the area with buses, he favoured:
... a southern deviation of RD-02 to connect with the north-south connector at about the midpoint of the school’s western boundary would provide an improved coverage for bus travellers in the south of the PSP.

Mr Citroen addressed Mr Turnbull’s evidence about the equity of having the alignment of RD-02 mostly in one property. He agreed “that the location of RD-02 entirely within parcel 13 does not seem equitable” and referred to section 3.6 item 2) in the Addendum Report where he advised:

... an option to realign RD-02 to the south of the open space (OS-02) and adjacent retardation basin (RB-02) is expected to have no operational impacts on traffic, either along RD-02 or at the Verney Road intersection, but it would have the benefit of the location of RD-02 being shared between Parcels 13 and 17. Such a realignment would result in slightly better coverage of the bus catchment in the southeast quadrant of the PSP from the consequent relocated bus stop.

Mr Citroen maintained that opinion in his evidence and stated:

I have no reason to depart from this position and I recommend that RD-02 in the PSP be realigned to the south of open space OS-02 and the adjacent retardation basin RB-02 and that the key local access street be shifted in an easterly direction to maintain north-south connectivity between RD-01 and RD-02 clear of the reserves.

Shepparton Christian College

The Shepparton Christian College lodged a late submission (Submission 18) stating its preference for the local road proposed along the south boundary of the school property be relocated to the north side. The College saw the relocation as better suiting its current operations and stated the proposed road would mean a major disadvantage of having “to redesign the whole school at a significant cost”.

Mr Turnbull gave evidence that included a description of this road as:

An interface street with shared path (17m reservation – cross-section 3 applies) is required to be constructed adjacent to the existing school site abutting the Bennett property to the north (with shared path on the north side adjacent to the school). The local road and shared path is required to be constructed entirely within the Bennetts land, with development potential on one-side only.

Further, he opined that:

In my opinion, this is neither an equitable nor sensible traffic engineering outcome. In particular:

- There is no need for a road to abut the school site,
- The road is an internal access road, not connected directly to the arterial network, and can provide no meaningful service to the school,
- The road gives a poor design outcome for the development of the subject site, i.e. only allows single-sided development, and
• It is not usual to provide a shared bicycle path on a local street.

His conclusion was that:

frontage roads to the non-government school (Shepparton Christian College) are unnecessary, provide no meaningful service to the school, give a poor design outcome for the development of the Bennett land and should be removed,

(iii) Discussion

RD-02

Although there are differences of approach between Mr Citroen and Mr Turnbull, it is clear to the Panel they aim for the best traffic solution for the Precinct. The differences between the alignment of RD-02 shown on Plan 5 in the revised PSP is different from the alignment in the plan coming from the conclave. They are different to the alignment presented by Mr Citroen in evidence and Mr Higgs in the Sfetopoulos submission.

There may be many alternatives. What is clear is that the best alignment of RD-02, or any section of it or another road that is bus-capable, should be fixed for maximum efficiency and to meet Clause 56 of the planning scheme to position 90 per cent of houses within 400 metres of a bus stop. The flexibility allowed in the PSP that subsequent development applications should be generally in accordance with the PSP seems to provide ample room to move come the time to determine if a proposal complies.

The Panel notes the construction cost of RD-02 will fall to developers as a subdivision road except for its intersection with Verney Road and the boulevard-style end-treatment for 150 metres where that cost will be in the DCP. Consistent with the principle of seeking to minimise costs, the Panel supports flexibility in determining if a route shown on a plan of subdivision serves the purpose.

The Panel acknowledges that the route of RD-02 shown on the revised Transport and Movement Plan and presented by Mr Citroen has an abuttal to the west boundary of the Grahamvale Primary School and could serve it as a new entry way.

Shepparton Christian College

There was no discussion about the siting of the road during the Hearing as the College did not appear and no party took Mr Turnbull to his evidence on the issue. There are no reasons why the Panel should not accept the submission from the College and Mr Turnbull’s preference for the road as proposed to be abandoned least on the south side of the school. As the road is a local road internal to the Precinct, it seems to the Panel that the location can be left to the development stage when the need or otherwise for the road can be determined.

(iv) Conclusions and recommendations

The Panel concludes:

• The preferred alignment of RD-02 should be fixed for maximum efficiency to meet Clause 56 of the planning scheme. It is therefore in the broader interests of facilitating development within the Precinct to be flexible in finalising the route.
The road on the south side of the Shepparton Christian College is undesirable from the perspective of the College and is unnecessary for traffic reasons.

The Panel recommends:

9. Reconsider the alignment of road RD-02 to provide a bus-capable route that services the Precinct to the maximum extent.

10. Delete the proposed local access road shown on Plan 5 in the Precinct Structure Plan located on the south side of the Shepparton Christian College within property 13.
6 Drainage

6.1 Overview

In the Introduction, this report describes the land within the Precinct as predominantly flat. Ms Brown used the term “extremely flat terrain” to paint the same picture. While that makes the land suited to residential use, the lack of grade makes it imperative to find a solution to the current drainage constraints to allow the Precinct to develop.

A more technical description of the topography of the Precinct was provided in the 2014 background document the Drainage Strategy Report prepared by Reeds Pty Ltd. Reeds described the natural grade of one part the area as approximately 1 in 620 and approximately 1 in 2400 in another part. The effect of this flat terrain was that it was acceptable to Goulburn-Murray Water to have water to be sitting on the end of irrigation bays for up to five days after rain.

The Reeds Drainage Strategy Report provides a useful reference to the drainage situation and the critical need to find an answer “to ensure that an integrated design solution is achieved that will permit the efficient and economic development of the site”.

According to the report, “the area has historically been used for fruit production and generally exhibits flat grades that have been artificially modified to facilitate gravity irrigation and drainage of land”. The report stated there is “no formal drainage strategy and the current drainage outlets are limited to rural capacity and are not sufficient to provide any formal level of drainage or flood protection to the area”.

In metropolitan Melbourne, Melbourne Water is the drainage authority responsible for the preparation of a strategy or scheme that ensures planning for urban development is conducted on a catchment basis and meets appropriate standards for flood protection and environmental performance. The cost of implementing the drainage scheme is paid by contributions from developers, but not in a DCP. No similar body or approach is taken in Shepparton. Instead, local solutions are proposed by the Council with Goulburn-Murray Water. In this instance, local solutions have been presented by the VPA/Council but submitters continue to dispute the design and siting of the basins, the integration of open spaces and the overall cost of the solutions.

The Panel has no doubt about the importance of a solution to the current drainage issues. Failure to find an acceptable solution would stop any development, which is not in anyone’s interest.

The key issues to be resolved are:
- the location and number of retarding basins
- the location of basin RB-02.

6.2 Location and number of retarding basins

(i) The issue

The critical issue is the extent and location of drainage infrastructure and the proposed reduction in the number of drainage basins from five to four. Submitters welcomed the
consequential reduction in the DCP levy but questioned the efficiency of the design and construction standards.

The key issues to be resolved are:

- the engineering approaches
- the cost of projects.

(ii) **Evidence and submissions**

The peer review by Spiire on revised drainage projects and costings focussed on a review of the functional design of the drainage basins included in the PSP and preparation of construction costings to allow the apportionment of drainage works in the DCP. Ms Brown’s evidence addressed relevant submissions and considered comments made about the drainage proposals and costings.

**Engineering approaches**

In conducting the peer review, Spiire stated it had applied local knowledge of the alignment of irrigation channels and topography and adopted design principles to achieve an overall reduction in drainage costs. The approach included:

- keeping the design simple and uncomplicated
- not locating a basin adjacent to an irrigation channel (as these areas are generally raised or perched on high ground)
- choosing the basin location to allow pipes to run from higher to lower ground to achieve efficiencies in reducing pipe sizes
- reduced depths of basins.

Ms Brown stated that where the adopted design criteria for retarding basins is not consistent with the IDM, a variation to the IDM is warranted within the discretion of Council.

**Costing of projects**

Ms Brown gave evidence that the costings for drainage were based on current day rates obtained from various local projects recently undertaken by Spiire in Shepparton, plus a 15 per cent contingency rate based on Infrastructure Contribution Plan guidelines. Ms Brown believed the approach taken to adopt typical rates and contingency ratio reflected industry practice and was suitable for this PSP and DCP.

