

# **ATTACHMENT TO AGENDA ITEM**

Ordinary Meeting

18 April 2017

**Agenda Item 10.3      Adoption of Amendment C188 to the Greater Shepparton Planning Scheme (Shepparton North Growth Corridor)**

<b>Attachment 1</b>	<b>Amendment C188 - Exhibition Documentation .....</b>	<b>464</b>
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<b>Attachment 3</b>	<b>Extract from Minutes - Ordinary Council Meeting – 22 November 2016</b>	<b>475</b>
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Specifically the Amendment proposes to:

- Rezone 320 Verney Road, Shepparton North and 430 Goulburn Valley Highway, Shepparton North from Schedule 1 to the Farming Zone to the General Residential Zone;
- Amend the Public Acquisition Overlay (PAO21) on part of 420A Goulburn Valley Highway, Shepparton North (Lot 1 on TP 629638);
- Amend Planning Scheme Map No. 14;
- Amend Planning Scheme Map No. 14PAO; and
- Amend the Schedule to Clause 45.01 Public Acquisition Overlay.

### **Strategic assessment of the Amendment**

#### **Why is the Amendment required?**

Outline Development Plans (ODP) for the Shepparton North and South Growth Corridors were included in the Greater Shepparton Planning Scheme (Planning Scheme) as part of Amendment C11 in 2003. These plans established a coordinated approach to the development of these growth corridors and the requirement for development to contribute to the cost of the infrastructure included in the accompanying Development Contributions Plans (DCP).

The subject land is located within the Shepparton North Growth Corridor; however, it was not rezoned as part of Amendment C11. Given the level of development in the Shepparton North Growth Corridor, it is now considered appropriate to rezone the remaining portion of land for residential subdivision.

The land proposed to be rezoned has more recently been identified as an "urban growth area" within the *Greater Shepparton 2030 Strategy Plan 2006* (GS2030) and the *Greater Shepparton Housing Strategy 2011* (GSHS). The "Shepparton North Growth Management Plan" of the GSHS states that the land can be considered for development within the "5-10 years" time horizon.

The land proposed to be rezoned is currently in the Farming Zone, which prohibits it from being subdivided for standard residential purposes. An amendment to rezone the land to the General Residential Zone is required to implement the approved ODP for the Shepparton North Growth Corridor, and the recommendations of the GS2030 and GSHS.

Land to the north and south of the subject site is in the General Residential Zone and it is now logical that this land also be rezoned to the General Residential Zone. It is estimated that approximately 200 lots can be accommodated on this land.

Schedule 21 to the Public Acquisition Overlay (PAO21) must be amended to include part of 420A Goulburn Valley Highway, Shepparton to facilitate the realisation of a north/south collector road from the existing Warrumbungle Drive to the proposed residential land.

#### **How does the Amendment implement the objectives of planning in Victoria?**

The proposed Amendment seeks to rezone the subject land to the General Residential Zone in line with the recommendations of the GS2030, the GSHS and the ODP for the Shepparton North Growth Corridor, consistent with the objectives of planning in Victoria as set out in Section 4(1)(a) and (c) of the *Planning and Environment Act 1987* (the Act).

Objective 4(1)(b) of the Act *the protection of natural and man-made resources, and the maintenance of ecological processes and genetic diversity* was considered as part of Amendment C11. The proposed Amendment further considers these resources, including the proximity of the Goulburn-Murray Water (G-MW) Channel No. 12 and the power supply station, and has provided appropriate buffers and setbacks.

The Amendment is consistent with Objectives 4(e), (f) & (g) in that it safeguards existing public utilities and assets that benefit the community, and provides for the future interests of all Victorians who benefit from this infrastructure, including the future expansion

requirements of the power station on land to the south east of the subject land within the Shepparton North Growth Corridor.

**How does the Amendment address any environmental, social and economic effects?**

Environmental

Rezoning the subject land to the General Residential Zone will facilitate its residential development and achieve an appropriate outcome for land that has been subject to significant environmental change.

The displacement of irrigation farming land by urban expansion has been strategically addressed within the GSHS. The subject land is located within the settlement boundary for Shepparton, which was established with an overall strategy of containment for the regional city. The containment strategy is necessary to protect the significant agricultural base of the economy from the negative impact of scattered unplanned residential development. The subject land is a strategically important supply of residential land, as it can be fully serviced and is in proximity to a variety of services.

The subject site is bound on the north and south by residential land and on the west by commercial land and is therefore marginal from an agricultural viability perspective.

The land affected by this Amendment does not appear to have any significant natural environmental attributes.

Soil assessments have been undertaken for the subject land. There is strategic justification to use the land for residential purposes.

Social

The proposed Amendment will result in a net community benefit by providing a pleasant and safe living environment that satisfies demand for residential opportunities in the Shepparton North area.

The proposed Amendment will have positive social outcomes, facilitating the continued development of the Shepparton North Growth Corridor, which is a critical residential expansion area. The realisation of residential development envisaged by the GS2030, the GSHS and the ODP for the Shepparton North Growth Corridor will provide additional housing choice and address housing affordability issues within the municipality.

The land is in proximity to a number of community facilities including the Shepparton North Neighbourhood Centre, the North Shepparton Community & Learning Centre, the Goulburn Valley Base and Shepparton Private Hospitals, and a number of schools.

The Amendment and subsequent residential development of the land will assist in the provision of infrastructure required for the Growth Corridor including further drainage works and the provision of public open space networks. The infrastructure required has been specified and planned for through a Development Contributions Plan, which has already been implemented.

There are no significant adverse social implications envisaged with this proposed Amendment.

Economic

The proposed Amendment is expected to have a positive economic effect as it provides land which can be readily serviced and developed for residential development.

The subject land is used for limited agricultural purposes and is surrounded by residential development. The land is a strategically important supply of residential land and its development for residential purposes will create employment opportunities during the planning and construction phases. New housing to be provided on the site will also facilitate economic growth within the municipality by providing housing opportunities to cater for the growing population.



The displacement of irrigation farming land by urban expansion has been strategically addressed within the GSHS and the proposed Amendment will not result in adverse impacts upon the local economy due to loss of agricultural land.

There are no likely adverse economic impacts associated with this proposed Amendment.

#### **Does the Amendment address relevant bushfire risk?**

The proposed Amendment meets the objectives and gives effect to the strategies to address the risk to life as a priority, property, community infrastructure and the natural environment from bushfire in the State Planning Policy Framework (SPPF) of the Planning Scheme (Clause 13.05-1 *Bushfire planning strategies and principles*). This is mainly because the site is not exposed to extreme bushfire hazard and the site is located within the urban growth boundary.

The proposed Amendment is consistent with the Local Planning Policy Framework (LPPF) of the Planning Scheme and objectives and strategies that apply to bushfire risk. No local policy for bushfire risk management is required to support the proposed Amendment as bushfire mitigation measures can be readily implemented and the risk can be reduced to an acceptable level.

The Country Fire Authority (CFA) has been consulted and has not objected to the proposed Amendment. Further bushfire assessment will be required at the building permit stage.

#### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?**

The Amendment is affected by the Ministerial Directions under sections 7 and 12 of the *Planning and Environment Act 1987* (the Act).

The Ministerial Direction No. 1 – Potentially Contaminated Land has been considered. The subject land is within the Development Plan Overlay – Schedule 4. This Schedule requires a preliminary soil contamination assessment to be prepared for each parcel of land prior to a planning permit being issued.

The Amendment complies with Ministerial Direction No 11 – Strategic Assessments of Amendments as detailed in this explanatory report.

The Amendment is also consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

#### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The Amendment is consistent with the SPPF and facilitates the orderly development of urban and rural areas in accordance with the goals and principles of the SPPF.

The proposed Amendment supports or implements the following relevant SPPF Clauses:

- The objective of Clause 11.05-1 (Regional Settlement Networks) is *to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan*. Shepparton has been identified as a regional city. The Amendment aims to implement the GSHS, which guides residential development in this regional city.
- Clause 11.10 (Hume Regional Growth) relates to the *Hume Regional Growth Plan 2014* (HRGP). The objective for Planning for Growth (Clause 11.10-3) is *to focus growth and development to maximise the strengths of existing settlements*. A policy of this clause is to consider the HRGP. The proposal aims to implement the HRGP as the subject land has been identified as a *key residential growth front* on the Shepparton Urban Growth Framework Plan within the HRGP.
- The objective of Clause 15.01-3 - Neighbourhood and Subdivision Design - is *to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods*. The proposed Amendment and future development plan will allow for staged subdivision in a location with access to existing

physical and community infrastructure, and will provide for a range of lot sizes, a convenient and safe road network, appropriate pedestrian and cycle links, and sufficient useable public open space.

- Clause 16 (Housing) states:
  - *Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*
  - *New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.*
  - *Planning for housing should include providing land for affordable housing.*

The proposed Amendment will provide additional residential land within an establishing residential growth corridor. The land is in close proximity to a variety of services and facilities, and can be readily serviced.

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Municipal Strategic Statement (MSS) sets out the requirements for an increase in residential land to accommodate the projected future growth of the City of Greater Shepparton, whilst protecting high quality, productive agriculture land.

The Shepparton North Growth Management Plan within the GSHS highlights the subject land for "Urban Growth Areas". The objective of Clause 21.04-1 *Urban Consolidation and Growth* is "to contain urban growth to identified growth areas in order to protect higher quality and intact agricultural areas and achieve a more compact built up area".

The subject land is within the Shepparton North Growth Corridor, which was approved as part of Amendment C11 to the Planning Scheme. The rezoning of the land will facilitate the ongoing residential development of the Growth Corridor.

Amendment C11 was reviewed by an Independent Planning Panel. The Panel was satisfied that an oversupply of residential land would not be a consequence of the Amendment, provided that a logical development sequence was followed. The Panel provided recommendations for staging the rezoning, which has been followed.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes proper use of the Victoria Planning Provisions.

The purposes of the General Residential Zone include:

- *to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The subject land has been identified in the ODP for the Shepparton North Growth Corridor and the GSHS for future urban residential development. The General Residential Zone is considered the most appropriate for this land and is consistent with surrounding residential zoning.

The purpose of the Public Acquisition Overlay is *to designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.* The subject land is required to serve a public purpose, that is, road infrastructure. The Public Acquisition Overlay is the most appropriate planning tool for land to be acquired by a public authority.

### **How does the Amendment address the views of any relevant agency?**

All relevant authorities were consulted through the preparation of the ODP and DCP for the Shepparton North and South Growth Corridor as part of Amendment C11 to the Planning Scheme, which was approved in November 2003.

During the exhibition of this Amendment, all relevant referral authorities will be notified in accordance with the *Planning and Environment Act 1987*.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The transport system objectives and decision making principles have been considered in preparing this planning scheme amendment.

The Minister has not prepared any statements or policy principles under Section 22 of the *Transport Integration Act 2010*; therefore, no such statements are applicable to this Amendment.

The proposed Amendment rezones land for the purpose of future residential development in accordance with an approved ODP. Although the proposed rezoning may have a significant impact on the transport system, the transport principles of the ODP ensure that transport will be appropriately planned and designed as part of any future subdivision. The amendment will not have a negative effect on the transport system.

The ODP details transport networks within the Shepparton North Growth Corridor. The ODP includes the following transport principles:

- Aesthetic and accessible liner recreational parks, especially for cyclists and pedestrians. A shared pathway is to be provided within the power easement in the northern growth corridor.
- Walkable neighbourhoods, which will be achieved by the provision of a modified grid layout that allows for permeability through the corridors for both vehicles and pedestrians.
- Safety - active street interfaces with building frontages to streets and open space to improve personal safety through increased surveillance and activity

The future subdivision of this land will be consistent with the ODP.

The ODP provides pedestrian and cycling opportunities for future residents, which supports the social and economic inclusion objectives of the *Transport Integration Act 2010*.

The proposed amendment supports the decision making principles of the *Transport Integration Act 2010* – it demonstrates integrated decision making as it has been prepared in accordance with state and local policy, and will include consultation with the community and relevant referral authorities.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

Any costs associated with the Planning Scheme Amendment process, including the costs of an Independent Planning Panel, if required, will be met by the proponent for this Amendment.

The new planning provisions will not have a detrimental effect on the resource and administrative costs of Council.

### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

- Greater Shepparton City Council offices at 90 Welsford Street, Shepparton; and
- The Greater Shepparton City Council website: [www.greatershepparton.com.au](http://www.greatershepparton.com.au).

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

**Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **Monday, 19 September 2016**.

A submission must be sent to:

Greater Shepparton City Council

Locked Bag 1000

Shepparton VIC 3632

**Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week of 21 November 2016
- panel hearing: Week of 12 December 2016







**AMENDMENT C188 (Shepparton North Growth Corridor)**  
**Submission closing date: 19 September 2016**  
**Trim No: M16/66215**

Sub No.	First Name	Last Name	Organisation	Content of Submission	Assessment of submission	Recommendation
1	Paul	Kerrins	Goulburn Valley Water	No Objection		
2	Guy	Tierney	Goulburn Broken Catchment Management Authority	No Objection		
3	Celia	Adams	Rural Housing Network Limited	No Objection, however suggests that GSCC does more to encourage residential development that fosters housing diversity and affordability.		
4	Neil	Repacholi	Goulburn-Murray Water	No Objection, subject to conditions.  Prior to the land being developed consideration and GMW approval for the proposed subdivision impacts on the GMW channel supply and drainage will be required.  The responsibility for drainage of the land will need to be transferred to COGS under the usual drainage levy applied based on area.		
5	Carmel	Odwyer	Department of Environment, Land, Water and Planning	No Objection		
6	Frank	Adornato	Business Owner	Objection Believes that the future residential development will have a detrimental impact on the day-to-day running of the business that operates on 420A Numurkah Road, Shepparton. Request that Council provide a plan of the development envisioned for this land and work with them to ensure that their business interests can be maintained.	* Any future residential development within the SNGC must be cognisant of existing business operations or facilities at 420A Goulburn Valley Hwy, Shepparton North, and, if required, provide appropriate buffer distances.  * There is no requirement for the existing business operations at 420A Goulburn Valley Hwy, Shepparton North to cease or relocate. The existing business can operate on the land.  * The extension of PAO21 on 420A Goulburn Valley Hwy, Shepparton North is intended to facilitate access to the land proposed to be rezoned by Amendment C188 to the existing collector road network (Warrumbungle Drive).	Refer to Panel
7	Leah	Smith	Department of Economic Development, Jobs, Transport and Resources	Support for the Amendment provided that: -The land is developed consistently with DPO4, including the construction of a bus capable roundabout at the intersection of Kakadu Drive and the east-west road that will run immediately to the south of Channel 12. -A transport impact assessment report is prepared for the subject land prior to a planning permit is granted.		