The cost estimates were challenged by submitters and Ms Brown was cross examined by Mr Milner for submitter 9. In response, Ms Brown relied upon her knowledge of local conditions and project cost estimates prepared by Spiire and other specialist consultants.

In its Part B submission, the VPA/Council drew attention to the differing approach adopted by Spiire against the original design used to determine the drainage requirements and to calculate costs. It referred to the application of local excavation rates that resulted in a reduction from $775,000 to $280,000 in the total civil construction cost of RB-01 in the Spiire estimate, against what was originally used as a template for all retarding basins.

In its closing, the VPA/Council relied on Ms Brown’s evidence, noting the Panel should have confidence that the excavation rates were robust, and the extent of infrastructure was reasonable and appropriate to the purpose of the drainage scheme.
Section 9 of Ms Brown’s evidence estimated the civil works costs of the revised design at $5,387,355. When all elements are added, the total cost of drainage projects in the revised DCP is $9,211,355 with a NDHA cost of $62,872. This compares to a total cost of $19,536,727 and a NDHA cost of $134,898 in the exhibited DCP.

This is a saving on drainage costs for each NDHA of $72,026.

(iii) Discussion
Spiire presented its engineering approach as producing “the best solution” for drainage for the Precinct with four basins not five; cost estimates consistent with the Shepparton region; revised water treatment sizes; revised basin locations and revised basin designs.

The VPA/Council endorsed the outcomes presented by Spiire. The Panel notes that in response to its question, Mr Green of Goulburn-Murray Water said that he had no issue with the technical approaches adopted by Spiire.

The Panel accepts the Spiire peer review which has comprehensively reviewed and changed the drainage proposal to be included in the PSP and the projects to be included in the DCP. Ms Brown was confident that the costs proposed in the peer review should be adopted.

It is fact that some costings in the DCP have been provided by Melbourne based consultants, but there is no reason to be concerned that the adopted rates are unreliable, even if based on examples of developments in metropolitan Melbourne. Ms Brown’s evidence confirmed she had applied local rates in the review and the VPA/Council relied on regional contractor rates in costing drainage projects. In a way, the criticism has been accepted and corrections made to the rates applied in the exhibited DCP. Similarly, with the community facility, while the cost has increased beyond the figure in the exhibited DCP, the scope of the project has changed. In that respect, the criticism is valid, but there is no reason to reject the cost as projected at the Hearing.

(iv) Conclusions
The Panel concludes:

- The revised drainage projects and the reduced costings as proposed in the revised versions of the PSP and the DCP should be applied in the adopted PSP and the DCP.
- The revised costs presented in the Spiire peer review are accepted and the Panel supports their inclusion in the adopted DCP.

6.3 Retarding basin RB-02

(i) The issue
Mr Milner made submissions about the location of retarding basin RB-02. The submission was that the basin is incorrectly sited for engineering reasons and that there is no fair and equitable siting between the submitters’ property and the adjoining land.

The key issue to be resolved is:
- the location of RB-02.
(ii) Evidence and submissions

Ms Brown gave evidence on matters raised by the Bennetts and BiDesign which relate to property 13, and particularly to the placement of RB-02. Ms Brown conceded that the siting of RB-02 was not evenly distributed across property 13 and the neighbouring land to the south, with a greater encumbered area applied to the submitter’s property. Ms Brown advised there was flexibility in the exact location of the basin and from an engineering perspective there was no reason why it could not be shifted slightly south to be equitably located over properties 13 and 17.

Ms Brown’s solution was that during design, the location of RB-02 should be refined and likely moved slightly west to the low point of the land. Ms Brown noted there is flexibility for the exact location for RB02 to be resolved at the development stage with the adopted location to be generally in accordance with the PSP.

(iii) Discussion

The solution offered by Ms Brown seemed to resolve the issue. In its closing submission, the VPA/Council presented further changes to the PSP in response to Mr Milner’s submissions and cross examination for his clients. It proposed an additional Guideline in section 3.5 Integrated water management and utilities, and a note on Plan 6 in that the PSP provide:

Where a stormwater quality treatment asset is shown on Plan 6 as being located within more than one parcel of land, the final location of the asset should, to the extent practicable, facilitate an equitable distribution of the asset across those parcels of land.

The note would read:

Note: The location and design of the stormwater quality treatment assets shown on this plan is indicative, are subject to confirmation through the preparation of detailed design to be undertaken as part of the future subdivision process to the satisfaction of the responsible authority.

The VPA/Council submitted that while the intention is to draft flexibility into the PSP through the Guidelines and Requirements, the outcome of an application to shift the basin would depend upon the details of the proposal and be subject to acceptance by the responsible authority.

The Panel notes that the September version of the PSP (Document 60) shows an amended Plan 6 and Guideline G31.

(iv) Conclusions and recommendations

The Panel concludes:

- The final location of RB-02 can be determined at the development stage and it supports the amendments to the PSP to secure that opportunity.
- The changes to the version of the PSP tabled on 23 August are appropriate and no change is required to the DCP on this issue.

The Panel recommends:
11. Ensure the adopted version of the Precinct Structure Plan includes Plan 6 Integrated Water Management and Utilities (23 August 2018) with the notation that reads:

   Note: The location and design of the stormwater quality treatment assets shown on this plan is indicative, are subject to confirmation through the preparation of detailed design to be undertaken as part of the future subdivision process to the satisfaction of the responsible authority.

12. Insert an additional Guideline (as Guideline 31 or the next appropriate number) in section 3.5 Integrated Water Management and Utilities in the Precinct Structure Plan, to read:

   Where a stormwater quality treatment asset is shown on Plan 6 as being located within more than one parcel of land, the final location of the asset should, to the extent practicable, facilitate an equitable distribution of the asset across those parcels of land.
7 Development Contributions

7.1 Overview

The Amendment proposes to incorporate the DCP into the Planning Scheme through the application of DCPO4. As exhibited, the Amendment included a DCP to fund the supply of infrastructure to the Precinct at a levy of $264,588 per NDHA.

Submitters criticised the levy because of the alleged over-specification of works, the over-estimation of the cost of those works and embellishments to areas including open space areas. General criticisms were made of the amount of the drainage infrastructure, open space and road infrastructure and that the DCP was too expensive for residential lots in the local Shepparton market. Submitters broadly expressed concern that the levy would make development unviable. Individual submitters were critical of the impacts of projects on land parcels and sought clarification of planning costs included in the DCP.

Following a direction from the Panel at the first Directions Hearing, the VPA/Council circulated a revised DCP dated July 2018 taking into account peer reviews of road and traffic proposals and other cost estimates. The revised levy was $174,944 per NDHA which the VPA/Council described as a significantly revised down DCP.

This revised DCP is the focus of the Panel’s consideration; it was circulated before the Hearing and was the basis of presentations and expert witness statements.

In the Part A submission (Document 28) the VPA/Council referred to the submissions by Nordic, Sfetcopoulos, Bennetts and BiDesign which, while variously describing the revised levy amount as “positive” and a “dramatic improvement”, continued the criticism of the revised levy. The submitters maintained their opposition on the basis that construction rates did not reflect local contractor rates for works, and that more infrastructure and works were to become the responsibility of developers. BiDesign was critical of the increased standards and cost of the community facility building which Nordic submitted had “more than doubled” (Submissions 10 and 1b).

In the post-Panel version of the DCP (Document 64) distributed by the VPA/Council after reconsideration of matters following the Hearing, the levy was further reduced to $151,406 per NDHA.

In its Part B submission (Document 28) and in response to Directions from the Panel, the VPA/Council noted the issues for further consideration with the DCP levy related to:

- a comparison of the DCP to other regional centres and metropolitan Melbourne
- the impact on housing prices and affordability that could affect the viability of development in the Precinct
- response to criticisms about use of metropolitan rather than regional contractor rates for costings
- the quantum of costs to be allowed in the DCP for the preparation of the PSP.

The key issues to be resolved are:

- the component parts of the DCP
- impacts of the levy
• the cost of preparation of the PSP
• Post-Panel version of the DCP.

7.2 Component parts of the DCP

(i) The issues
The Panel’s direction that the VPA/Council prepare a comparison of the DCP with others in regional Victoria was a way of drawing together numerous issues from submitters.

The Panel further considers whether additional changes to the component parts of the DCP other than roads and drainage should be made in the revised DCP.