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# MINUTES

FOR THE  
GREATER SHEPPARTON CITY COUNCIL

## ORDINARY COUNCIL MEETING

HELD ON  
TUESDAY 22 NOVEMBER, 2016  
AT 5.30 PM

IN THE COUNCIL BOARDROOM

**COUNCILLORS:**

Cr Dinny Adem (Mayor)  
Cr Kim O'Keeffe (Deputy Mayor)  
Cr Seema Abdullah  
Cr Bruce Giovanetti  
Cr Chris Hazelman  
Cr Les Oroszvary  
Cr Dennis Patterson  
Cr Fern Summer  
Cr Shelley Sutton

**VISION**

*A THRIVING ECONOMY IN THE FOODBOWL OF VICTORIA WITH  
EXCELLENT LIFESTYLES, INNOVATIVE AGRICULTURE  
A DIVERSE COMMUNITY AND  
ABUNDANT OPPORTUNITIES*



## 11. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 11.5 Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor

**Disclosures of conflicts of interest in relation to advice provided in this report**  
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

**Council Officers involved in producing this report**

**Author:** Graduate Strategic Planner Amendments

**Proof reader(s):** Team Leader Strategic Planning, Manager Planning

**Approved by:** Director Sustainable Development

**Other:** Principal Strategic Planner

**Executive Summary**

Amendment C188 to the Greater Shepparton Planning Scheme proposes to rezone approximately 30 hectares of land in the Shepparton North Growth Corridor from the Farming Zone 1 to the General Residential Zone and to extend an existing Public Acquisition Overlay to facilitate access to the land from the existing collector road network (extension of Warrumbungle Drive), see Attachment 1 – *Amendment C188 Exhibition Documentation*.

The proposed Amendment was exhibited from 18 August 2016 to 19 September 2016 in accordance with the *Planning and Environment Act 1987*. Council received eight submissions (see Attachment 2 – *Submissions Recorder*), one of which objected to the proposed Amendment.

The objection raises concerns relating to the potential detrimental impact that extending the Public Acquisition Overlay to part of 420A Goulburn Valley Highway, Shepparton North would have on their business that operates from this land. Council officers met with this submitter in an effort to resolve these concerns, however the objection remains outstanding. As such, the Amendment is being referred to an Independent Planning Panel (Panel) appointed by the Minister for Planning. The Panel Hearing will be held over the course of the week commencing 9 January 2017.

Council officers required that pre-rezoning Section 173 Agreements be prepared for both land holdings to ensure that the additional infrastructure and contributions required to support the development of the land. The landowners of 320 Verney Road, Shepparton North have signed the agreement, while the landowners of 430 Goulburn Valley Highway, Shepparton North have not. The signing of the Section 173 Agreements is a pre-requisite for rezoning the land.

Given that the Section 173 Agreement remains unsigned by the landowners at 430 Goulburn Valley Highway, the rezoning of this land cannot proceed. It will be Council officers' position at Panel that those infrastructure items included in the Section 173 Agreement are funded by developers. The most appropriate planning tool to achieve this is through the Development Contributions Plan.





## 11. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 11.5 Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor (continued)

Council officers' position at Panel is to amend the existing Development Contributions Plan to identify the infrastructure items as developer-funded items. This is considered to be a fair and equitable manner of funding the infrastructure items required to support the future residential development in accordance with the *Planning and Environment Act 1987*. It is recommended that Council notes Council officers' position at the upcoming Hearing as outlined in this report.

Additionally, this report requests that Council delegate powers to officers to allow for the acquisition of land on part of 420A Goulburn Valley Highway, Shepparton that was included in the Public Acquisition Overlay as part of Amendment C181 to the Greater Shepparton Planning Scheme.

**Moved by Cr Summer  
Seconded by Cr Hazelman**

That the Council:

1. Note Council officers' response outlined in this report in regard to submissions received for Amendment C188 to the Greater Shepparton Planning Scheme for presentation to an Independent Planning Panel;
2. Note that in regards to the Independent Planning Panel for Amendment C188 to the Greater Shepparton Planning Scheme, Council officers may exercise discretion to best achieve the general position adopted by Council; and
3. Delegate to and authorise its Director Sustainable Development the power to execute all documentation necessary to complete the purchase of any land via agreement or sign/execute/cause to be published any notices or exercise any other powers under the *Land Acquisition and Compensation Act 1986 and / or Transfer of Land Act, 1958*, including for the compulsory acquisition of land, in respect to part of the land at 420A Goulburn Valley Highway, Shepparton North (Lot 1 on TP629638) within the Shepparton North Growth Corridor.

**CARRIED.**

#### **Background**

Council officers have prepared and exhibited Amendment C188 to the Greater Shepparton Planning Scheme (Planning Scheme); see Attachment 1 – *Amendment C188 Exhibition Documentation*. The Amendment proposes to rezone approximately 30 hectares of land in the Shepparton North Growth Corridor from the Farming Zone 1 to the General Residential Zone (GRZ) and to extend an existing Public Acquisition Overlay (PAO21) to facilitate access to the land from the existing collector road network (extension of Warrumbungle Drive).

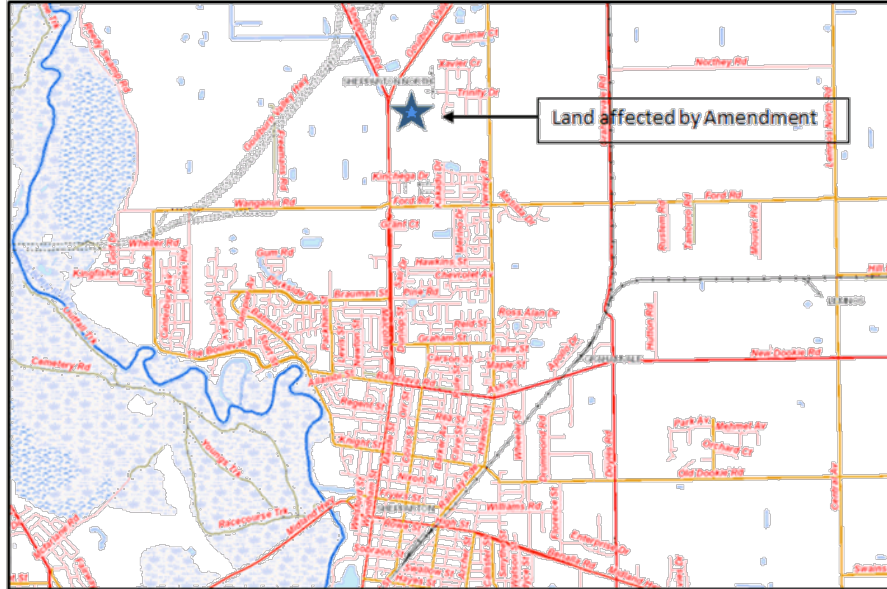
The Amendment applies to land known as 320 Verney Road, Shepparton North (Lot 1 on LP57717), 430 Goulburn Valley Highway, Shepparton North (Lot 4 on LP9081 and Lot 1 TP837956) and part of 420A Goulburn Valley Highway, Shepparton North (Lot 1 on TP 629638) as shown on Figure 1 – *Locality Plan*.



## 11. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 11.5 Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor (continued)

Figure 1 – Locality Plan



The Amendment has been made at the request of Spiire Australia Pty Ltd on behalf of T. & R. O'Keefe, landowners of 320 Verney Road, Shepparton North, and I. Sulejman, Felsage Pty Ltd and M., L., X. & I. Sulejman, landowners of 430 Goulburn Valley Highway, Shepparton North.

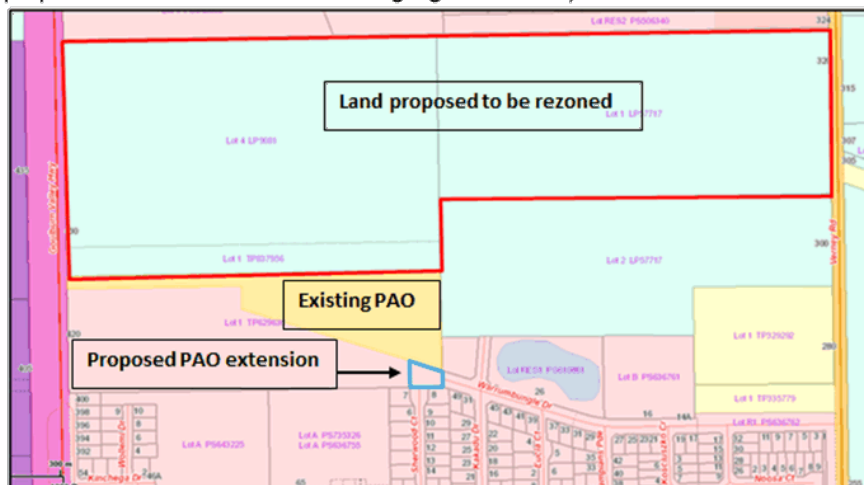
The land is currently in the Farming Zone 1 (FZ1) and the land is affected by the Development Contributions Plan Overlay – Schedule 1 (DCPO1) and the Development Plan Overlay – Schedule 4 (DPO4), as shown on Figure 2 – *Current Zone and Overlay Map*.



## 11. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 11.5 Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor (continued)

Figure 2 – Current Zone and Overlay Map – (proposed rezoning highlighted in red and proposed extension of the PAO is highlighted in blue)



#### Strategic assessment

##### 1. Assessment under the *Planning and Environment Act 1987*

The proposed Planning Scheme Amendment implements the following objectives of planning in Victoria in Section 4(1) of the *Planning and Environment Act 1987*:

Objective (a) "to provide for the fair, orderly, economic and sustainable use, and development of land";

Objective (c) "to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria";

Objective (f) "to facilitate development in accordance with the objectives set out in the points above"; and

Objective (g) "to balance the present and future interests of all Victorians".

The proposed Amendment implements the objectives of planning in Victoria by facilitating orderly, coordinated development in an area designated for general residential development. The proposal seeks to balance the interests of the growing community by facilitating further subdivision in accordance with the purposes of the GRZ and the established character of the area; providing for fair, orderly economic and sustainable development of the land.

##### 2. Assessment under the Greater Shepparton Planning Scheme

The proposed Amendment is consistent with the objective "to encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability" of the State Planning Policy Framework at Clause 16 *Housing* of the Planning Scheme by providing for additional housing stock that contributes to diversity of housing availability.

The Amendment is also consistent with the "Shepparton North Framework Plan" of the Municipal Strategic Statement at Clause 21.04 *Settlement* of the Planning Scheme.



## 11. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 11.5 Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor (continued)

The proposed rezoning has strategic support in the *Greater Shepparton Housing Strategy 2011* (GSHS). The GSHS identifies the “north corridor, between Verney Road and the Goulburn Valley Highway, Shepparton” as one of “four main growth corridors”.

Growth management plans within the GSHS have identified the subject land as “Urban Growth Areas”. The “*Shepparton North Growth Management Plan*” of the GSHS states that the land can be considered for development within the “5-10 years” time horizon.

Additionally, the GSHS states:

*“Council will ensure that there is adequate provision of services and infrastructure to new areas... The Development Plan Overlay and Development Contributions Plan Overlay will continue to be used as a means to ensure orderly development and the suitable and equitable provision of physical and community services within these corridors”.*

An Outline Development Plan (ODP) for the Shepparton North Growth Corridor was included in the Planning Scheme as part of Amendment C11 in 2003. The ODP established a coordinated approach to the development of the Growth Corridor and the requirement for development to contribute to the cost of the infrastructure included in the accompanying Development Contributions Plan (DCP).

As part of Amendment C11, the southern portion of the land identified for conventional residential purposes was also rezoned. The subject land was not rezoned at this time as sufficient land had been included in the Amendment to satisfy demand over the following ten years. Given the level of development in the Growth Corridor since 2004, it is now considered appropriate to rezone the remaining portion of land for residential development.

The land is currently in the FZ1, which prohibits it from being subdivided for conventional residential purposes. An Amendment to rezone the land to the GRZ is required to implement the ODP for the Shepparton North Growth Corridor and the recommendations of the GSHS.

Council officers requested that pre-rezoning Section 173 Agreements be prepared for both land holdings. This will ensure that the additional infrastructure and contributions not included in the DCP required to support the development of the land will be provided at the subdivision stage. The additional infrastructure includes a new intersection onto Verney Road, a north-south collector road and a shared path along Verney Road. The additional contributions will facilitate the provision of a playground on the open space area further to the south.

#### Exhibition

The proposed Amendment was exhibited from 18 August 2016 to 19 September 2016 in accordance with the *Planning and Environment Act 1987*. Exhibition included the following notice:

- Direct notice to land owners and occupiers of land materially affected by the proposed Amendment;
- Direct notice to prescribed Ministers;
- Notice in the Shepparton News;
- Notice in the Victoria Government Gazette;
- Notice on the Greater Shepparton City Council website;





## 11. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 11.5 Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor (continued)

- Notice on the Department of Environment, Land, Water and Planning website, and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

#### Submissions

Eight submissions were received during exhibition (see Attachment 2 – *Submissions Recorder*).

Six of these submissions were received from referral authorities who did not object to or request changes to the proposed Amendment. These referral authorities are:

- Goulburn Valley Water;
- Goulburn Broken Catchment Management Authority;
- Goulburn-Murray Water;
- Department of Environment, Land, Water and Planning;
- Department of Economic Development, Jobs, Transport and Resources; and
- EPA Victoria.

These submissions are not considered to be objections and are not required to be referred to an Independent Planning Panel.

Submission 3 did not object to the Amendment, but sought further information on how issues of housing diversity and affordability are being addressed. Council officers provided a response and sought confirmation that the concerns expressed in the submission were addressed by this response. Additional correspondence with the submitter has confirmed that they are satisfied with the contents of the response and do not object to the Amendment.

Submission 6 objected to the proposed Amendment. The objection raises concerns relating to the potential detrimental impact that the extension of the PAO would have on their business that operates from this land.

Council officers' position relating to the concerns raised in the submission is as follows:

- The extension of PAO21 on Submitter 6's land is intended to facilitate access to the land proposed to be rezoned by Amendment C188 from the existing collector road network (Warrumbungle Drive).
- Any future residential development within the Shepparton North Growth Corridor must be cognisant of existing business operations or facilities on Submitter 6's land and, if required, provide appropriate buffer distances.
- There is no requirement for any existing business that operates in Shepparton North Growth Corridor to cease or relocate. The existing businesses can operate on the land.