The issues to be assessed bearing in mind the spread of projects in the DCP and the core criticism is that the levy would adversely affect development viability. It was argued by submitters that project costs are too high for the Shepparton market because they were calculated on rates applying in metropolitan Melbourne.

The key issues to be resolved are:
• the cost of the proposed Community Facility which has been revised upwards
• changes to the layout of the PSP identified in Plan 2 Future Urban Structure that affect land budgets, the net developable area and the levy; they include:
  - identifying when frontage roads or landscape strips should be permitted
  - setbacks from assets belonging to Goulburn-Murray Water
  - what development controls should apply to land within the environmental setback area in the south of the Precinct.

(ii) Evidence and submissions
On the general nature of the DCP, the Panel heard from Ms Wittingslow who gave evidence about the consistency of the DCP with:
• relevant legislation and guidelines where the evidence was that “the form and content of the July 2018 version of the DCP complies with relevant legislation, Ministerial Directions and the Guidelines, subject to a minor change” and the use of the Community Infrastructure Levy
• the appropriateness of the various open space, drainage, transport and community projects where the evidence recommended changes to the size of parks, the location, size and apportionment of the cost of the community facility, the identification of intersections and access places, rationalisation of drainage reserves
• the overall affordability of the DCP compared to other similar regional DCPs where the evidence was that the “level of DCP funding is comparable to other regional funding examples” and “that the overall DCP levy in the July 2018 version is a reasonable levy, when compared to other similarly sized regional growth area DCPs. I note that this levy will further reduce once the external apportionment for the community facility is included”
• recent peer reviews undertaken for the VPA/Council where the evidence supported the funding of boulevard connector roads and the reduction of drainage levies with a conclusion that after comparing “the February 2018 (Exhibition Version) of the
DCP to the July 2018 version. It is my opinion that the VPA and Council have taken substantial practical steps to address concerns about the affordability of the DCP, without compromising the objectives of the PSP”.

Ms Wittingslow recommended a package of changes to the DCP that would result in an overall reduction in the DCP levy while achieving PSP objectives and amenity and service level objectives to:

- **Rationalise the number and scale of open space areas**;
- **Rationalise the drainage reserves** (based on the peer review advice from Spiire);
- **Reduce the extent of embellishment of open space**;
- **Review floor space components and thus cost of the community facility to enable it to operate as a Level 1 facility**.

Ms Wittingslow noted she considered cost estimates prepared for her review by various consultants, including from:

- Plancost for the cost of the community facility including the cost of landscaping
- Outlines Landscape Architects for the revised concept plans for the local parks, the district park and landscaping of the retardation basins
- Ms Brown for the revised drainage projects and their costings
- Mr Citroen on revised road elements
- Civil Design Consulting Engineers for bridge and intersection costs.

The VPA/Council relied on Ms Wittingslow’s evidence to support the DCP.

The increase in the cost of the community centre was subject to criticism from submitters who expressed concern in general terms about the need for the component parts of the centre. Though none of the submitters provided evidence in support, the Panel does not find that diminishes their argument which is taken to relate to the need to keep costs down in the DCP to meet the local market.

No submissions took issue with the formulation of the DCP or its compliance with legislative requirements.

(iii) **Discussion**

**The cost of the proposed community facility**

Issues about the proposed community facility have been dealt with in Chapter 4. The issue for the Panel here is whether the cost is appropriately allocated in the DCP.

Submitters were critical of the rising cost of the project brought about by a change in the size and the cost allocation in the DCP.

The facility was described in the revised DCP as construction of the community facility components of a multi-purpose community centre (Level 1) located on Verney Road with a cost of $5,258,000. The VPA/Council advised that the nature of the services to be offered in the facility and their placement as well as the size of the building were based upon independent advice from expert consultants.
Ms Wittingslow recommended that the cost of the facility be met as a Development Infrastructure Levy item in the DCP and include a reasonable level of external apportionment, acknowledging that the facility will serve a broader catchment than just the PSP area. In the revised DCP, Table 7: Calculation of costs – development infrastructure levy showed a split of 68:32 for the internal/external apportionment of the construction costs.

The Panel has noted the siting of the facility could be reconsidered. The outcome would influence how the facility is assigned in the DCP. If it were revised in size and form or changes made to the internal/external apportionment, the DCP will be amended. If the project remains in its location as presently proposed, the Panel supports the approach recommended by Ms Wittingslow.

**Frontage roads or landscape strips**

Chapter 5.5 deals with the main issue about frontage roads. The question here for the Panel is how the DCP should treat frontage roads.

The Panel has stated its support for Mr Turnbull’s approach to the use of frontage roads and leaving the choice of an interface street or a landscape strip to the subdivision and development stage. The Panel accepts that the design approach for the land at that time would point to the best treatment. This approach has merit as it properly positions the decision in the local context.

The Panel notes that section 3.4.3 of the PSP, Street network includes Requirements 36 and 43 that deal with vehicle access to lots fronting arterial roads and the use of interface streets to address abuttals to all waterway and drainage reserve land. The Requirements leave the approval of the chosen technique to the responsible authority. This level of control supports Mr Turnbull’s approach; that is, the time to consider what treatment to apply is at the development stage. It is also consistent with the Panel’s preferred approach for flexibility in the consideration of planning permit applications and for interpreting what is generally in accordance with the PSP.

The Panel notes that at section 4.7.3 in its Part B submission, the VPA/Council put a position that variations will not be approved for the access/interface streets. The Panel regards such an approach as contrary to the intent of the IDM; it indicates a predisposition against an application that might be a rational and fairly based request to vary a standard.

The Panel does not recommend changing the Requirements or the DCP on this issue.

**Setbacks from assets belonging to Goulburn-Murray Water**

Goulburn-Murray Water (Submission 8) drew attention to section 3.5.1 of the PSP that outlines development should have regard to relevant policies and strategies being implemented by Goulburn-Murray Water. A key issue is that while Goulburn-Murray Water prefers to pipe channels within residential areas, the Precinct is not within the current programme for the piping of some channels. The effect would be that developers would have to comply with the 30-metre setback that applies to separate buildings and works from channels and drains.

The design approach for treatment of interface areas within the Precinct is to be to the satisfaction of the responsible authority. In its submission, Goulburn-Murray Water stated:
The potential piping of the backbones channels will also be of benefit to the developer, reducing the building setback requirements from 30m from any GMW channels to 5m from the easement boundary of any GMW pipelines. This reduction in setbacks may significantly alter proposed lot layout and lot yields for any proposed development. The potential pipelines would also provide a more desirable planning outcome for any future subdivision, and also addressed of safety issues associated with open channels (potential drowning) and dangerous wildlife (such as snakes) which are commonly associated with the grasses and other vegetation surrounding channel banks.

The Panel accepts that the final position on what setbacks apply and what treatments are provided can be left to the development stage with no impact on the DCP.

**Development controls to apply to land within the environmental setback area**

In the exhibited PSP, Plan 3 the Land Budget shows an area of land in the southern part of property 25 hatched with a note in the legend to identify the area as “area subject to potential adverse amenity”. Notwithstanding the area had been considered in background reports about noise impacts and air emissions, there was no explanation for this identification nor were there development controls on the land in the PSP or the Schedule to the Urban Growth Zone.

The July version of the PSP retained identification of the area on Plan 3 shown in Figure 7.

**Figure 7:** Extent of buffer area

![Extent of buffer area](source.png)

*Source: Document 1 - Plan 3, Shepparton North West Precinct Structure Plan (July 2018).*

The PSP included Requirement 61 about noise control and Requirement 63 that sought to preclude the land from development on the basis of creating a separation distance from the batching plant. Requirement 61 stated:

*Any application for development within parcel 25 (as identified on Plan 3) must implement the recommendation of the Shepparton North East PSP Noise Assessment (Marshall Day Acoustics Pty Ltd, July 2017) to install a noise*
barrier to the southern boundary of parcel 25 to mitigate noise impacts from the existing industrial tenancies and the concrete batching plant.

Requirement 63 stated:

As per the recommendation of the Buffer and Odour Assessment (GHD, June 2017) no development is to occur in the area identified on Plan 3 as the ‘area subject to potential adverse amenity’. The Recommended separation distances for industrial residual air emissions (EPA, March 2013) provides guidance on land uses that can occur in this interface land.