This submission cannot be resolved and the Amendment will be referred to Panel for consideration.

#### Development Contributions Plan

The purpose of the Development Contributions Plan Overlay is "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 occur."





## 11. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 11.5 Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor (continued)

A Development Contributions Plan (DCP) was prepared for the Shepparton North Growth Corridor in 2003. The land was included in Schedule 1 to the Development Contributions Plan Overlay (DCPO1) to give effect to the DCP. DCPO1 includes infrastructure items required for the development of the Growth Corridor. However, additional infrastructure items (construction of a playground, a shared path and a collector road and intersection) are required to facilitate the final development of this Growth Corridor.

Council officers required that pre-rezoning Section 173 Agreements be prepared for both land holdings to ensure that the additional infrastructure and contributions required to support the development of the land. The landowners of 320 Verney Road, Shepparton North have signed the agreement, while the landowners of 430 Goulburn Valley Highway, Shepparton North have not. The signing of the Section 173 Agreements is a pre-requisite for rezoning the land.

Given that the Section 173 Agreement remains unsigned by the landowners at 430 Goulburn Valley Highway, the rezoning of this land cannot proceed. It will be Council officers' position at Panel that those infrastructure items included in the Section 173 Agreement are funded by developers. The most appropriate planning tool to achieve this is through the DCP.

Council officers' position at Panel is to amend the existing DCP to identify the infrastructure items as developer-funded items. This is considered to be a fair and equitable manner of funding the infrastructure items required to support the future residential development in accordance with the *Planning and Environment Act 1987*.

#### Independent Planning Panel

The Panel Hearing will be held over the course of the week commencing 9 January 2017. Council is now requested to note Council officers' position at Panel and acknowledge that Council officers may exercise discretion to best achieve the general position adopted by Council.

#### Delegate Powers to Acquire Land within PAO21

Planning Scheme Amendment C181 to the Greater Shepparton Planning Scheme included part of 420A Goulburn Valley Highway, Shepparton North within PAO21, see Figure 2 – *Current Zone and Overlay Map*.

The acquisition seeks to acquire 3.814ha of the 10.49ha of land at 420A Goulburn Valley Highway, Shepparton North. The acquisition of this land will enable the realisation of the ultimate open space and stormwater drainage infrastructure envisaged by the approved Outline Development Plan for the Growth Corridor.

Council has allocated \$135,000 within the 2016-17 budget to acquire this land and a further \$200,000 to complete detailed design of the drainage infrastructure required and to prepare an open space masterplan.



## 11. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 11.5 Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor (continued)

It is requested that Council delegate to and authorise the Director Sustainable Development the power to execute all documentation necessary to complete the purchase of any land via agreement or sign/execute/cause to be published any notices or exercise any other powers under the *Land Acquisition and Compensation Act 1986* and/or *Transfer of Land Act, 1958*, including for the compulsory acquisition of land, in respect to part of the land at 420A Goulburn Valley Highway, Shepparton North (Lot 1 on TP629638) within the Shepparton North Growth Corridor.

#### **Council Plan/Key Strategic Activity**

The Amendment and the acquisition of land is supported by the *Greater Shepparton Council Plan 2013-2017* as follows:

Goal 4: *Quality Infrastructure (Built)*

Objective 3: *Encourage sustainable municipal growth and development.*

#### **Risk Management**

The primary risk associated with the proposed Amendment is not meeting the timelines required by *Ministerial Direction No. 15 "The Planning Scheme Amendment Process"*. This Ministerial Direction requires each stage of the planning scheme amendment process to be undertaken within set timeframes.

In accordance with Ministerial Direction No. 15, Council must request the appointment of an Independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* within 40 business days of the closing date for submissions, unless a Panel is not required. To meet this timeframe, an Independent Planning Panel has been requested by Council officers under delegation. It is recommended that Council endorse Council officers' position prior to the upcoming Independent Planning Panel Hearing.

The acquisition of land within PAO21 will be undertaken in accordance with the *Land Acquisition and Compensation Act 1986*, *Local Government Act 1989* and the *Transfer of Land Act 1958*. These acts provide the overarching legal framework to acquire land. Adherence to this framework will mitigate any risks involved in acquiring the land.

#### **Policy Considerations**

The Amendment and acquisition of land is consistent with existing Council policy. The Amendment and the acquisition of land support Council policy on economic development and the provision of development infrastructure.

#### **Financial Implications**

The costs of the proposed Amendment, including the cost of an Independent Planning Panel, must be met by the proponents of the Amendment. The proponent for the Amendment is Spiire Australia Pty Ltd on behalf of T. & R. O'Keefe, landowners of 320 Verney Road, Shepparton North, and I. Sulejman, Felsage Pty Ltd and M., L., X. & I. Sulejman, landowners of 430 Goulburn Valley Highway, Shepparton North.

Council has allocated \$135,000 within the 2016-17 budget to acquire land within PAO21 and a further \$200,000 to complete detailed design of the drainage infrastructure required and to prepare an open space masterplan. The acquisition of this land will enable the realisation of the ultimate open space and stormwater drainage infrastructure envisaged by the approved Outline Development Plan for the Growth Corridor.



## 11. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 11.5 Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor (continued)

#### **Legal/Statutory Implications**

All procedures associated with this Amendment comply with the legislative requirements of the Act. The Amendment has been assessed in accordance with the Act and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter) – no human rights have been negatively impacted upon throughout the process.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable offsite impacts on others. Provided these issues are properly considered, it would be a rare and exceptional case where the exercise of a planning decision in accordance with the regulatory framework is not Charter compatible.

The acquisition of land within PAO21 is governed by the *Land Acquisition and Compensation Act 1986*, *Local Government Act 1989* and the *Transfer of Land Act 1958*. These acts provide the overarching legal framework to acquire land.

The acquisition of land within PAO21 has been considered in accordance with the relevant parts of the *Land Acquisition and Compensation Act 1986* and the *Transfer of Land Act 1958*. It is not expected that the land acquisition will contravene the *Victorian Charter of Human Rights and Responsibilities Act 2006* in any way.

#### **Environmental/Sustainability Impacts**

Rezoning the subject land to the GRZ will facilitate residential development of the land and achieve an appropriate outcome for land that has been subject to significant environmental change.

The displacement of irrigation farming land by urban expansion has been strategically addressed within the GSHS while the subject land is located within the settlement boundary, which was established with an overall strategy of containment for the regional city. The containment strategy is necessary to protect the significant agricultural base of the economy from the negative impact of scattered unplanned residential development.

The land affected by this Amendment does not appear to have any significant natural environmental attributes. The subject land is a strategically important supply of residential land, as it can be fully serviced and is in proximity to a variety of services.

Soil assessments have been undertaken for the subject land in accordance with the requirements of the Development Plan Overlay, which indicate no soil contamination on the site.

There are no environmental or sustainability impacts associated with acquiring land within PAO21. The acquisition of this land will enable the realisation of the ultimate open space and stormwater drainage infrastructure envisaged for the land in the approved Outline Development Plan for the Growth Corridor. With regard to the construction of the infrastructure, specialist reports will be prepared and any environmental management issues will be managed throughout the process in accordance with the specialist reports.



## 11. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 11.5 Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor (continued)

#### **Social Implications**

The proposed Amendment will result in a net community benefit by providing a pleasant and safe living environment that satisfies demand for residential opportunities in the Shepparton North area.

The proposed Amendment will have positive social outcomes, facilitating the continued development of the Shepparton North Growth Corridor, which is a critical residential expansion area. The realisation of residential development envisaged by the GSHS and the ODP for the Shepparton North Growth Corridor will aid in providing additional housing choice and in addressing housing affordability issues within the municipality by creating an additional development front.

The land is in proximity to a number of community facilities including the Shepparton North Neighbourhood Centre, the North Shepparton Community & Learning Centre, the GV Health and the Shepparton Private Hospitals, and a number of schools.

There are no significant adverse social implications associated with this proposed Amendment.

There are social impacts associated with acquiring land within PAO21. The acquisition of this land will enable the realisation of the ultimate open space and stormwater drainage infrastructure envisaged for the land in the approved Outline Development Plan for the Growth Corridor. This will encourage further residential development in the area, which will help to address housing affordability issues by providing additional development fronts, housing type and choice, etc.

#### **Economic Impacts**

The proposed Amendment and acquisition of land for drainage and open space purposes are expected to have positive economic effects as it will provide land that can be readily serviced and developed for residential development.

The subject land is surrounded by residential development and used for limited agricultural purposes. The land is a strategically important supply of residential land and its development for residential purposes will create employment opportunities during the planning and construction phases. New housing to be provided on the site will also facilitate economic growth within the municipality by providing housing opportunities to cater for the growing population.

The displacement of irrigation farming land by urban expansion has been strategically addressed within the GSHS and the proposed Amendment will not result in adverse impacts upon the local economy due to loss of agricultural land.

By acquiring the land and constructing the ultimate open space and stormwater drainage infrastructure required within the Growth Corridor, the Council will facilitate the construction of additional dwellings that will increase employment rates within the area.

There are no significant adverse economic impacts associated with the proposed Amendment or acquisition of land.





## 11. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 11.5 Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor (continued)

#### **Consultation**

The proposed Amendment was exhibited from 18 August 2016 to 19 September 2016 in accordance with the *Planning and Environment Act 1987*. Exhibition included the following notice:

- Direct notice to land owners and occupiers of land materially affected by the proposed Amendment;
- Direct notice to prescribed Ministers;
- Notice in the Shepparton News;
- Notice in the Victoria Government Gazette;
- Notice on the Greater Shepparton City Council website;
- Notice on the Department of Environment, Land, Water and Planning website, and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

#### Submissions

Eight submissions were received during exhibition (see Attachment 2 – *Submissions Recorder*).

Six of these submissions were received from referral authorities who did not object to or request changes to the proposed Amendment. These referral authorities are:

- Goulburn Valley Water;
- Goulburn Broken Catchment Management Authority;
- Goulburn-Murray Water;
- Department of Environment, Land, Water and Planning;
- Department of Economic Development, Jobs, Transport and Resources; and
- EPA Victoria.

These submissions are not considered to be objections and are not required to be referred to an Independent Planning Panel.

Submission 3 did not object to the Amendment, but sought further information on how issues of housing diversity and affordability are being addressed. Council officers provided a response and sought confirmation that the concerns expressed in the submission were addressed by this response. Additional correspondence with the submitter has confirmed that they are satisfied with the contents of the response and do not object to the Amendment.

Submission 6 objected to the proposed Amendment. The objection raises concerns relating to the potential detrimental impact that the extension of the PAO would have on their business that operates from this land.

Council officers' position relating to the concerns raised in the submission is as follows:

- The extension of PAO21 on Submitter 6's land is intended to facilitate access to the land proposed to be rezoned by Amendment C188 from the existing collector road network (Warrumbungle Drive).
- Any future residential development within the Shepparton North Growth Corridor must be cognisant of existing business operations or facilities on Submitter 6's land and, if required, provide appropriate buffer distances.



## 11. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 11.5 Consideration of Submissions for Amendment C188 and Acquisition of Land in PAO21 - Shepparton North Growth Corridor (continued)

- There is no requirement for any existing business that operates in the Shepparton North Growth Corridor to cease or relocate. The existing business can operate on the land.

This submission cannot be resolved and the Amendment will be referred to Panel for consideration. The Panel Hearing will be held over the course of the week commencing 9 January 2017.

In relation to the acquisition of land, appropriate consultation with all stakeholders was undertaken through Amendment C181, which facilitated the application of PAO21 to the land.

Council officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

#### **Strategic Links**

##### a) Greater Shepparton 2030 Strategy 2006

*Direction 1: Settlement and Housing*

*Commitment to growth within a consolidated and sustainable development framework.*

##### b) Other strategic links

*Shepparton North and South Growth Corridor Outline Development Plan 2003.*

The proposed Amendment will facilitate residential subdivision in accordance with the *Shepparton North and South Growth Corridor Outline Development Plan 2003*.

#### **Conclusion**

Amendment C188 to the Greater Shepparton Planning Scheme proposes to rezone approximately 30 hectares of land in the Shepparton North Growth Corridor from the Farming Zone 1 to the General Residential Zone and extend a Public Acquisition Overlay to facilitate access to the land from the existing collector road network (extension of Warrumbungle Drive), see Attachment 1 – *Amendment C188 Exhibition Documentation*.

The proposed Amendment was exhibited from 18 August 2016 to 19 September 2016 in accordance with the *Planning and Environment Act 1987*. Council received eight submissions (see Attachment 2 – *Submissions Recorder*), one of which objected to the proposed Amendment.

This submission raises concerns relating to the potential detrimental impact that the extension of the Public Acquisition Overlay would have on their business that operates from this land.

Council officers met with this submitter in an effort to resolve these concerns, however the submission remains outstanding. As such, the Amendment is being referred to an Independent Planning Panel appointed by the Minister for Planning. The Panel Hearing will be held over the course of the week commencing 9 January 2017.



*Planning and Environment Act 1987*

Panel Report

Greater Shepparton Planning Scheme Amendment C188  
Shepparton North Growth Area


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Front page

22 March 2017



*Planning and Environment Act 1987*  
Panel Report pursuant to section 25 of the Act  
Greater Shepparton Planning Scheme Amendment C188  
Shepparton North Growth Corridor  
22 March 2017



Brett Davis, Chair



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## List of Abbreviations

DELWP	Department of Environment, Land, Water and Planning
F1Z	Farming 1 Zone
GRZ	General Residential Zone
GS2030	Greater Shepparton 2030 Strategy Plan 2006
GSHS	Greater Shepparton Housing Strategy
ODP	Outline Development Plan
PAO	Public Acquisition Overlay
SPPF	State Planning Policy Framework



## Overview

Amendment Summary	
<b>The Amendment</b>	Greater Shepparton Planning Scheme Amendment C188
<b>Common name</b>	Shepparton North Growth Corridor
<b>Brief description</b>	The Amendment proposes to rezone approximately 37 hectares of land in the Shepparton North Growth Corridor from the Farming Zone 1 (FZ1) to the General Residential Zone (GRZ) and to amend Schedule 21 to the Public Acquisition Overlay (PAO21) to facilitate access to the land from an existing collector road network.
<b>Subject site</b>	The Amendment applies to land known as 320 Verney Road, Shepparton North (Lot 1 on LP57717), 430 Goulburn Valley Highway, Shepparton North (Lot 4 on LP9081 and Lot 1 TP837956) and 420A Goulburn Valley Highway, Shepparton North (Lot 1 on TP629638).
<b>The Proponent</b>	Landowners of 320 Verney Road, Shepparton North; and I Sulejman, Felsage Pty Ltd and M L, X & I Sulejman, landowners of 430 Goulburn Valley Highway, Shepparton North.
<b>Planning Authority</b>	Greater Shepparton City Council
<b>Exhibition</b>	Between 18 August and 19 September 2016
<b>Submissions</b>	Number of Submissions: 8 Opposed: 1 Six submissions were received from referral authorities, none of which raised any objections to the Amendment, although two of these submissions identified issues to be addressed at the subdivision stage.
Panel Process	
<b>The Panel</b>	Brett Davis (Chair), appointed on 17 November 2016
<b>Directions Hearing</b>	Greater Shepparton City Council, 9 December 2016
<b>Panel Hearing</b>	Greater Shepparton City Council, 10 February 2017
<b>Site Inspections</b>	Unaccompanied 9 February 2017
<b>Appearances</b>	Greater Shepparton City Council represented by Mr Michael MacDonagh Ms Jane Macey of Spiire on behalf of Mr and Mrs O'Keefe Mr Gary Steigenberger and Mr Chris Smith of Chris Smith and Associates on behalf of the Sulejman family Mr Danny Ryan of Abernethy Dowd and Ryan Solicitors on behalf of Mr Frank Adornato
<b>Date of this Report</b>	22 March 2017



## Executive summary

### (i) Summary

Greater Shepparton Planning Scheme Amendment C188 (the Amendment) seeks to rezone approximately 37 hectares of land in the Shepparton North Growth Corridor from the Farming Zone Schedule 1 (FZ1) to the General Residential Zone (GRZ) and to amend the Public Acquisition Overlay Schedule 21 (PAO21) to facilitate access to the land from an existing road collector network.

The subject land has been identified as an urban growth area within the Greater Shepparton 2030 Strategy Plan, 2006 and the Greater Shepparton Housing Strategy, 2011 (GSHS). The GSHS was implemented through Amendment C93 and identifies the Shepparton North Framework Plan at Clause 21.04 of the Greater Shepparton Planning Scheme. This plan identifies that the land can be considered for development within a 5-10 year horizon.

Land to the north and south of the subject site is GRZ, and Council's rationale for PAO21 is to facilitate the realisation of a collector road from Warrumbungle Drive to the proposed residential land.

A total of 8 submissions were received, with one objecting submission and one submission seeking further information.

Key issues raised in submissions included:

- PAO21 and its effect on an existing business
- Issues of housing diversity and affordability
- Signing of a section 173 Agreement<sup>1</sup> to allow the Amendment to proceed.

The Rural Housing Network Limited sought further information on how issues of housing diversity and affordability are being addressed. Council addressed issues of housing affordability to the submitter seeking clarification, and the submitter responded in support of their response.

The report primarily focuses on the PAO21. The landowner submitted that they had received inconsistent messages from Council during the exhibition process. At one stage, officers proposed its removal, only to reinstate the overlay once VicRoads objected to its removal. The landowner was quite concerned about the future operation of their business, and being forced to relocate due to surrounding residential zoning.

Council submitted that the landowner will not be forced to locate as it enjoys existing use rights. The Panel has considered all submissions and concludes that, given VicRoads' position, it agrees with submissions of Council that the PAO21 extension is warranted to facilitate future access to the land proposed to be rezoned.

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<sup>1</sup> *Planning and Environment Act 1987.*

**(ii) Recommendations**

Based on the reasons set out in this Report, the Panel recommends:

**Greater Shepparton Planning Scheme Amendment C188 be adopted as exhibited.**

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

The Amendment proposes to rezone 320 Verney Road, Shepparton North and 430 Goulburn Valley Highway, Shepparton North (which comprises approximately 37 hectares of land) from Farming Zone 1 (FZ1) to the General Residential Zone (GRZ). In addition, the Amendment proposes to:

- Amend PAO21 on part of 420A Goulburn Valley Highway, Shepparton North (Lot 1 on TP629638);
- Amend Planning Scheme Map No. 14;
- Amend Planning Scheme Map No. 14PAO; and
- Amend the Schedule to Clause 45.01 Public Acquisition Overlay.

### (ii) Purpose of the Amendment

Outline Development Plans (ODPs) for the Shepparton North Growth Corridors were included in the Planning Scheme in 2003, as part of Amendment C11. The ODPs established a coordinated approach to the development of these growth corridors. Although the subject land is located within the Shepparton North Growth Corridor, it was not rezoned for residential development as part of Amendment C11.

Council considered that, due to the significant increase in development in the Shepparton North Growth Corridor, it is now considered appropriate to rezone the remaining portion of land for residential development.

Council noted that the land proposed to be rezoned has recently been identified as an 'urban growth area' within the following documents:

- the *Greater Shepparton Housing Strategy 2011* (GSHS), which was implemented through Amendment C93 to the Greater Shepparton Planning Scheme, and
- the *Greater Shepparton 2030 Strategy Plan 2006* (GS2030).

The subject land is currently in the FZ1, which prohibits it from being subdivided for standard residential purposes. An amendment to rezone the land to the GRZ is required to implement the approved ODP for the Shepparton North Growth Corridor, and the recommendations of the GS2030 and GSHS.

Council also considered that it is logical for the subject land (which can accommodate approximately 200 lots) to be rezoned to the GRZ because the land to the north and south of the subject site is in the GRZ and it is now logical that this land also be rezoned to the GRZ.

Council noted that PAO21 must be extended to include part of 420A Goulburn Valley Highway, Shepparton in order to facilitate a collector road from the existing Warrumbungle Drive to access the proposed residential land.

**(iii) The subject land**

The Amendment applies to land shown in Figure 1 and is located at Shepparton North, approximately six kilometres north of the Shepparton Central Business District. Figure 1 shows both the land that is proposed to be rezoned, and land affected by the proposed extension to PAO21.

The subject land is located within the FZ1 and is affected by the Development Contributions Plan Overlay – Schedule 1 (DCPO1) and the Development Plan Overlay – Schedule 4 (DPO4). The subject land abuts the following:

- a Goulburn-Murray Water (G-MW) channel to the north; and
- the Goulburn Valley Highway (Road Zone – Category 1) to the west,
- the GRZ to the north and south
- land in the Low Density Residential Zone (LDRZ) and Verney Road (Road Zone – Category 2) to the east.

The land affected by the proposed extension to PAO21:

- Affects part of 420A Goulburn Valley Highway, Shepparton North (Lot 1 on TP629638)
- Is located within the GRZ and is affected by DCPO1, DPO4 and the Environmental Audit Environmental Audit Overlay (EAO);
- Abuts the Goulburn Valley Highway (Road Zone – Category 1) to the west, land in the FZ1 to the north and northeast, and land in the GRZ to the east and south; and
- The Amendment proposes to extend PAO21 by approximately 1,600m2 to the south to facilitate access to the land from an existing collector road network.

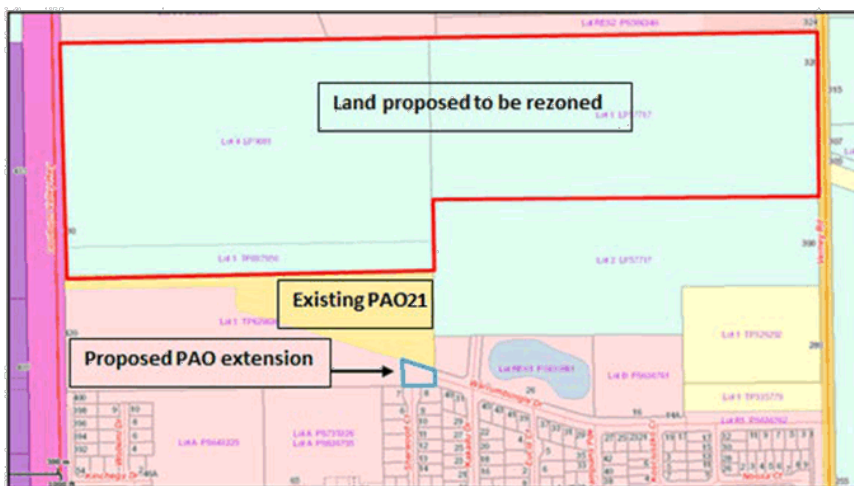


Figure 1 The subject site

**(iv) Procedural issues****Deferral request**

Prior to the Directions Hearing, in December 2016, Chris Smith and Associates representing the Sulejman family requested that the Panel Hearing be rescheduled from January to April 2017, due to the harvest season.

At the Directions Hearing, the Panel took submissions from all parties. Council and Ms Macey of Spiire (on behalf of Mr and Mrs O'Keefe) objected to the request to delay the matter. Council submitted that the Panel may wish to consider the eastern portion of the land (O'Keefe land) only and provide an interim report or deal with the entire Amendment on the papers.

The Panel did not support the request to move the Hearing to April 2017 on the basis it was unreasonable in light of the prior knowledge of the general Amendment preparation and process. However, the Panel agreed to delay the Hearing two weeks to 10 February 2017 as there were some uncertainties with the Directions Hearing notification.

**Section 173 Agreement**

Council submitted that an outstanding s173 Agreement between the parties (that the Sulejman family was yet to sign), was required by Council before the Amendment could proceed. The Panel noted that the s173 issue was technically not a matter within its scope to consider, as the Amendment predominantly relates to rezoning land from FZ1 to GRZ within the Shepparton North Growth Corridor. The s173 Agreement did not form part of the exhibited Amendment.

It became apparent that the position of the Sulejman family was complex due to a number of members requiring to co-sign the agreement. Representatives of the Sulejman family informed the Panel at the Hearing that they required slightly more time and the Panel allowed another week for the signing to occur. On 17 February 2017, Council informed the Panel that the s173 Agreement had been formally signed by all parties. As such, the pre-existing issues have been resolved.

The Panel makes no further comment on the matter.

**1.2 Issues dealt with in this report**

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

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the 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:

- Planning context
- Housing affordability
- Public Acquisition Overlay.



## 2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

### 2.1 Policy framework

#### (i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the SPPF:

- Clause 11.05-1 (Regional Settlement Networks) is to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework Plan. Shepparton has been identified as a regional city.
- Clause 11.10 (Hume Regional Growth) relates to the *Hume Regional Growth Plan 2014* (HRGP). The objective for Clause 11.10-3 (Planning for Growth) is to focus growth and development to maximise the strengths of existing settlements. A policy of this clause is to consider the HRGP. The proposal aims to implement the HRGP as the subject land has been identified as a key residential growth front on the "Shepparton Urban Growth Framework Plan" within the HRGP.
- Clause 15.01-3 (Neighbourhood and Subdivision Design) is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. The Amendment and future development plan will allow for staged subdivision in a location with access to existing physical and community infrastructure, and will provide for a range of lot sizes, a convenient and safe road network, appropriate pedestrian and cycle links, and sufficient useable public open space.
- Clause 16 (Housing) states:
  - *planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*
  - *new housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.*
  - *planning for housing should include providing land for affordable housing.*

#### (ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

*The objective of Clause 21.04-1 (Urban Consolidation and Growth) is "to contain urban growth to identified growth areas in order to protect higher quality and intact agricultural areas and achieve a more compact built up area". The "Shepparton North Growth Management Plan" within the GSHS highlights the subject land for "Urban Growth Areas".*

**(iii) Other planning strategies or policies used in formulating the Amendment**

The *Greater Shepparton Housing Strategy 2011* provides further strategic direction on housing and residential development following the adoption of the *Greater Shepparton 2030 Strategy Plan*. It sets objectives, strategies and actions and establishes a development framework to guide future residential development in the municipality.

The *Shepparton North Framework Plan* identifies that land can be considered for development within the '5-10 years' time horizon, and this is noted at clause 21.04 (Settlement) of the Greater Shepparton Planning Scheme.

**2.2 Planning scheme provisions**

The subject land is in the Farming Zone Schedule 1 which limits the minimum subdivision lot size to 40 hectares. The subject land is partly affected by the Public Acquisition Overlay Schedule 21 (PAO21).

**(i) Zones**

The Amendment proposes to rezone the subject land to the General Residential Zone. The purposes of this zone are:

- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

**(ii) Overlays**

The Amendment proposes to amend the existing PAO21. The purposes of this overlay 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 an acquiring authority for land reserved for a public purpose.*

**2.3 Ministerial Directions and Practice Notes****(i) Ministerial Directions**

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

**Ministerial Direction No 1 – Potentially Contaminated Land**

The Amendment is affected by the Ministerial Directions under sections 7 and 12 of the Act.

The Ministerial Direction No. 1 – Potentially Contaminated Land has been considered. The subject land is within the DPO4. This Schedule requires a preliminary soil contamination assessment to be prepared for each parcel of land prior to a planning permit being issued.

**Ministerial Direction No 11 - Strategic Assessment of Amendments**

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).

**The Form and Content of Planning Schemes (s7(5))**

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

**2.4 Conclusion**

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and should proceed subject to the further discussion of issues in the following Chapter.

### 3 The issues

Key issues raised in submissions included:

- PAO21 and its effect on an existing business
- issues of housing diversity and affordability.

#### 3.1 Evidence and submissions

Mr Frank Adornato (submitter 6) believes that the future residential development will have a detrimental impact on the day-to-day running of the business that operates on 420A Numurkah Road, Shepparton. In addition, the extension of PAO21 potentially affects his business operations.

##### (i) Public Acquisition Overlay Schedule 21 (PAO21)

Council outlined a detailed history of discussions with Mr Adornato regarding the Amendment. Following an initial meeting with Mr Adornato on 7 October 2016, Council officers indicated, in a letter dated 4 October 2016, that the proposed extension of PAO21 on the land could be removed from the Amendment as a post-exhibition change.

Council explained:

*Following discussions with VicRoads on 7 October 2016 and a meeting on 11 November 2016, VicRoads indicated that they would object to the removal of the extension of PAO21 from the Amendment. The extension of PAO21 is required to facilitate access to the land proposed to be rezoned by the Amendment from an existing collector road network along Warrumbungle Drive.*

Given VicRoads' position, Council submitted that it no longer supports the removal of the extension of PAO21 from the Amendment. Council officers' revised position relating to the concerns raised in the submission is as follows:

- *the extension of PAO21 on Submitter No. 6's land is required to facilitate access to the land proposed to be rezoned by the Amendment from an existing collector road network (Warrumbungle Drive);*
- *any future residential development within the Shepparton North Growth Corridor must be cognisant of existing business operations or facilities on Submitter No. 6's land and, if required, provide appropriate buffer distances; and*
- *there is no requirement for any existing business that operates in Shepparton North Growth Corridor to cease or relocate. The existing businesses can operate on the land.*

Mr Danny Ryan, on behalf of Mr Adornato, raised concerns relating to the potential detrimental impact that the extension of PAO21 would have on the business that operates on his land, including the land compensation issues involved.