The purpose of the controls was to recognise this small area of 4,700 square metres may be affected by the operation of industrial premises and the asphalt batching plant, located nearby but external to the Precinct. The revised DCP did not recognise the exclusion of the land from development nor was the developable area reduced by that amount despite the effect of Requirement 63 was to preclude development.

There was an exchange between the Panel and the VPA/Council about the wording and operation of the Requirements. At the Hearing, the VPA/Council responded with changes to the Schedule to the Urban Growth Zone (Document 59) to apply permit application requirements and conditions for permits for an environmental site assessment for all land in the Precinct as well as changes to the wording of Requirements 61 and 63. (Document 60).

In the closing session the Panel asked further questions about the controls circulated as further Directions (Document 62) and replied to by the VPA/Council (Document 63).

In the response, the VPA/Council now propose Requirements 61 and 62 be deleted and replaced with a new application requirement in Clause 3.0 in the Schedule to the Urban Growth Zone. The Requirement calls for an acoustic report to assess the amenity of future occupants of any sensitive use (including a Dwelling) will be protected from noise from the asphalt batching plant and have regard to the 2017 noise assessment report.

The Panel accepts that this change better positions a control in the Schedule at the subdivision stage “to ensure the amenity of future occupants of sensitive uses (such as Dwellings), which establish in the Shepparton North East PSP area, are adequately protected” from noise impacts.

The response proposes change to the wording of Requirement 63 to read:

As per the recommendation of the Buffer and Odour Assessment (GHD Pty Ltd, June 2017) the no development is to occur in the area identified on Plan 3 as the ‘area subject to potential adverse amenity’ must not be used or developed for a sensitive use to the satisfaction of the responsible authority.

Despite the ambiguity, the effect of the control would be to not preclude development but would limit the possible uses. The VPA/Council acknowledged this in the response (Document 63) by stating:

Given the General Residential Zone is proposed to be applied to the ‘area subject to potential adverse amenity’, the range of Section 1 (as-of-right) and Section 2 (permit required) uses available to the land which might also be characterised as ‘interface uses’ is likely to be quite limited.
In Figure 8, the batching plant is shown red in the centre of the image; the lesser buffer distance is shown not to intrude into the Precinct. The greater buffer distance is represented by the outer line which intrudes into the Precinct.

Figure 8: Plant directional buffers


The Panel acknowledges the relevance of Clause 52.10 and the import of separation distances. In this instance, the Panel notes the stated purpose of the buffer area as well as the discussion and conclusion in the GHD background report. The Panel concludes that on balance and based on seeking to achieve maximum yield from the Precinct, the land can be made available for development for residential purposes subject to appropriate controls to apply protective measures at the subdivision stage.

Reinstating the area as developable land will trigger minor changes to the land budget and cost apportionments. In the post-Panel version of the DCP, the ‘Buffer Area’ column in the land budget Table 6 can be deleted and the total net developable area for property 25 can be increased by 4,700 square metres as can the total developable area.

The Panel requires the identification of the buffer area on relevant plans in the PSP and the DCP. In the revised PSP, Plan 2 Future Urban Structure did not identify the area but the post-Panel version of the DCP (Document 64) does identify it (see Figure 2 in Chapter 2.1 (iii) of this report). The Panel requires a consistent approach with all plans.
Mandatory contribution to open space

The Amendment as exhibited proposed 4.23 per cent of land should be contributed as open space across the Precinct with “Land and/or cash contribution requirements must be in accordance with the Shepparton North East Precinct Structure Plan (February 2018)”. In its Part A submission, the VPA/Council advised that the use of Clause 52.01 was abandoned and in the Part B submission explained that this was to avoid double dipping as the DCP was to fund the open space identified in the PSP. The revised Schedule to Clause 52.01 from the VPA/Council confirmed deletion of the provision.

The abandonment of this raises no issues for the Panel. Open space will be provided in accordance with the PSP where land is set aside adjacent to the retarding basins to capitalise on the proximity of one area to another. The DCP proposes the purchase of land and the cost of embellishment of one district park and three local parks as shown on Plan 4 to be paid for by the DCP. While the standard of embellishments has been criticised by some submitters, the revision of the size and standards of the parks has changed, and the costs are revised to better reflect costs of land purchased at the increased values now applying.

(iv) Conclusions and recommendations

The Panel concludes:

- The DCP as revised has an appropriate balance for Shepparton.
- The peer reviews of the main elements of the DCP reduced costs from $264,588 to $174,944 per NDHA with the potential for more savings through creative solutions to development issues.
- The approach of Ms Wittingslow that creative solutions plus additional ways of working, including by works-in-kind, can assist in reducing the overall impact of the DCP.

For the buffer area, the Panel proposes controls that provide for:

- the inclusion of suitable wording for Requirement 63 in the PSP
- application requirements in the Schedule to the Urban Growth Zone
- the inclusion of the area as developable land in the land budget in the DCP.

The Panel notes the increased allocation of $322,000 for open space projects in the post-Panel version of the DCP at an increased NDHA cost of $2,556 (Document 64). Notwithstanding the increases:

- The revised scale and scope of the projects and the cost to be included in the DCP are appropriate.
- The need remains to monitor the size of the levy and respond to solutions to minimise possible negative impacts.

The Panel recommends:

13. Amend Requirement 63 in the Precinct Structure Plan to read:

The area identified on Plan 2 as the ‘area subject to potential adverse amenity’ may be used or developed for a sensitive use to the satisfaction of the responsible authority provided the location within the buffer area is noted as a restriction on a plan of subdivision
14. Amend Clause 3.0 to the Schedule to the Urban Growth Zone, Application requirements, by including the following provision:

Acoustic report

a) A subdivision application must be accompanied by an acoustic report prepared by a qualified acoustic engineer if the subdivision land is within:
   • 500 metres of the existing asphalt batching plant located on Apollo Drive; or
   • 30 metres of the Goulburn-Murray Water irrigation channel which runs parallel to the eastern boundary of the precinct.

b) Such acoustic report must, to the satisfaction of the responsible authority:
   • Detail how the amenity of future occupants of any sensitive use (such as a Dwelling) which might establish within the subdivision will be protected from noise generated either by traffic on Grahamvale Road or from the batching plant, as relevant; and
   • Have regard to the noise assessment and conclusions detailed in the Shepparton North East PSP Noise Assessment (Marshall Day Acoustics Pty Ltd, July 2017).

15. Amend the Development Contributions Plan to:
   • Increase the developable area of property 25 by 0.47 hectares
   • Increase the total net developable area by 0.47 hectares
   • Make corresponding adjustments to the land budget, cost apportionments
   • Amend relevant tables.

7.3 Impacts of the levy

(i) The issue
The key issue to be resolved is:
   • whether the levy as proposed will adversely impact housing prices and affordability and jeopardise the development viability of the Precinct.

(ii) Evidence and submissions
In its Part B submission, the VPA/Council recognised “that development viability or feasibility is an important matter to consider” with acknowledgement that “if the DCP levy truly caused development of the Precinct to be unfeasible, the Precinct would simply not develop”. Elaborating on the implications of no development occurring, the submission noted such an outcome “would undermine the positive impact that approval of the Amendment would otherwise have on housing affordability in the region”.

To assist in understanding this, the VPA/Council presented an analysis of the impact of the revised DCP levy on land in the Precinct from Mr Hann of LG Valuation Services Pty Ltd (Document 26). Mr Hann’s material was presented on Day 1 and while not distributed as evidence, he was questioned by Mr Milner and the Panel when he appeared on Day 4.
The evidence of Ms Brown on drainage designs covered in Chapter 5 of the report reaffirmed the VPA/Council response to submissions by applying local rates where it could on projects included in the DCP.

(iii) Discussion

Two propositions were put to the Panel:

- the VPA/Council proposition that if the DCP levy makes development unviable, no development will occur
- the proposition from submitters that the market will dictate if development follows approval of the Amendment.

The VPA/Council submitted that the size of the local market is projected to increase with an already positive growth rate in Shepparton. The VPA/Council referred to a report to Council in 2016 by Spatial Economics Pty Ltd, *The City of Greater Shepparton Residential Land Supply Assessment*, which reported:

> Projected dwelling requirements sourced from id 2015 indicate that from 2016 to 2031 there will be a total dwelling requirement of 5,663 across the municipal area (378 average per annum or 1.3% growth rate). Id 2015 illustrate that 89% of the projected dwelling requirement will be located within the urban centre of Shepparton.