Mr Ryan outlined a long history of “shifting sands” when it came to matters of the PAO and his clients’ land. Mr Adornato requested certainty and the ability to plan without further threats of the PAO being applied to other parts of his land.

### (ii) Housing affordability

The Rural Housing Network Limited, (submitter 3) sought further information on how issues of housing diversity and affordability are being addressed. Council officers provided a response, and sought confirmation that the submitters concerns were addressed by this response. Additional correspondence with the submitter has confirmed that they are satisfied with the contents of the response. This is contained in Appendix C.

## 3.2 Discussion

The outstanding matter relates to the application of the PAO21. The Panel understands the frustration of Mr Adornato with uncertainties regarding the future location of the overlay. The use of the PAO21 effectively locks this in unless Council requests another planning scheme amendment in the future.

Council submitted that the location as exhibited was unlikely to change and the Panel concludes that the application of the PAO21 is in fact the appropriate tool to lock in forward planning in this circumstance. VicRoads submitted that the PAO21 land is required to facilitate access to the land proposed to be rezoned by the Amendment from an existing collector road network (Warrumbungle Drive), and the Panel supports its application.

Issues of land compensation and acquisition processes are not relevant to the application of the PAO21, as this is a separate process governed by the *Land Acquisition and Compensation Act 1986*.

## 3.3 Conclusions and recommendation

The proposed Amendment seeks to rezone the subject land to the GRZ in line with the recommendations of the GS2030, the GSHS and the Outline Development Plan for the Shepparton North Growth Corridor. The Panel concludes it is strategically justified and should be supported.

The Panel concludes:

- The use of the PAO21 is appropriate as the land is required to facilitate access from an existing collector road network (Warrumbungle Drive).
- Issues raised by the submitter do not require a change to the Amendment.
- The subject land is a strategically important supply of residential land, as it can be fully serviced and is in proximity to a variety of services.
- There is strategic justification to use the land for residential purposes.

The Panel makes the following recommendation:

**Greater Shepparton Planning Scheme Amendment C188 be adopted as exhibited.**

## Appendix A Submitters to the Amendment

No.	Submitter
1	Goulburn Valley Water
2	Goulburn Broken Catchment Management Authority
3	Rural Housing Network
4	Goulburn Murray Water
5	Department of Environment, Land, Water and Planning
6	Frank Adornato
7	Department of Economic Development, Jobs, Transport and Resources
8	EPA Victoria



## Appendix B Document list

No.	Date	Description	Tabled by
1	3/2/17	Part A Planning Authority submission	Michael MacDonagh, Greater Shepparton City Council
2	8/2/17	VicRoads submission	Julie Adams, VicRoads
3	10/2/17	Shepparton North Growth Corridor Outline Development Plan (Dec 2002)	Michael MacDonagh, Greater Shepparton City Council
4	10/2/17	Council Minutes 15 September 2015	Michael MacDonagh, Greater Shepparton City Council
5	10/2/17	Greater Shepparton Amendment C181 Explanatory Report	Michael MacDonagh, Greater Shepparton City Council
6	10/2/17	Submission to Amendment C188 on behalf of Mr and Mrs O'Keefe	Jane Macey, Spiire
7	10/2/17	Shepparton North Growth Corridor Plan ODP	Jane Macey, Spiire
8	10/2/17	Amendment C181 map	Michael MacDonagh, Greater Shepparton City Council
9	10/2/17	Authorisation letter, DELWP	Michael MacDonagh, Greater Shepparton City Council
10	10/2/17	Schedule 1 to the Development Contributions Plan Overlay	Michael MacDonagh, Greater Shepparton City Council
11	10/2/17	Schedule 4 to the Development Plan Overlay	Michael MacDonagh, Greater Shepparton City Council
12	10/2/17	Email correspondence	Michael MacDonagh, Greater Shepparton City Council
13	10/2/17	Aerial photography of Amendment area	Michael MacDonagh, Greater Shepparton City Council

## Appendix C Correspondence with submitter 3

28 September 2016

Celia Adams  
Chief Executive Officer  
Rural Housing Network Limited  
43B Wyndham Street  
SHEPPARTON VIC 3630

Dear Celia

### GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C188

I refer to your submission to Amendment C188 to the Greater Shepparton Planning Scheme, received by Council on 12 September 2016, and our telephone conversation on 13 September 2016.

Your submission expresses concerns relating to the provision of housing diversity and the availability of affordable housing in Greater Shepparton. Specifically, your submission queries how these considerations have been addressed in Amendment C188 to the Greater Shepparton Planning Scheme (Planning Scheme).

Council officers acknowledge that the provision of housing diversity and the availability of affordable housing are significant issues. Council officers also understand that household composition and needs are continually changing and planning policies must be responsive to these changing needs. In addressing these issues, Council is directed by a number of state and local planning policies.

Clause 16 – *Housing* of the State Planning Policy Framework states:

- *“Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.”*
- *“Planning for housing should include providing land for affordable housing.”*

As part of a review of the Local Planning Policy Framework, Council prepared the *Greater Shepparton Housing Strategy, 2011* (GSHS). The GSHS guides the future long term identification and provision of residential land across the municipality. The Vision Statement of the GSHS states that:

- *“the residential areas of Greater Shepparton will be pleasant and attractive places to live and play, socially inclusive, promote the health and well-being of its residents, and provide for a range of housing needs and preferences.”*

The findings and recommendations of the GSHS were given effect through Amendment C93 to the Greater Shepparton Planning Scheme. As a result of this amendment, the

Greater Shepparton City Council  
Planning Department  
Locked Bag 1000, Shepparton VIC 3632  
Central Office: 90 Welsford Street, Shepparton 3630  
PH: (03) 5832 9730 Fax: (03) 5831 1987 Email: [council@shepparton.vic.gov.au](mailto:council@shepparton.vic.gov.au)  
ABN 59 835 329 843

Local Planning Policy Framework at Clause 21.04 – *Settlement* was updated. An objective of Clause 21.04 – *Urban Consolidation and Growth* is:

- *“to encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.”*

To address these issues, Council officers seek to encourage residential subdivision designs that provide a variety of development fronts in a range of locations, residential densities (including conventional, low density and rural living residential lots), and lot sizes and types. A greater number of development fronts will encourage competition that should in turn drive-down lot prices. By providing a variety of lot sizes and densities, the changing needs of households can also be satisfied.

In relation to the Shepparton North Growth Corridor, the *North and South Shepparton Growth Corridors Outline Development Plan Report, 2003* recognises these issues and states any development plan for the growth corridors should *“provide for housing choice and diversity.”*

Amendment C188 proposes to rezone this land to the General Residential Zone (GRZ). The future subdivision of the land will require a planning permit; however the GRZ does not have a minimum or maximum lot size for subdivision. Therefore, issues relating to housing diversity and affordability will be addressed as part of the subdivision of the land at the planning permit stage.

Clause 56 *Residential Subdivision* of the Greater Shepparton Planning Scheme guides the residential subdivision of land. Clause 56.02 *Policy Implementation* has the objective:

- *“to ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.”*

The Planning Department will seek to encourage a variety of lot sizes and types as part of the subdivision stage.

In relation to the provision of affordable housing, local government is not a social or affordable housing body in Victoria. However, despite this, Council was successful in gaining funding from the Commonwealth government for the provision of an affordable housing scheme in the Mooroopna West Growth Corridor. \$5,432,396 was made available for a grant-based scheme that reduced the cost of 66 lots by \$40,000 each, and 20 registered housing association house and land packages by \$120,000 each. This has been a hugely successful affordable housing scheme and one that has had enormous benefits in allowing home owners and renters to access affordable housing. Council will continue to apply for such schemes should they become available in the future.

In relation to proposed Amendment C188, Council officers do not consider your letter to be an objection, but consider it to be a submission.

If your concerns have not been addressed and you require changes to the proposed Planning Scheme Amendment, please advise Council of this in writing. Otherwise, Council officers will not refer this submission to an Independent Planning Panel for consideration.

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Greater Shepparton Planning Scheme Amendment C188 | Panel Report | 22 March 2017

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If you have any queries regarding this matter, do not hesitate to contact me on (03) 5832 9730 or via e-mail at [michael.macdonagh@shepparton.vic.gov.au](mailto:michael.macdonagh@shepparton.vic.gov.au).

Yours sincerely



**Michael MacDonagh**  
**TEAM LEADER STRATEGIC PLANNING**

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ABN 59 835 329 843

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Greater Shepparton Planning Scheme Amendment C188 | Panel Report | 22 March 2017

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**Sam Kemp**

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**From:** Celia Adams <CAdams@rhn.org.au>  
**Sent:** Tuesday, 4 October 2016 6:45 PM  
**To:** Michael MacDonagh  
**Subject:** Re: Submission to Amendment C188

Hi Michael  
More than happy with Council's response  
Thanks  
Celia

Sent from my iPhone

On 4 Oct 2016, at 4:40 PM, Michael MacDonagh <Michael.MacDonagh@shepparton.vic.gov.au> wrote:

Hi Celia,

Are you satisfied with Council's response?

Thanks,

Michael

---

**From:** Michael MacDonagh  
**Sent:** Thursday, 29 September 2016 10:15 AM  
**To:** 'Celia Adams'  
**Cc:** Sam Kemp  
**Subject:** RE: Submission to Amendment C188

Hi Celia,

Please find attached a copy of the letter of response to your submission to Amendment C188.

Council officers do not consider your submission to be an objection, please advise Council in writing if this is not correct. If your concerns have not been addressed and you require changes to the proposed Planning Scheme Amendment, please advise Council of this in writing. Otherwise, Council officers will not refer this submission to an Independent Planning Panel for consideration.

Do not hesitate to contact me should you have any additional queries.

Thanks,

Michael

# **ATTACHMENT TO AGENDA ITEM**

**Ordinary Meeting**

**18 April 2017**

**Agenda Item 10.4      Draft Urban Design Framework: Shepparton North and South Business Areas (Addendum) 2017 - Endorse and Release for Public Comment**

**Attachment 1            Draft Urban Design Framework Addendum ..... 510**







DRAFT

Project Control

Status	Version	Checked PM	Checked PD	Date released
Draft Report	3	PH	LR	24.03.2017
Final Report	1	PH	LR	31.03.2017

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B	Draft Design and Development Overlay Schedule: Shepparton North C2Z	
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## About this Project



Planisphere has been engaged by Greater Shepparton City Council (Council) to prepare a review and addendum to the Shepparton North and South Business Areas Urban Design Framework (2006), prepared by Coomes Consulting.

This document contains the following sections:

- Background review of VCAT decisions relevant to the Urban Design Framework and existing Design and Development Overlays (DDO) affecting the subject areas
- Review of the existing 2006 Urban Design Framework (UDF)
- Review of the contextual analysis and framework for the "Broken River to Raftery Road" area, including the entrance of Kialla Lakes Drive
- Preparation of contextual analysis and framework of the Kialla Lakes Drive entrance and IN3Z area
- Contextual analysis for the commercial land in Shepparton North
- Framework for the commercial land in Shepparton North
- Recommendations (including a new schedule to the DDO for Shepparton North "Gateway Commercial Area" precinct).

The project has been undertaken in two stages:

1. Site survey and initial desktop and background document review.
2. Preparation of the addendum to the UDF, applying the findings of stage 1 and two subject area analyses.

Maps showing the two subject areas have been included in Chapter 1 of this report.



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1.0

Introduction &  
Background Review

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# 1.1 Introduction

2

INTRODUCTION &amp; BACKGROUND REVIEW

## This Project

This project seeks to examine and include two additional 'subject areas' to the existing Urban Design Framework: Shepparton North and South Business Areas (UDF). The UDF was prepared by Coomes Consulting in July 2006 and adopted by Council. It has since been used to apply Design and Development Overlay (DDO) schedules to the precincts identified in the study.

Planisphere has been engaged to review and update the UDF to include the following precincts:

- Shepparton North Gateway Commercial Precinct (land covered by the Commercial 1 and Commercial 2 Zone)
- Kialla Lakes Drive area within the Broken River to Raftery Road precinct (The entrance to Kialla Lakes Drive, all land in the Industrial 3 Zone and land in the road reserve between 15-19 Kialla Lakes Drive and 7958 Goulburn Valley Highway and 7950-7954 Kialla Lakes Drive).

Map showing the subject areas have been included on the following pages.

## Methodology

The following methodology is based on *Planning Practice Note 17 (PPN17): Urban Design Frameworks* (July 2015). The practice note has also been used to underpin a review of the existing UDF (at Section 1.3). A summary of *PPN17* has been included as an appendix to this report.

This project methodology is as follows:

1. Background document review (existing UDF, recent VCAT cases and current planning policy framework)
2. Site visit to review subject area boundaries and existing conditions
3. Contextual analysis based on information gathered in stages 1 and 2
4. Draft framework based on key findings from the contextual analysis
5. Draft recommendations and implementation guide based on key findings from stage 4
6. Public exhibition, consultation with Council and workshops to review draft framework and recommendations
7. Amend document to reflect any changes from public submissions or Council comments
8. Final report.

## Subject Areas

The Shepparton North subject area was selected due to changes and development pressures not envisaged by the 2006 UDF, particularly in relation to large advertising signage. The Kialla Lakes Drive subject area was selected due to a change in the road alignment and the interface issues emerging between the adjoining residential area and the existing industrial/commercial development. Boundaries were established using existing zoning controls and as requested by Council:

- All land in the Shepparton North commercial zones
- All land in the Industrial 3 Zone (IN3Z) adjoining Kialla Lakes Drive and the public realm/road reserve forming the entrance to Kialla Parks residential estate.

A site visit was conducted on 20 December, 2016 and the subject area boundaries were confirmed.

## Document Structure

This document contains the following sections:

- 1. Introduction and Background Review (this chapter):** Review of recent VCAT cases and the existing Shepparton North and South Business Areas UDF.
- 2. Shepparton North Gateway Commercial Precinct:** Contextual analysis, design framework, conclusions and recommendations.
- 3. Kialla Lakes Drive:** Contextual analysis, design framework, conclusions and recommendations.
- 4. Appendices:** Overview of Urban Design Frameworks Practice Note (A), draft DDO schedule for Shepparton North Gateway Commercial Precinct and draft amendment to the DDO7 to include Kialla Lakes Drive.

# 1.2 Subject Areas

4

Figure 1. Shepparton North Gateway Commercial Precinct

INTRODUCTION & BACKGROUND REVIEW

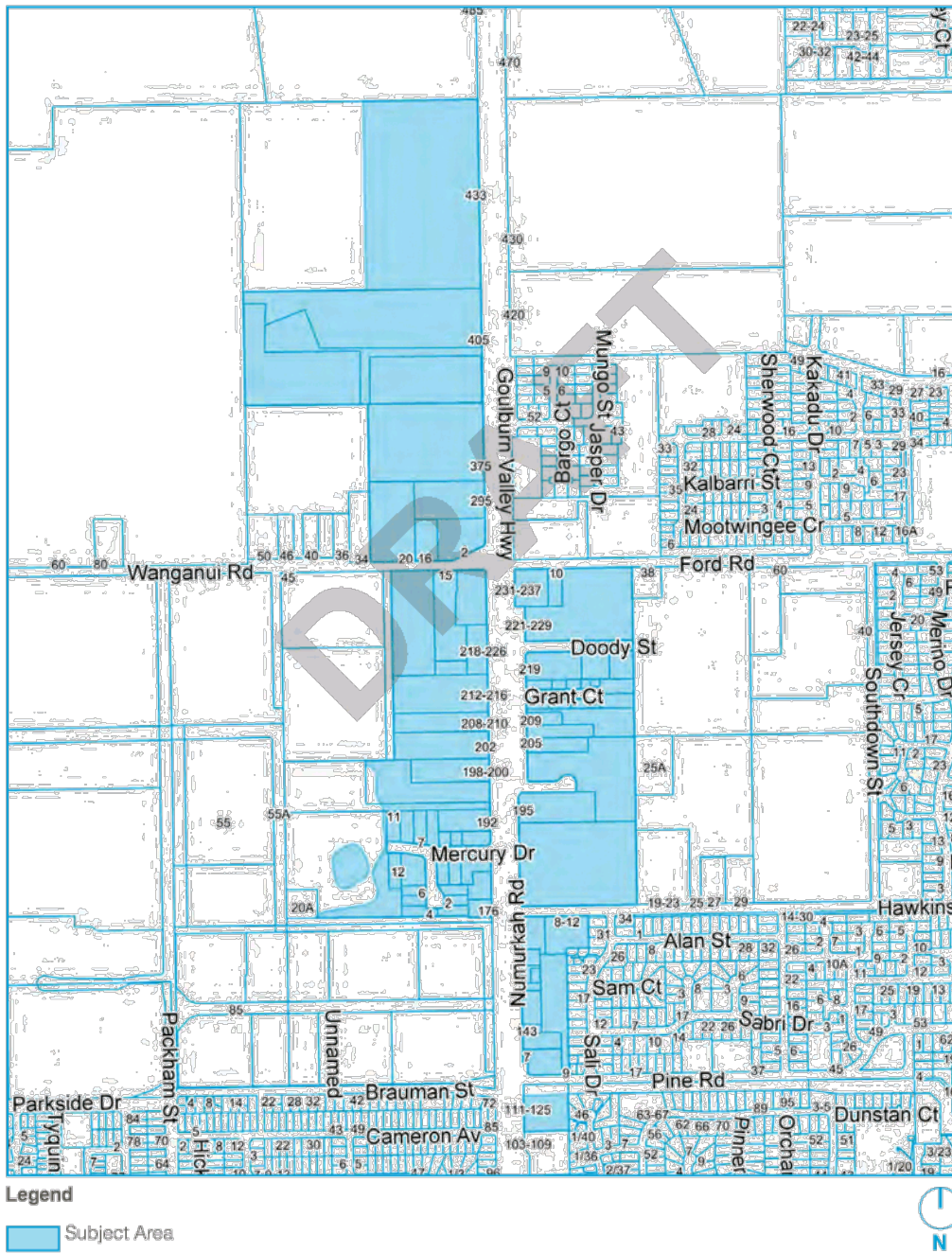
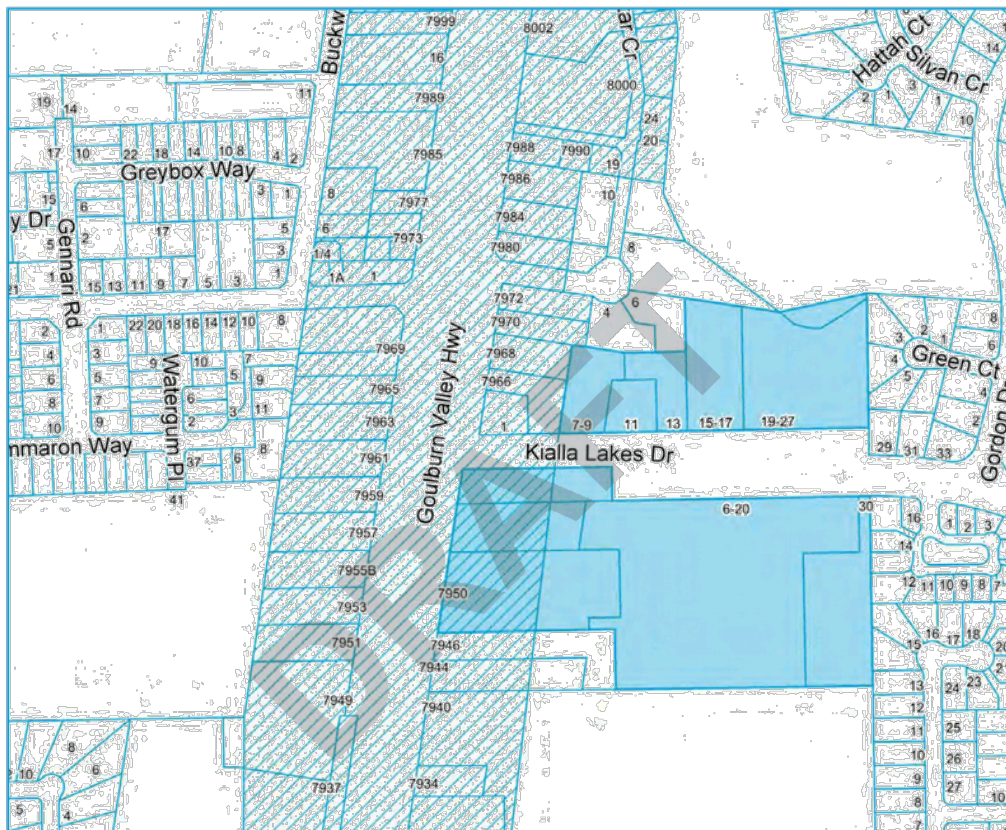


Figure 2. Kialla Lakes Drive



Legend

- Subject Area
- Existing Kialla Lakes Park Precinct





# 1.3 Review of Existing Urban Design Framework

6

INTRODUCTION & BACKGROUND REVIEW

## Broken River to Raftery Road Precinct

The Broken River to Raftery Road Precinct (Kialla Park Boulevard Framework) is located to the south of the Shepparton township and extends from Broken River Drive (north), to Raftery Road (south). Two gateway sites are identified in the UDF:

- Intersection of Kialla Lakes Drive and Goulburn Valley Highway
- Intersection of Raftery Road and Goulburn Valley Highway (GVH).

As highlighted at the start of this report, development pressures in the Shepparton North C2Z area and road realignment in the Kialla Lakes areas have emerged since the 2006 UDF.

Addressing the Shepparton North area requires the creation of a new precinct.

Addressing the Kialla Lakes Drive entrance and Industrial 3 Zone (IN3Z) land results in an extension of the existing precinct (as illustrated in the map on p. 4) along Kialla Lakes Drive from the GVH corridor.

The box at right contains an extract from the existing UDF (2006) relevant to the current study areas.

*Extract from the Urban Design Framework: Shepparton North and South Business Areas (UDF), July 2006.*

*Contextual Analysis:*

- *The GVH landscape gateway treatment is a key feature signifying arrival to Shepparton city*
- *Existing character is large big box service businesses comprising bulky goods, retail, manufacturing plants, auto-related services, home making and other eclectic uses*
- *Consistent front setbacks and building scale along GVH*
- *Landscape maintenance and tree removal issues along GVH*
- *Entrances to the residential developments behind the business/commercial strip are not well defined*
- *This precinct lies in the floodplain of the Goulburn River and is within the LSIO (Land Subject to Inundation Overlay)*
- *Substantial new residential areas behind the commercial strips are accessed off the GVH and these access points will need to be clearly legible.*

*Vision:*

- *Provide robust, suitably scaled landscape treatments to integrate the built form, provide an appropriate scale, reduce its visual impact and provide a suitable interface between the commercial and the residential areas.*
- *Provide clearly defined, legible and attractive gateways to the residential areas behind the commercial activity areas.*

*Framework:*

- *Clearly defined, legible and attractive gateways along the highway to the residential areas behind the business activity areas.*
- *Innovative landscape treatments and urban art to create clear landscapes and distinctive gateways.*
- *Development sites at these locations should consider innovative built form and landscape treatments to signify these gateways, provide landmarks and reinforce the intersections.*



### Shepparton Town Entry - North Precinct

The 'Balaclava Road to Knight Street' area is currently the northern extent of the UDF, known as the 'Shepparton Town Entry - North' precinct.

The contextual analysis for this precinct highlights a need to protect the area as a key gateway for the Shepparton township, particularly where the road narrows to create a sense of arrival into the 'town area' (UDF, p. 10).

In the existing UDF (2006), the precinct is described as follows.

*Extract from the Urban Design Framework: Shepparton North and South Business Areas (UDF), July 2006.*

- *Fine grained urban character defined by residential houses and strong residential character*
- *Wyndham St road reserve north of Balaclava Rd is large with a diffused built edge; the reserve narrows to south of Balaclava Rd creating a visual 'funnel' effect.*
- *Residential character threatened by newer, larger scale development (residential and commercial) on Wyndham St out of keeping with existing character*
- *Signage, blank façades and 'gun barrel' driveways have started to dominate the streetscape.*

### Shepparton North Gateway Commercial Precinct

The Shepparton North Gateway Commercial Precinct is located to the north of the Town Entry - North Precinct. This area roughly covers land between Wanganui Rd (north) and Pine Rd (south). Adding this area in the UDF will extend the land to which the strategy applies, and some amendments to the Town Entry - North Precinct are required:

- Revise description and vision to reflect the amended status of the precinct as an entrance to the town
- Update maps where required
- Retain gateway site identification but amend description to define its role in relation to the new precinct.

Draft contextual analysis and framework sections for the new Shepparton North Gateway Commercial Precinct are included in Chapter 2 of this report.

### Summary of Gaps/ Recommended Changes

The existing Kialla Park Boulevard framework contains design guidelines for development fronting GVH, but lacks built form guidelines to manage the transition from industrial to residential land on Kialla Lakes Drive. Accordingly, the following information should be added

as an addendum to that section of the UDF:

- Contextual analysis for Kialla Lakes Drive area
- Vision, design and development objectives and policy approach, adding a framework to address the residential-industrial transition area on Kialla Lakes Drive For the new precinct (Shepparton North Gateway Commercial Precinct), the following information should be added to the UDF:
  - Contextual analysis for land in the commercial zones (C1Z and C2Z) north of Pine Rd and at 111-125 Numurkah Road (including identification of any gateway sites)
  - Vision, design and development objectives and policy approach added as a new framework chapter to the existing UDF.

In addition, the contextual analysis and framework for the Shepparton Town Entry - North Precinct (Balaclava Road to Knight Street) should be updated as suggested, to acknowledge the importance of Shepparton North C2Z Precinct as a significant gateway/entrance to the town.

## 1.4 Review of Recent Tribunal Decisions

8

INTRODUCTION &amp; BACKGROUND REVIEW

This section outlines two recent Victorian Civil and Administrative Tribunal (VCAT) decisions relevant to this project.

Both cases relate to signage and the existing policy framework in the Commercial 1 and Commercial 2 Zone (C1Z and C2Z) areas north of the town centre.

### *O.S.O International v Greater Shepparton CC [2016] VCAT 1709 (10 Oct 2016)*

**Proposal:** Erection and display of an externally illuminated major promotion sign (Dimensions: maximum overall height 8.3m, sign 12.66m wide and 3.35m high)

**Council's Decision:** Refusal

**VCAT Decision:** Council decision set aside and planning permit granted

This site is located at 195 Numurkah Road (GVH), Shepparton North, within the subject area for the Shepparton North C2Z. Council's decision to refuse the proposal was based on the size and location of the sign.

Key considerations in the Tribunal's determination were as follows:

- The site is not affected by a Design and Development Overlay and has not been identified as being located in a 'gateway' location requiring more stringent controls

- The site is located in a commercial, highway corridor and is not surrounded by any sensitive uses, making it suitable for the display of a major promotion sign
- There are no significant streetscapes, buildings, skylines, view corridors, gateways, landmarks, heritage places, public open spaces or waterways in this locality which need protecting
- The proposal is in line with decision guidelines at Clause 52.05-6 relating to the appropriateness of a major promotion sign
- No 'strong-built form character' has been identified in this area, limiting consideration of the sign's impact on existing character
- Due to the building's significant setback, it is inappropriate to locate the proposed sign on the wall of the building as passing motorists would have difficulty reading it.

### *Popelier v Greater Shepparton CC [2016] VCAT 1228 (21 July 2016)*

**Proposal:** Erection of an internally illuminated (electronic) promotion sign (Dimensions: sign 4.2m wide and 2.4m high, 6.6m above the ground on the building facade)

**Council's Decision:** Refusal

**VCAT Decision:** Council decision upheld and no planning permit granted

The subject site is located on the north-west corner of Wyndham St and Knight St, within the Shepparton Town Entry - North precinct. It is in a Commercial 1 Zone (C1Z) and covered by a Design and Development Overlay (DDO3).

The Tribunal's determination to was based on the following:

- The site is within the Shepparton Town Entry - North Precinct (DDO3) and the proposed sign on the corner of this site would be contrary to the preferred signage in the precinct north of Knight Street
- Promotion signs in this location are specifically discouraged
- While the proposed promotion sign is relatively modest and would fit well into the building facade, it would be contrary to the policy framework and prevailing character of the area.