Mr Hann’s analysis was a higher-order assessment of broad hectare vacant land costs, development costs and sale prices that gave a perspective on possible retail prices for lots in the Precinct. Mr Hann advised the Panel that his figures were based on recent growth in the local market for both broad hectare land and developed lot prices.

In reply to questions from the Panel about the impact of the DCP levy, Mr Hann said that he “would never argue with demographic projections”. Further, he did not argue with land supply projections and would not dispute that increased DCP costs could affect the market, but he measured the levy as 12 to 15 per cent of the gross realisations. At that level, he said, he did not foresee a negative impact.

Mr Milner asked Mr Hann a series of questions about his method of analysis and the figures used. The Panel saw the object of Mr Milner’s questions as seeking the further reduction of costs in DCP projects through challenging Mr Hann’s figures. Mr Hann’s response was that there are so many variables in a hypothetical analysis that the result changes according to assumptions and percentages applied in the analysis. In Mr Hann’s own words, his analysis is “pretty conservative” and there is “nothing favourable nor onerous in the figures”.

The response by the VPA/Council to the initial criticisms of the DCP led to the peer review of elements of the DCP. The VPA/Council then relied on Mr Hann’s information to form its opinion that the DCP will not have adverse impacts. While no unequivocal guarantee can be given that the DCP levy will not affect development, the Panel notes the VPA/Council expression of confidence at section 2.3.5 of its Part B submission that it is “comfortable this PSP will make a reasonable contribution to housing affordability in regional Victoria”.
The VPA/Council told the Panel the review of the PSP and DCP were intended to assist the viability of development and stated a policy intent to respond positively to development proposals that meet the objectives of the PSP and the IDM.

That would address the submitters’ approach of applying innovative development solutions in permit applications to have them considered under the IDM as their way of responding to market conditions.

The Panel accepts this as an appropriate response and urges the responsible authority to adopt a flexible stance where alternative solutions are available that will achieve the relevant objectives of the IDM, the PSP and the planning scheme. The responsible authority should continue to review issues at the development stage to achieve efficient outcomes.

The Panel acknowledges the concerns raised by submitters about the impact of the levy on the viability of development and trickle-down effects on house prices. Those submissions were taken on board by the VPA/Council in undertaking the peer review of the drainage and road projects as the major cost elements in the DCP.

The changed emphasis in presentations at the Hearing suggests that submitters accept that efforts have been made to minimise costs and the DCP levy. However, criticisms remained about the use of metropolitan rather than regional contractor rates for costings even in further submissions on the post-Panel version of the DCP.

The peer review process, changes to the DCP through the Hearing and into the post-Panel version confirm the VPA/Council has responded to the criticisms and has acted to apply local rates and estimates of comparable regional projects as far as possible. The Panel sees further opportunities for savings in the design of projects and, as pointed out by the VPA/Council and Ms Wittingslow, by works-in-kind to build DCP projects. The post-Panel version of the DCP clarifies the policy approach on works in kind.

The Panel accepts the submissions from the VPA/Council about future demand based on growth projections as well as the information from Mr Hann about market conditions.

The Panel acknowledges and accepts the concerns of submitters to minimise costs to meet the market and to avoid a negative impact on the viability of development within the Precinct.

The Panel accepts the evidence of Ms Wittingslow, of whose recommendations had been adopted by the VPA/Council. Her advice to the VPA/Council resulted in reviews of the PSP and the DCP and changes to how some elements were treated in the DCP. For example, her advice about the use of the Community Infrastructure Levy brought a change to the method of charging and the revisions of other projects changed the costing base in the DCP.

(iv) Conclusions

The Panel concludes:

- The appropriate response is to support development proposals that meet the objectives of the PSP and the IDM.
- The responsible authority should adopt a flexible stance where alternative solutions are available.
• The revised levy (July 2018) as proposed should not adversely impact housing prices and affordability, nor should it jeopardise the development viability of the Precinct.

7.4 The cost of preparation of the PSP

(i) The issues

The key issue to be resolved is:

• how much should be allowed in the DCP for the cost of preparation of the PSP.

(ii) Submissions

Table 7 in the revised DCP presently allows $237,240 as item PL-01, for the preparation of the PSP and DCP. At the Hearing the VPA/Council sought to add an additional sum of $9,900 to those costs to cover consultant fees incurred since the revised DCP was prepared. In the post-Panel version of the DCP, the costs are listed as $257,208 with the explanation the increased sum was “to reflect the funds Council incurred completing Geo-Technical work and revised costings for the Roads, Intersections and Bridges”.

Nordic claimed a larger total sum should be allowed to include and cover its costs to carry out preliminary studies and consultant work in the early stages of preparation of the PSP. On behalf of Nordic, Reeds Consulting wrote to the VPA (30 July 2018) seeking clarification of the costs allowed in the DCP as their costs “in the order of $700,000 ... do not appear to be reflected in the DCP documentation”.

Mr Mondous for Nordic advised the Panel that his company had been working for eight years to prepare the PSP. He outlined a history of work by consultants and tabled a series of email communications with Council about expenses for preparation of reports to support the PSP.

The VPA/Council acknowledged that preparatory costs should be included in the DCP and tabled a Memorandum of Understanding with the submitter signed in 2008 (Document 32) about what costs might be cover. The VPA/Council advised that in September 2016 the Council invited the company to confirm the amounts spent but received no response. As a result, the VPA/Council inserted an amount in the DCP for costs that could be substantiated.

In its Part B submission, the VPA/Council put the position that:

"In the absence of further and detailed evidence to support Submitter 1b’s claim for planning costs, the VPA and Council maintain that the revised amount of $237,240 should only be updated to include the costs incurred by Council in obtaining a geotechnical survey of the proposed locations for retarding basins which were erroneously excluded from the post-exhibition figure of planning costs."

(iii) Discussion

The Panel has no doubt that Nordic played a key role in the early stages of the PSP by engaging consultants to undertake a range of studies to assess the development potential of the area. It is understood that Nordic is a significant landholder and own about 75 per cent of the land within the PSP. However, as is clear from the submissions, not all
that work was adopted or became background reports to underpin the PSP. That distinction allows the VPA/Council to distinguish the material and not include the expenses as allowable preparatory costs.

The Panel’s experience on these matters confirms it is common for landowners to incur costs during the preparation of a PSP and just as common that those costs are not allowed as part of the work. According to the VPA/Council, the work by Nordic falls into this category. It is relevant that the figures tabled by Nordic are unaudited. Further, as Nordic is the key landholder, it has much to gain from this overall process.

The Panel notes that no other landowner or submitter made any request for their expenses on land assessments to be included in the DCP.

Overall, the Panel agrees with the position of the VPA/Council.

(iv) Conclusions

The Panel concludes:

- The costs claimed by Nordic should not be included in the DCP because they are unaudited and cannot be identified as PSP costs.
- The preparatory costs included in a DCP should only cover claims that can be substantiated and verified.
- The post-Panel figure of $257,208 for the cost of preparation of the PSP is reasonable.

7.5 Post-Panel version of the DCP

(i) The issue

Following the direction from the Panel, the VPA/Council distributed an amended DCP that further reduced the levy from $174,944 to $151,406 NDHA. This post-Panel version made some administrative edits to the formatting of the DCP and reworded some provisions for clarity, for example to reflect that the works-in-kind credit amount should be equal to the amount identified in the DCP. The critical changes in this post-Panel version were variations to projects offered during the Hearing and to costs upon the reassessment of project rates.

The key issue to be resolved is:

- whether the (reduced) variations to the DCP are acceptable.

(ii) Submissions

The VPA/Council noted the changes to the projects and costs in the DCP were to:

- include a new NDHA that reflects land for the roundabout, new road lengths of RD-01, RD-02 and RD-03 and remove the land shown as ‘amenity’ area on Plan 2
- include revised costs for IN-01 and IN-02 to reflect current construction rates and the reduced width of RD-01 and RD-02 respectively
- include revised costs for IN-03 to reflect the construction of a connection to the roundabout, the crossing structure and left turning land to the proposed roundabout
• include the revised cost of the Community Facility that is apportioned 50 per cent to the DCP through the DIL
• reflect the increase in land valuations to $275,000 per net developable hectare for all infrastructure items except the Community Facility which is valued as a Commercial Rate of $400,000 per NDHA
• update the Strategic Planning Costs to reflect the funds Council incurred completing geo-technical work and revised costings for the Roads, Intersections and Bridges
• reflect updated landscaping of the retardation basin costs which have removed the wetland planting cost (included in error) and the maintenance access track costing (provided in engineering costing)
• remove the Community Infrastructure Levy amount as this levy is not to be collected
• reflect a reduction in size of OS-03 from 0.71 hectares to 0.70 hectares so now all local parks are the same size.

The levy per NDHA is varied as a result of changes to the land budget which is amended to:
• reflect the land required for the proposed roundabout
• reflect the width of roads RD-01, RD-02 and RD-03
• reflect the area of the land shown as ‘amenity’ area on Plan 2
• increase the area of waterway and drainage land as IN-03 onto Grahamvale Road is no longer shown
• downsize the area of OS-03 from 0.71 hectares to 0.70 hectares.

Table 1 in the post-Panel version of the DCP summarised the new figures:
• total cost of construction - $21,980,602
• net developable hectares - 145.18
• contribution NDHA - $151,406.

The largest variations to the project costs are in the transport projects (reduced by $2,703,914) and the Community Facility (reduced by $1,146,440).

Three further submissions were received on this further revised DCP (Mr Whiteman for Sfetcopoulos, and Mr Ranson for BiDesign, which was supported by a letter from Ms Bennetts).

Mr Whiteman submitted that the proposed levy was “far more realistic than the initial rates submitted” but sought further changes to specifications for the Community facility and the open space to achieve a levy of $140,000 per hectare.

Mr Ranson acknowledged the traffic costs have been revised to reflect the altered road lengths at the entry points to the Precinct but criticised no change was made to the landscaping costs to the open spaces or the retardation basins and the community centre.

Mr Ranson made two other criticisms:
• a change to the text of section 4.1.2 of the DCP that requires proponents of works in kind “to comply with the tendering, documentation, supervision and related provisions as required by the responsible authority”, which he said was inserted after the Hearing
• the failure “to attend to the inequitable apportionment and costs of RB-02 and OS-02 across Parcels 13 and 17 so the infrastructure is distributed equally”.

(iii) Discussion

The DCP was exhibited with a levy of $264,588 per NDHA. The levy now proposed is $151,406, down from $174,944 per NDHA at the commencement of the Hearing. As noted, the range of changes to projects and costs is a significant response to matters raised by submitters before and at the Hearing. The biggest cost differences are with the transport projects and the community facility.

The Panel notes VPA/Council described the changes to the transport projects are “to clarify project titles and include accurate project descriptions” consistent with the proposals put at the Hearing. The Panel notes the changes include revised costs for road, intersection and bridge projects “to reflect current construction rates”. These amendments are consistent with the direction of the changes as discussed in closing statements at the Hearing.

The VPA/Council distributed the post-Panel version as a track changes document. Some of the formatting changes deleted tables from the DCP that allowed easy comparison of the levy as exhibited and revised. To assist its understanding of the changes and proposed levy, the Panel compiled Table 3 to compare the revised and proposed DCP items.

Table 3: Summary breakdown of Development Infrastructure Levy

<table>
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<th>Projects</th>
<th>Total cost of projects</th>
<th>Contribution per net developable hectare</th>
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<tr>
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<td>Transport</td>
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<td>Community facilities</td>
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<td>Total</td>
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Source: Document 2 and Document 64, Table 1.

The total project cost of the community facility increased beyond the exhibited version of the DCP because the scope of the project has varied. The building now includes additional facilities that take the cost from the exhibited sum of $3,575,440 to $5,258,000. The important change to the exhibited cost is there is now a 50:50 apportionment of the cost to the DCP and the balance payable by Council (compared with 68:32). According to Table 7 in the post-Panel version of the DCP, the cost recovered will be $2,829,000.

In his further submissions, Mr Whiteman supported the 50:50 apportionment but continued to argue that the cost was too high and further change should be made to the scope of the project. The Panel notes the facility is projected to service 10,000 people of which about 4,000 are expected to be from within the Precinct.
The Panel accepts the project as proposed and for the purposes of the DCP adopts the cost as now presented. While submitters are critical of the cost of the facility, none oppose the facility. However, the new community of the Precinct will use a range of services external to the PSP area, and the Panel is comfortable with the 50:50 arrangement.

The Panel notes the changes result from reviews of the projects and rates by the same consultants who provided advice on the revised DCP and it supports these variations.

With regard to Mr Ranson’s criticisms, the Panel observes that the text he criticises as a late insertion in the post-Panel version of the DCP was included in the revised DCP at section 4.1.3 under the heading Works-in-kind. The confusion might arise from a renumbering in the post-Panel version.

In Chapter 6.3 of this report, the Panel noted the concession by the VPA/Council that the location of retarding basin RB-02 could be moved to the appropriate low point at the time of development. The VPA/Council offered that the change could be dealt with as a minor variation to the PSP with a plan approved as generally in accordance with the PSP. The Panel agreed with that approach which is expected to better position the basin on engineering grounds and to “facilitate an equitable distribution of the asset across those parcels of land”. In light of that outcome, the Panel does not agree that plans in the PSP need to be changed.

The VPA/Council have completed the review of the DCP as agreed at the Hearing and confirmed in the further Panel direction.

As a final observation, while the Panel commends the VPA/Council for continuing to revise its DCP costs throughout the course of this process, it considers that much of this work should have been reviewed and reconciled early in the development of the PSP and DCP, especially when it would have, or should have been apparent, that a cost of $264,588 NDHA would have been far too high to ensure a viable and affordable development outcome for the north east precinct of Shepparton.

(iv) Conclusions and recommendation

The Panel concludes:

- The outcome of the post-Panel review results in a further significant reduction in the total cost of projects in the DCP is supported.
- The amendments to the DCP are consistent with the direction of the changes as discussed in closing statements at the Hearing. The DCP as presented post-Panel can be adopted subject to the further change to reinstate road RD-03 and the intersection IN-03 as well as any other matters that may result in changed costs that prior to adoption.
- The further revised levy (September 2018) as proposed should not adversely impact housing prices and affordability nor should it jeopardise the development viability of the Precinct.

The Panel recommends:

16. **Adopt the cost of $151,406 per Net Developable Hectare in the Development Contributions Plan (September 2018).**
# Appendix A  Submitters to the Amendment

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<tr>
<td>1</td>
<td>Nordic Pty Ltd</td>
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<tr>
<td>1a</td>
<td>Reeds Consulting, on behalf of Nordic Pty Ltd</td>
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<td>Tom Sfetcopoulos</td>
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<td>3a</td>
<td>Whiteman Property and Accounting, on behalf of Tom Sfetcopoulos</td>
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<td>Greater Shepparton City Council</td>
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<td>5</td>
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<td>Centrum Town Planning, on behalf of Shepparton Pty Ltd</td>
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<td>18</td>
<td>Shepparton Christian College Inc</td>
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### Appendix B  Parties to the Panel Hearing

<table>
<thead>
<tr>
<th>Submitter</th>
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</table>
| Victorian Planning Authority and City of Greater Shepparton | Kate Morris of Harwood Andrews Lawyers (with Emily Killin of the Victorian Planning Authority, and Michael McDonagh and Colin Kalms of Greater Shepparton City Council), who called the following expert witnesses:  
- Alexandra Brown of Spiire on drainage  
- John Bob Citroen of Traffic Works on traffic  
- Leah Wittingslow of Mesh Planning on planning and development contributions |
| Goulburn-Murray Water | Sam Green, Asset Manager Goulburn Murray Water |
| VicRoads | Michael Bismire, Senior Planning Officer |
| Tom Sfetcopoulos and family, and Petra Thomson and Partners | Ken Whiteman of Whiteman Property and Associates |
| Grahamvale Primary School | Simone Higgins, Principal and Paula Muir, School Council President |
| Paul and Margaret Bennetts and Kapari Pty Ltd | Rob Milner of 10 Consulting, who called the following expert witness:  
- Henry Turnbull of Traffix Group on traffic |
| Shepparton Pty Ltd | Peter O'Farrell of Counsel, instructed by Minter Ellison (with Samantha Megenis), who tabled (but not called) the following expert evidence:  
- Matthew Lee of Deep End Services on economics  
- David Barnes of Hansen Partnership on planning |
| Fairley's Supa IGA | Jason Kane of Counsel, instructed by Wisewould Mahony Lawyers |
| Nordic Pty Ltd | Richard Brewster of Reeds Consulting and Kameel Mondous |
# Appendix C  Document list