## Key Findings

The Tribunal's determinations in both *O.S.O. International v Greater Shepparton CC* and *Popelier v Greater Shepparton CC* show that:

- Greater guidance is needed in the planning policy framework (e.g. identifying local character) in the Shepparton North C2Z area to achieve desired signage, landscape and built form outcomes.
- Although Clause 21.04-4 (Urban Design) has been used to manage signage size, location and design within the DDO3 area, more detailed guidelines may be needed to ensure the purpose of the C1Z and C2Z as they relate to Clause 52.05 (Advertising Signs) are not contradicted. The commercial zones enable the least restrictive signage design requirements due to an assumption of fewer surrounding amenity concerns, particularly in the C2Z. Therefore where amenity/streetscape concerns exist these need definition and protection through other controls.

- The C2Z area in Shepparton North currently does not have a control mechanism to engage with urban design policies, meaning the local planning policy cannot be effectively implemented. Where an overlay control exists this is afforded much more weight at appeal.

## Conclusion

In summary, the Tribunal's decisions highlight that a clear and robust policy framework identifying local character, and guidelines that set out how discretion is to be used in determining appropriate and inappropriate development in the subject areas is needed. This applies to both the Shepparton North Gateway Commercial Precinct and the Kialla Lakes Drive subject area, which are not included in the current UDF.

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Shepparton North Gateway  
Commercial Precinct

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## 2.1 Contextual Analysis

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### Existing Character: Urban Form

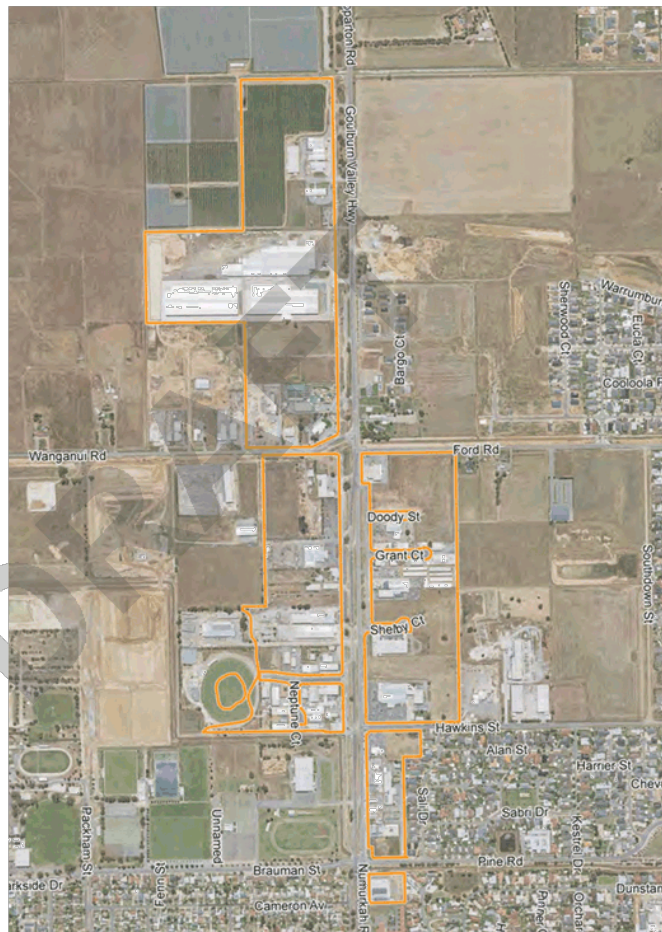
The Shepparton North Gateway Commercial Precinct is centred on the Goulburn Valley Highway (GVH) corridor at the northern entrance to the town.

The existing coarse grained urban character of this area is defined by 'big box' agricultural supplies and large scale commercial buildings with hard stand areas and warehouse-type built form. Recent developments along the southern part of this subject area on Numurkah Road/Goulburn Valley Highway are defined by smaller lot sizes and narrower front setbacks than established sites.

Building scale is predominantly one to two storeys in height with an appearance of one storey, typical of warehouse development.

A median strip separates development from the main Goulburn Valley Highway, creating a service road to access commercial properties. This median strip is often occupied with blade and pole signs bearing business identification information. Brand promotion signage is common on building façades and signage.

Due to the combined width of the road reserve, setbacks and low scale of development, views through this area and along the road corridor are vast, with big skies and views between buildings to lots behind.

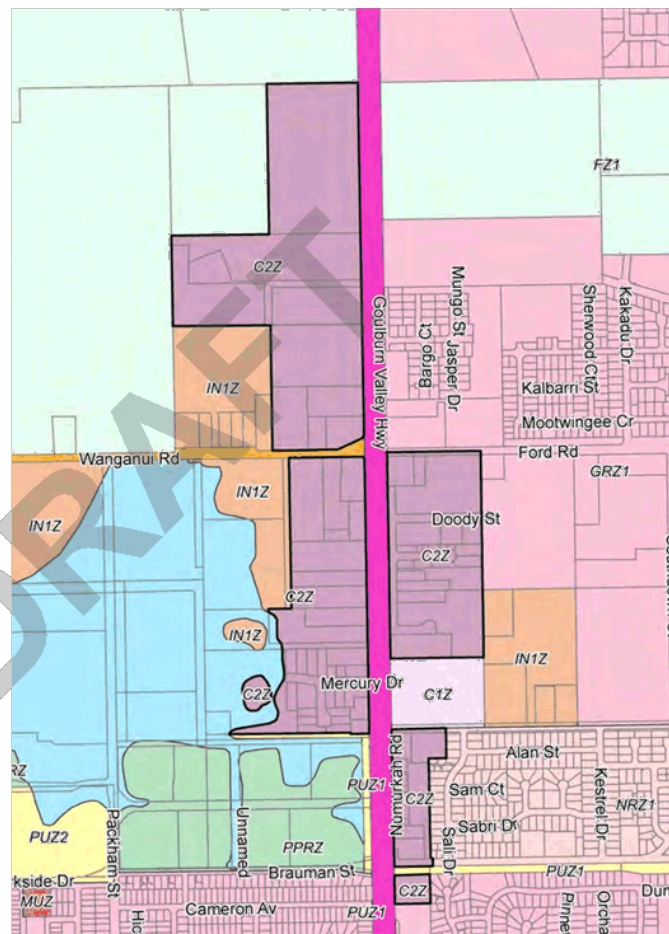




Existing Character: Planning Zones

Legend

- Commercial 1 Zone (C1Z)
- Commercial 2 Zone (C2Z)
- Mixed Use Zone (MUZ)
- Industrial 1 Zone (IN1Z)
- Urban Floodway Zone (UFZ)
- Public Use Zone (PUZ2 - Education)
- General Residential Zone (GRZ1)
- Neighbourhood Residential Zone (NRZ1)
- Road Zone, Category 1 (RDZ1)
- Road Zone, Category 2 (RDZ2)
- Farming Zone (FZ)

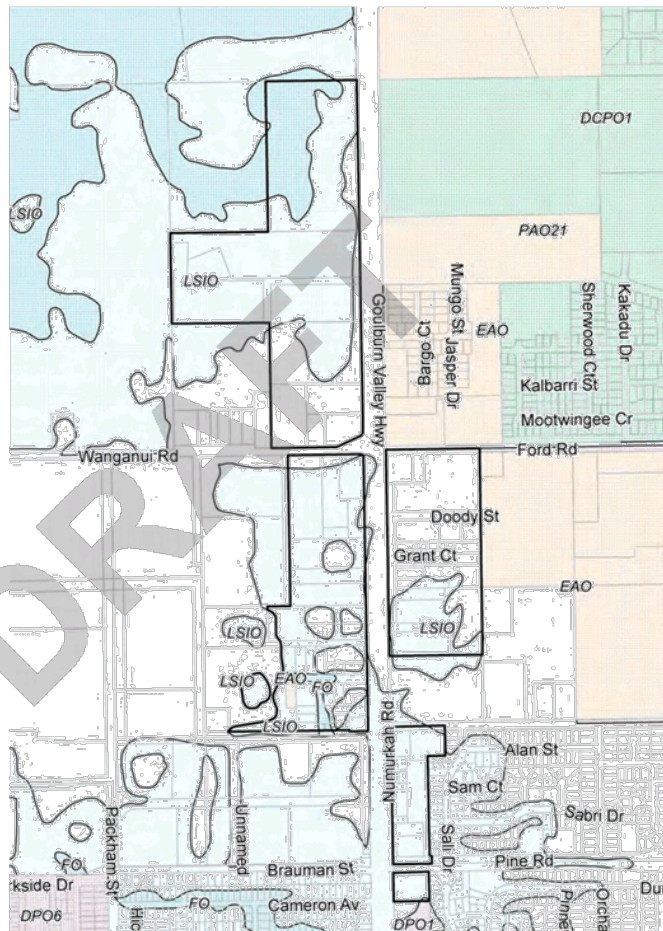


SHEPPARTON NORTH GATEWAY COMMERCIAL PRECINCT

Existing Character: Planning Overlays

Legend

-  Development Contributions Plan Overlay (DCPO1 - North Corridor)
-  Development Plan Overlay (DPO1)
-  Development Plan Overlay (DPO6 - Parkside Estate Development Plan)
-  Environmental Audit Overlay (EAO)
-  Floodway Overlay (FO)
-  Land Subject to Inundation Overlay (LSIO)
-  Public Acquisition Overlay (PAO21 - 420A Goulburn Valley Highway, Shepparton - stormwater management)



Existing Character: Predominant Features, Values and Strengths

This stretch of Goulburn Valley Highway/Numurkah Road between Nos. 443 and 111-125 Goulburn Valley Highway, Shepparton North, has a strong semi-industrial and commercial character, created by the warehouse-style big box development with flat roofs, large 'showroom' window proportions and minimal landscaping.

Intermittent business identification signage displayed on pole or blade signs in the front setback or the median strip is common in this precinct, and reinforces the commercial nature of the area.

The street edges are defined by fencing, and some landscaping. Most landscape features are seen in the public realm; particularly street trees planted in the central median strip of Goulburn Valley Highway.

A small number of contemporary commercial buildings with narrower front setbacks and allotments, smaller lot sizes and attached development are found to the south of the subject area. Some of these buildings respect the existing character in terms of building height, maintaining 1 storey and providing some space for landscaping. However, the rhythm and setbacks of this development are distinct from the prevailing character.



Some subdivisions are designed around courtbowls off the service road on the west of GVH. Development in these streets is finer grain, with hard stand car parking and rollover kerbs immediately adjacent to the road reserve. These sites have little to no planted landscape areas and front fencing is uncommon.



Issues and Threats

Despite the grand scale of the Goulburn Valley Highway and service road reserve and three median strips, parts of the corridor are poorly maintained and the avenue-like qualities of this gateway entrance to the town are not realised to their full potential.

Some of the newer commercial buildings along the street display a finer grain character, with limited space between and around buildings.

Hardstand parking areas dominate street frontages, particularly in newer development, and space has not been retained for significant planting (e.g. large trees).

Façades are often visually cluttered with a combination of advertising (e.g. brand promotion) and business identification signage.

Front setbacks and median strips are dominated by advertising and business identification signage that is not uniformly designed or displayed, creating a corridor of visual clutter when entering the town from the north.

Poorly defined landscape areas in the median strip between the service road and Goulburn Valley Highway has resulted in use of these areas for car parking and display of informal signs (e.g. sandwich boards) or goods for sale (e.g. boats, tractors).

Private realm characterised by service areas and opportunistic signage (including in the median strip between the service road and GVH).



Commercial character



Car parking and signage clutter in service road median strip



No landscaping in front setback on side roads



Limited landscaping in front setbacks on Goulburn Valley Highway



Disorganised advertising, road and directional signage: visual clutter with limited visual hierarchy for road users



Signage and products displayed adjacent to the road reserve

## Contextual Influences

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The strong characteristics and influences which define the vision and future character of the precinct are:

- Important location as a gateway to Shepparton when travelling from the north, transitioning between an open rural landscape to the urban area of the town.
- The very wide road reserve of Goulburn Valley Highway and adjoining service roads is expansive, creating a broad viewing corridor towards the town centre (to the south) and farming land (to the north).
- Spacious and expansive views to the surrounding landscape through gaps in development and space around buildings, particularly in the northern part of the precinct.
- Although highway corridors are often experienced at high speed, this section of Goulburn Valley Highway has a 60km/hour speed restriction. Coupled with the length (over 2km) of the road within the subject area, this section of the highway is experienced over a longer period than usual for a highway corridor when travelling through. The visual impact of development, landscape treatment and signage in this area is therefore significant as drivers pass slowly through the precinct.
- Large scale, low level commercial land uses that provide services and goods for the local and wider region.
- Intermittent provision and inconsistent styles of landscaping.
- Transition at the northern end of the precinct from productive agricultural character to commercial uses servicing agricultural needs.
- Transition at the southern end of the precinct from large lot, coarse grain development and agricultural commercial businesses to finer grain development and more town-focussed commercial businesses.
- GVH is a VicRoads managed road, therefore all signage must comply with the relevant guidelines.



SHEPPARTON NORTH GATEWAY COMMERCIAL PRECINCT

## Vision, Objectives and Strategies

This section contains a vision, objectives and strategies relevant to preparing a planning policy and design framework for the Shepparton North Gateway Commercial Precinct.

### Vision: 'Shepparton North Gateway Commercial Precinct'

Encourage a vibrant commercial area supporting large scale, regionally significant service and retail activities, within a high quality public realm that reflects the strategic importance of the area as a gateway location.

- Ensure the design, quality and siting of buildings reflects the gateway role of the area.
- Ensure signage is appropriately designed, sited and scaled for the highway corridor context and minimises visual clutter.
- Maintain a sense of openness and views to the surrounding landscape corridor from the Goulburn Valley Highway.
- Integrate public realm planting and building design with the surrounding landscape.
- Ensure proposed landscaping and plant selection complies with Council's Landscape Plan Guide (Spiire, 2017) and any relevant planting schedule.