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<th>Description</th>
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<td>3a</td>
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<td>Precinct Background Report</td>
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<td>3b</td>
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<td>Track change Precinct Background Report</td>
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<td>4</td>
<td></td>
<td>Track change Schedule 1 to Urban Growth Zone</td>
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<td>5</td>
<td></td>
<td>Addendum to Traffic Impact Assessment Report, Traffic Works Pty Ltd</td>
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<td>Drainage Strategy Peer Review, Spiire</td>
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<td>7</td>
<td></td>
<td>Status of submission spreadsheet</td>
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<td></td>
<td>Submission summary spreadsheet</td>
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<td>9</td>
<td></td>
<td>List of changes – Precinct Structure Plan spreadsheet</td>
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<td>10</td>
<td></td>
<td>List of changes – Development Contributions Plan spreadsheet</td>
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<td>11</td>
<td>31 July</td>
<td>Revised submissions provided by VPA including updated submission contact and summary</td>
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<tr>
<td>12</td>
<td>01 August</td>
<td>Corrected submission 10b – Bi Design</td>
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<tr>
<td>13</td>
<td>02 August</td>
<td>Land ownership maps</td>
<td></td>
</tr>
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<td>14</td>
<td></td>
<td>Infrastructure Design Manual (v5)</td>
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<td>15</td>
<td>07 August</td>
<td>Submission 10b including previously missing Appendix</td>
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<td>16</td>
<td>08 August</td>
<td>Late submission (no 15a) - Jennifer Nind</td>
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<td>17</td>
<td>10 August</td>
<td>Letter from Minter Ellison for Shepparton Pty Ltd</td>
<td>Ms Megenis, Minter Ellison</td>
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<tr>
<td>18</td>
<td>13 August</td>
<td>VPA and Council’s Part A submission and Appendices</td>
<td>Ms Killin</td>
</tr>
<tr>
<td>19</td>
<td></td>
<td>Shepparton Pty Ltd Expert Witness Reports, including:</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• Statement of Mr Barnes</td>
<td></td>
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<td>• Statement of Mr Lee</td>
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<td>VPA and Council’s Expert Witness Reports, including</td>
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<td>• Statement of Ms Brown</td>
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<td></td>
<td></td>
<td>• Statement of Ms Wittingslow</td>
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<td></td>
<td></td>
<td>• Statement of Mr Citroen</td>
<td></td>
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<tr>
<td>21</td>
<td>14 August</td>
<td>Late submission of Shepparton Christian College</td>
<td>Ms Killin</td>
</tr>
<tr>
<td>22</td>
<td>15 August</td>
<td>Bennetts and Bi Design Expert Witness Reports including:</td>
<td>Mr Milner</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Statement of Henry Turnbull</td>
<td></td>
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<td>23</td>
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<td>Correspondence between Harwood Andrews and VicRoads</td>
<td>Ms Morris, Harwood Andrews</td>
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<td>No.</td>
<td>Date - 2018</td>
<td>Description</td>
<td>Provided by</td>
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<td>24</td>
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<td>Supplementary submission for Nordic from Mr Brewster of Reeds Consulting</td>
<td>Ms Killin</td>
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<tr>
<td>25</td>
<td>17 August</td>
<td>Traffic Conclave Statement</td>
<td>Ms Morris</td>
</tr>
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<td>26</td>
<td>20 August</td>
<td>LG Valuation Services advice</td>
<td></td>
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<tr>
<td>27</td>
<td></td>
<td>Project overview and summary</td>
<td>Ms Morris</td>
</tr>
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<td>28</td>
<td></td>
<td>Part B submission</td>
<td>Ms Morris</td>
</tr>
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<td>29</td>
<td></td>
<td>Residential Land Supply Monitoring Project (Spatial Economics Pty Ltd June 2016 for GSCC)</td>
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<td>Goulburn-Murray Water PowerPoint summary of presentation</td>
<td>Mr Green, Goulburn-Murray Water</td>
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<td>31</td>
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<td>Alexandra Brown Witness statement PowerPoint summary</td>
<td>Ms Brown, Spiire</td>
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<td>32</td>
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<td>MOU GSCC and Sam Mondous re Shepparton North East Growth Area planning</td>
<td>Ms Morris</td>
</tr>
<tr>
<td>33</td>
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<td>VicRoads submission</td>
<td>Mr Bismire, VicRoads</td>
</tr>
<tr>
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<td></td>
<td>Revised Plan 5 Traffic &amp; Movement</td>
<td>Ms Morris</td>
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<td>35</td>
<td></td>
<td>Infrastructure Design Manual (IDM)</td>
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<td>36</td>
<td>21 August</td>
<td>Site inspection locations</td>
<td>Mr Ranson, Bi Design</td>
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<td>37</td>
<td></td>
<td>Citroen conclave email</td>
<td>Ms Morris</td>
</tr>
<tr>
<td>38</td>
<td></td>
<td>Expert Witness PowerPoint slides</td>
<td>Ms Wittingslow, Mesh Urban Planning &amp; Design</td>
</tr>
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<td>39</td>
<td></td>
<td>Submission of Sfetcopoulos Family</td>
<td>Mr Whiteman, Whiteman Property &amp; Associates</td>
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<td>40</td>
<td></td>
<td>Submission of Grahamvale Primary School</td>
<td>Ms Muir and Ms Higgins</td>
</tr>
<tr>
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<td></td>
<td>Correspondence from DET re Grahamvale Primary School</td>
<td>Ms Morris</td>
</tr>
<tr>
<td>42</td>
<td></td>
<td>Submission of Mr and Ms Bennetts</td>
<td>Mr Milner</td>
</tr>
<tr>
<td>43</td>
<td></td>
<td>LG Valuation Services advice on valuations for PSP area</td>
<td>Ms Morris</td>
</tr>
<tr>
<td>44</td>
<td>22 August</td>
<td>Revised Schedule 1 to the Urban Growth Zone re Shop and Supermarket</td>
<td>Ms Morris</td>
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<td>45</td>
<td></td>
<td>Submission for Shepparton Pty Ltd</td>
<td>Mr O’Farrell of Counsel</td>
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<td>46</td>
<td></td>
<td>Panel direction to VicRoads re response to conclave</td>
<td>Ms Mitchell, Panel Chair</td>
</tr>
<tr>
<td>47</td>
<td></td>
<td>Email response to Sfetcopoulos submission from Mr Turnbull</td>
<td>Mr Milner</td>
</tr>
<tr>
<td>No.</td>
<td>Date - 2018</td>
<td>Description</td>
<td>Provided by</td>
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<td>48</td>
<td>23 August</td>
<td>VicRoads response to Panel matters</td>
<td>Mr Kyriakou, VicRoads</td>
</tr>
<tr>
<td>49</td>
<td>&quot;</td>
<td>Submission plans for Nordic Pty Ltd</td>
<td>Mr Brewster</td>
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<td>50</td>
<td>&quot;</td>
<td>Submission for Nordic Pty Ltd</td>
<td>Mr Mondous</td>
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<tr>
<td>51</td>
<td>&quot;</td>
<td>Response by Mr Citroen to Sfetopoulos submission</td>
<td>Ms Morris</td>
</tr>
<tr>
<td>52</td>
<td>&quot;</td>
<td>Development analysis for Mr &amp; Ms Bennetts</td>
<td>Mr Milner</td>
</tr>
<tr>
<td>53</td>
<td>&quot;</td>
<td>VPA and Council closing submission</td>
<td>Ms Morris</td>
</tr>
<tr>
<td>54</td>
<td>&quot;</td>
<td>Interface streets cross section</td>
<td>&quot;</td>
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<tr>
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<td>&quot;</td>
<td>Revised Plan 5 Transport &amp; Movement plan</td>
<td>&quot;</td>
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<tr>
<td>56</td>
<td>&quot;</td>
<td>VPA and Council closing submission PowerPoint summary</td>
<td>&quot;</td>
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<tr>
<td>57</td>
<td>&quot;</td>
<td>GMW Guidelines for the Protection of Water Quality</td>
<td>&quot;</td>
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<tr>
<td>58</td>
<td>&quot;</td>
<td>Submission summary (update)</td>
<td>&quot;</td>
</tr>
<tr>
<td>59</td>
<td>&quot;</td>
<td>Revised Schedule 1 to the Urban Growth Zone re Clauses 3 &amp; 4 Environmental controls</td>
<td>&quot;</td>
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<tr>
<td>60</td>
<td>&quot;</td>
<td>Revised Shepparton North East PSP – August 2018</td>
<td>&quot;</td>
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<td>61</td>
<td>&quot;</td>
<td>Revised Shepparton North East DCP – August 2018</td>
<td>&quot;</td>
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<tr>
<td>62</td>
<td>24 August</td>
<td>Further Directions</td>
<td>Ms Mitchell</td>
</tr>
<tr>
<td>63</td>
<td>03 September</td>
<td>Response to Further Direction 2</td>
<td>Ms Morris</td>
</tr>
<tr>
<td>64</td>
<td>20 September</td>
<td>Development Contributions Plan - September 2018 version</td>
<td>Ms Killin</td>
</tr>
<tr>
<td>65</td>
<td>21 September</td>
<td>Parks and Retarding Basin Cost Plan 1b</td>
<td>&quot;</td>
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<td>66</td>
<td>&quot;</td>
<td>Road and Intersection Costing</td>
<td>&quot;</td>
</tr>
<tr>
<td>67</td>
<td>25 September</td>
<td>Response to revised costing</td>
<td>Mr Ranson</td>
</tr>
<tr>
<td>68</td>
<td>&quot;</td>
<td>Response to revised costing</td>
<td>Ms Bennetts</td>
</tr>
</tbody>
</table>
Appendix D  Panel version, Schedule 1 to Urban Growth Zone

(Based on Document 59, tabled on 23 August 2018)

SCHEDULE 1 TO THE URBAN GROWTH ZONE

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>DD/MM/YYYY</td>
<td>Shown on the planning scheme map as <strong>UGZ1</strong></td>
</tr>
<tr>
<td></td>
<td>Shepparton North East Precinct Structure Plan</td>
</tr>
</tbody>
</table>

1.0  The Plan

Plan 1 shows the future urban structure proposed in the *Shepparton North East Precinct Structure Plan*.

Plan 1 to Schedule 1 to Clause 37.07
### 2.0 Use and development

#### 2.1 The land

*DD/MM/YYYY Proposed C118*

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 UGZ1 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

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 North 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:

* e.g. 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

<table>
<thead>
<tr>
<th>USE</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local convenience centre</td>
<td>Clause 34.01 – Commercial 1 Zone</td>
</tr>
<tr>
<td>All other land</td>
<td>Clause 32.08 – General Residential Zone</td>
</tr>
</tbody>
</table>

2.3  Specific provisions – Use of land

Section 1 - Permit not required

**USE**

**CONDITION**

<table>
<thead>
<tr>
<th>USE</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary school</td>
<td>A permit is not required to use land for a Primary school on land shown as existing and potential expansion non-government school.</td>
</tr>
<tr>
<td>Secondary school</td>
<td>A permit is not required to use land for a secondary school on land shown as existing and potential expansion non-government school.</td>
</tr>
<tr>
<td>Shop (other than supermarket) – where the applied zone is Commercial 1 Zone</td>
<td>The combined leasable floor area of all shops (including Supermarket) must not exceed 1500 square metres.</td>
</tr>
<tr>
<td>Supermarket – where the applied zone is Commercial 1 Zone</td>
<td>The leasable floor area must not exceed 800 square metres.</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
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</tbody>
</table>

Section 2 - Permit required

**USE**

**CONDITION**

<table>
<thead>
<tr>
<th>USE</th>
<th>CONDITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

Section 3 – Prohibited

**USE**

Shop (if the Section 1 condition is not met)
2.4 Specific provisions – Subdivision

None specified.

2.5 Specific provisions – Buildings and works

Buildings and works for future local parks and community facilities

A permit is not required to develop land shown in the Shepparton North East Precinct Structure Plan as a local park or community facility provided the development is carried out generally in accordance with the Shepparton North East Precinct Structure Plan and with the prior written consent of the responsible authority. Buildings and works for a non-government school

Buildings and words for a non-government school

A permit is required to construct a building or construct or carry out works associated with a primary and/or secondary school on land shown as an existing and potential expansion of non-government schools unless exempt under Clauses 62.02-1 and 62.02-2.

3.0 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.

Subdivision - residential development

In addition to any requirement in 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 North 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.

Precinct Infrastructure Plan

An application must be accompanied by a Public Infrastructure Plan which includes:

- 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 landscaping of any land;
• what if any infrastructure set out in the Shepparton North East Development Contributions Plan is proposed as “works in lieu”;
• the provision of public open space and land for any community facilities;
• any other matter relevant to the provision of public infrastructure required by the responsible authority.

Traffic Impact Assessment

An application that proposes to create or change access to a primary (Road Zone, Category 1) or secondary (Road Zone, Category 2) 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 Roads Corporation or the responsible authority, as required.

Acoustic report

a) A subdivision application must be accompanied by an acoustic report prepared by a qualified acoustic engineer if the subdivision land is within:
   • 500 metres of the existing asphalt batching plant located on Apollo Drive; or
   • 30 metres of the Goulburn-Murray Water irrigation channel which runs parallel to the eastern boundary of the precinct.

b) Such acoustic report must, to the satisfaction of the responsible authority:
   • Detail how the amenity of future occupants of any sensitive use (such as a Dwelling) which might establish within the subdivision will be protected from noise generated either by traffic on Grahamvale Road or from the batching plant, as relevant; and
   • Have regard to the noise assessment and conclusions detailed in the Shepparton North East PSP Noise Assessment (Marshall Day Acoustics Pty Ltd, July 2017).

Subdivide, use or develop land for a sensitive purpose - Environmental Site Assessment

Any permit allowing subdivision or sensitive use(s) or development associated with sensitive use(s) must contain the following conditions:
• Before a sensitive use or a development associated with the sensitive use starts or before the issue of a statement of compliance allowing subdivision:
  o An environmental investigation report must be completed by a suitable qualified person to the satisfaction of the Responsible Authority and submitted to the Responsible Authority for approval. The environmental investigation report must be prepared in accordance with Australian Standards 4482.1 and 44.82.2
  o If the environmental investigation report identifies potentially contaminated land, either:
    ▪ A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environmental Protection Act 1970 or;
    ▪ An environmental auditor appointed under the Environmental Protection Act that the environmental conditions of the land are suitable for the sensitive use. For the purpose of this schedule ‘sensitive uses’ means residential use, child care centre, pre-school or primary school.
4.0 Conditions and requirements for permits

Land required for community facilities

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 transferor.
- 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.

Public transport

Unless otherwise agreed by the Head, Transport for 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 the Head, Transport for Victoria, at no cost to the Head, Transport for Victoria, and to the satisfaction of the Head, Transport for Victoria.

Road network

Any permit for subdivision or building and works must contain the following condition:

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 North East Infrastructure Contributions Plan.

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 purchase and/or reimbursement by the responsible authority for any provision of public open space in excess of the amount specified in the schedule to Clause 52.01.
- The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.

Management of bushfire risk during subdivisional works

A permit for subdivision that contains a condition requiring a construction management or site management plan must ensure that the relevant plan addresses any potential bushfire risks.
arising from the land during construction and must include a statement from a suitably qualified professional that the proposed bushfire risk management measures are appropriate.

Environmental Site Assessment

Any permit for the subdivision, use, and/or development of land for a sensitive use (residential use, child care centre, pre-school centre or primary school) for a site that has been identified as contaminated land in the ‘Shepparton North East Growth Area – Environmental Site Assessment – ENSR Australia Pty Ltd., 21 October 2008’ must contain the following conditions:

- Before the commencement of the development of the land, the recommendations of the Environmental Site Assessment submitted with the application must be carried out to the satisfaction of the requirements made by the responsible authority after having regard to the guidance set out in the General Practice Note on Potentially Contaminated Land June 2005 (DSE). responsible authority.

- Upon receipt of the further testing report the owner must comply with any further

5.0 Exemption from notice and review not to apply to certain applications

None specified.

6.0 Decision Guidelines

None specified.

7.0 Advertising signs

Advertising sign requirements are at Clause 52.05. The advertising 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.