## 2.2 Framework

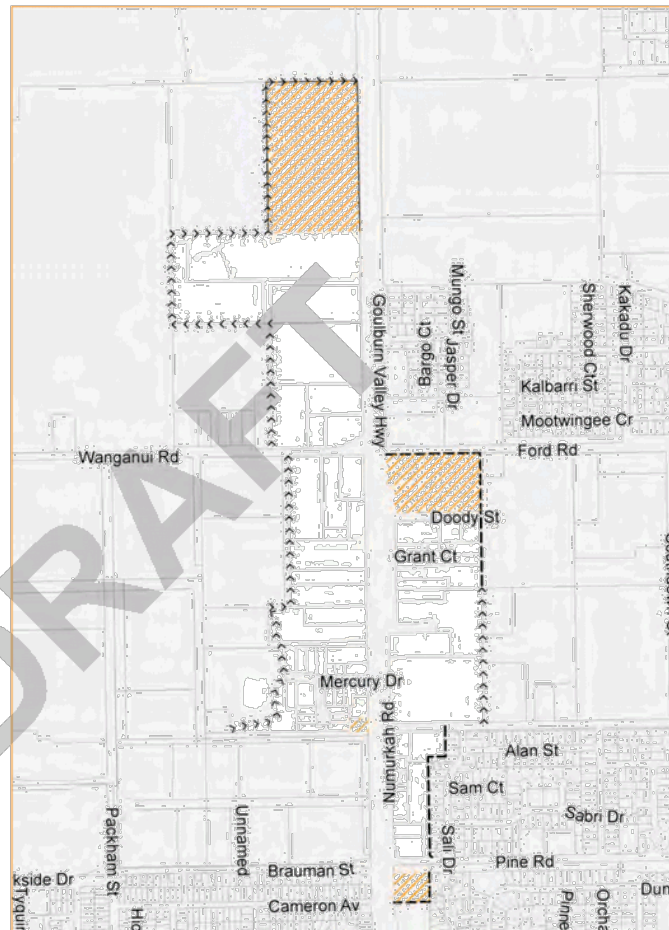
### Gateways

#### Objectives

- Encourage gateway features at specific localities within the precinct to signify entrance points to central Shepparton and the 'Town Entry North' precinct.
- Encourage high quality architectural and design outcomes that elevate the appearance of the precinct and engage with the important entry and land use transition roles of this precinct.

#### Design Requirements

- Development on the northern edge of the precinct should incorporate innovative designs using form, materials and articulation to reflect the transition from rural to urban environment.
- Development on the southern edge of the precinct should be stepped down using innovative and high quality architectural techniques to acknowledge the transition from large scale commercial development to the finer grain, residential and mixed use 'Shepparton Town Entry North' precinct.

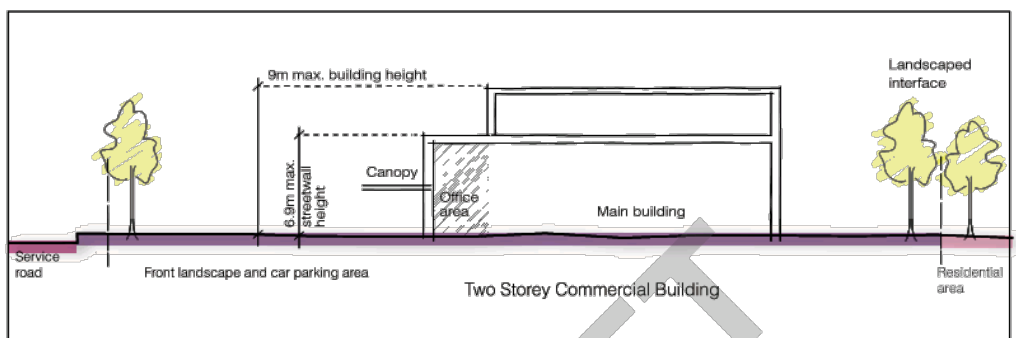


#### Legend

- Land outside subject area
- Gateway sites
- Property boundaries
- Interface with adjoining residential zoned land
- Interface with other non-commercially-zoned land

Massing and Height

SHEPPARTON NORTH GATEWAY COMMERCIAL PRECINCT



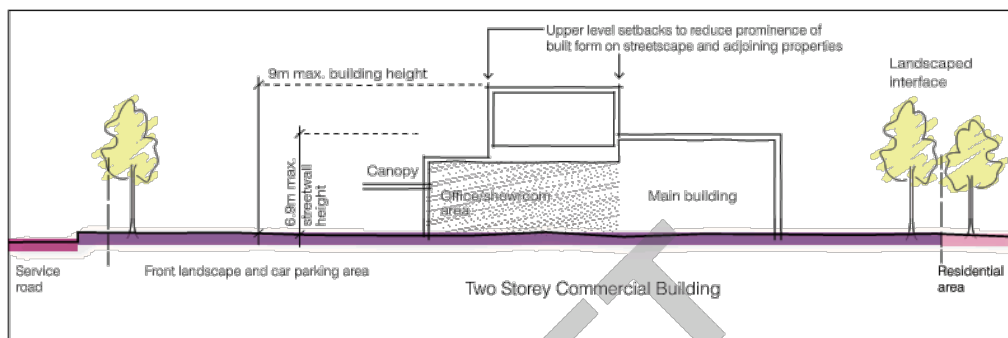
**Objectives**

- To ensure the prevailing scale of the large format commercial precinct is retained.
- To avoid poorly articulated buildings that lack orientation and integration with the street frontage.
- To provide for building height that is appropriate to the scale of the area, while maintaining opportunities for views to the surrounding landscape.

**Design Requirements**

- The size of new commercial or semi-industrial buildings should be in keeping with the large format scale of surrounding development.
- Built form should be articulated to avoid blank and dominant façades and create an appropriate transition between pedestrian entries, offices, and warehouse areas.
- Buildings should not exceed two storeys or 9m above natural ground level.
- Offices or building areas open to the public should be located at the front of the building massing.

Street Wall Height and Upper Building Setbacks



SHEPPARTON NORTH GATEWAY COMMERCIAL PRECINCT

**Objectives**

- To ensure that building mass does not adversely impact on the streetscape.
- To provide a human scale to the street frontage and building entries.
- Where relevant, to ensure built form maintains a scale suitable for the precinct as a town entry point and maximises opportunities afforded by the highway frontage.

**Design Requirements**

- The street wall height of a building frontage should not exceed 6.9m above natural ground level.
- Provide upper level setbacks that reduce building bulk and add visual interest.

### Street Setbacks

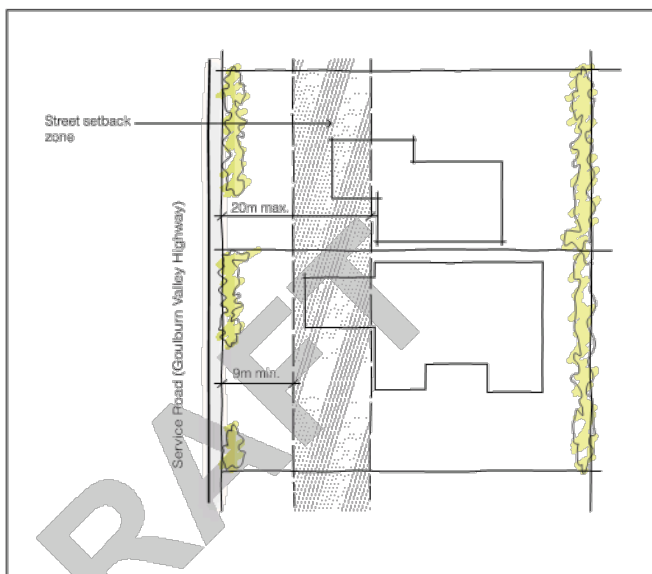
SHEPPARTON NORTH GATEWAY COMMERCIAL FRECINCT

#### Objectives

- To encourage all development to enhance the streetscape character by reinforcing a consistent street setback.
- To ensure street setbacks contribute to efficient use of the site.

#### Design Requirements

- Street setbacks should be a minimum of 20 metres from the front lot boundary. A lesser setback of up to 9m may be considered to maximise efficient use of smaller sites.
- The above setback excludes a part of the building set back from the front building facade for the purpose of loading/unloading vehicles. This area should be set back greater than 20m from the front property boundary.
- Street setbacks must incorporate significant landscaping and sealed car parking and be utilised to provide clear sightlines and legibility to the street.



## Side and Rear Setbacks

### Objectives

- To ensure an appropriate interface is provided between new developments and properties in the Commercial 1 Zone (C1Z), Farming Zone (FZ), Industrial Zone IN1Z, Public Park and Recreation Zone (PPRZ), Urban Floodway Zone (UFZ) and General Residential Zone (GRZ1) that abut the precinct.
- To limit the potential for land use conflicts between new development in the subject area and adjoining residential areas (GRZ1) that contain dwellings or other sensitive uses.



### Design Requirements

- A minimum 1.5m landscape buffer must be established along rear boundaries of commercial/ industrial lots abutting properties in the GRZ1.
- A minimum 1.5m landscape buffer should be provided along side/ rear boundaries abutting any other zone to soften and screen interfaces.
- On land adjacent to the GRZ1, the provisions of Clause 55 must be considered with regard to overshadowing and overlooking.
- Where possible, development should be set off both side boundaries to maximise views from GVH to the surrounding area from between buildings.

## Roof Form and Roofline

### Objectives

- To ensure that roof forms are an integral and considered aspect of the building design.
- To encourage building design that is climatically appropriate for the local context.

### Design Requirements

- Building roof form and pitch (including flat roofs if relevant) should be designed to complement prevailing character.
- Plant equipment, vents and any other mechanical equipment must be carefully designed and sited or incorporated into the roof design such that it is screened or concealed from the street, surrounding public spaces and buildings.
- Where possible, ensure verandahs and canopies are incorporated into single storey built form components to enhance site amenity and provide shade for employees and visitors to the site.
- Provide sustainable water use in buildings by implementing measures to collect rain water runoff from roof areas. Ensure water storage/tanks are located away from public view, and do not impact on neighbours' visual amenity.

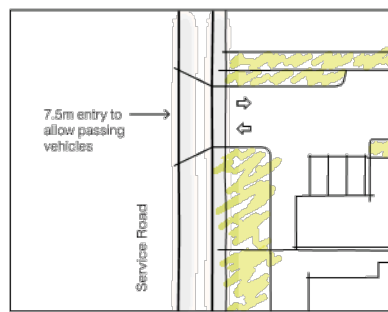
## Access Points and Crossovers

### Objectives

- To ensure vehicle access to and from the site is safe, manageable and convenient.
- To limit opportunities for conflict in service roads with multiple accessways and access to GVH.
- To maintain an active street frontage that is attractive and accessible.

### Design Requirements

- Where practicable, limit vehicle entry points to one crossover and avoid large areas of circular driveway aprons and impermeable surfaces.
- Group access points between properties and limit double crossover widths to large sites.
- For corner sites, encourage vehicle access via a side road rather than the GVH service road.
- Driveway widths should be limited to 7.5m within the front setback area.





## Parking

### Objectives

- To provide for the parking needs of building occupants and visitors without adverse impact on the streetscape.
- To avoid parking and traffic difficulties on site.
- To avoid pressure for informal parking within the public realm (e.g. on service road median strips).
- To ensure vehicle parking areas in the front setback are well designed to allow space for landscaping.

### Design Requirements

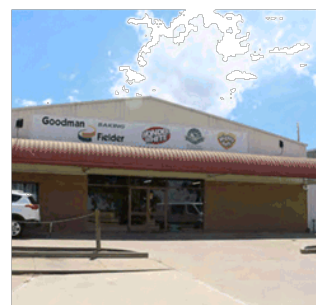
- Sufficient car parking spaces should be provided on site for occupants and visitors in accordance with Clause 52.06 of the Greater Shepparton Planning Scheme.
- For larger sites, short-term parking areas should be located in the front setback, with longer-term parking (i.e. staff parking) located to the rear.
- Avoid large paved car parking areas that are not broken up by landscaping.
- Ensure a landscape buffer is provided between car parking areas and the front property boundary.
- Where practicable, use landscape design to provide significant canopy trees that can assist in shading car parking areas to mitigate heat impacts.



**Avoid:** Unsealed surface leads to dust and gravel spill



**Avoid:** Streetscape dominated by hard-stand parking areas poorly designed access arrangements - vehicles must use streetscape to turn around



**Avoid:** Large concrete parking area dominates the streetscape, and is exaggerated by the lack of planting.

## Landscape and Front Gardens

### Objectives

- To encourage a front landscape setting that contributes to and enhances the amenity of the GVH corridor as a key town entry point.
- To ensure landscape dominates the streetscape.
- To create consistent planting and opportunities for the establishment of significant trees in both the public and private realm.
- To ensure plant choice is suitable and sustainable within the environment.
- To ensure fencing enhances the street appearance, and maintains views to, between and around sites.

### Design Requirements

- A minimum of 15% of the lot frontage must be landscaped to include a variety of shrubs and at least one significant tree (mature height 10m). Plant species must be appropriate and suitable to this area, and to Council's satisfaction.
- Provide large canopy trees and understorey planting to minimise loss of views from the GVH corridor to the surrounding landscape.
- Minimise areas of paving, particularly in the front setback.
- Front fences should have a minimum 50% visual permeability.
- Fencing should be constructed from materials that complement the building and surrounding area and should be painted in muted colours/tonings, avoiding galvanised steel mesh and 'Colorbond' style fencing.
- Wherever possible, fencing should be softened and screened by vegetation.
- Sustainable water use should be achieved using water sensitive urban design (WSUD) principles and low water use plant materials.



**Encourage:** Space for landscaping within the front setback that uplifts the character of the area



**Encourage:** Buffer planting along side and rear boundaries, including the planting of large canopy trees

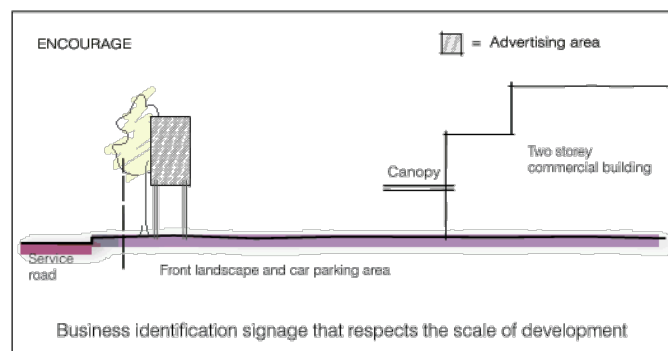
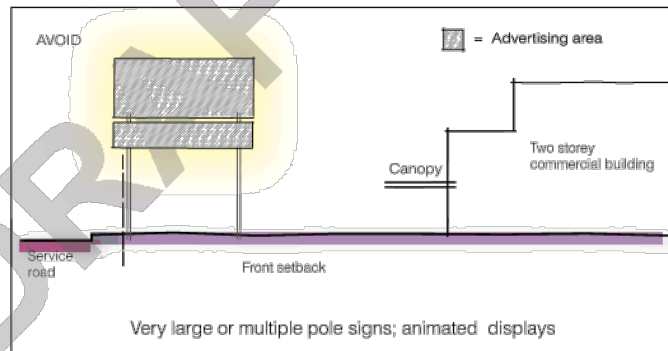
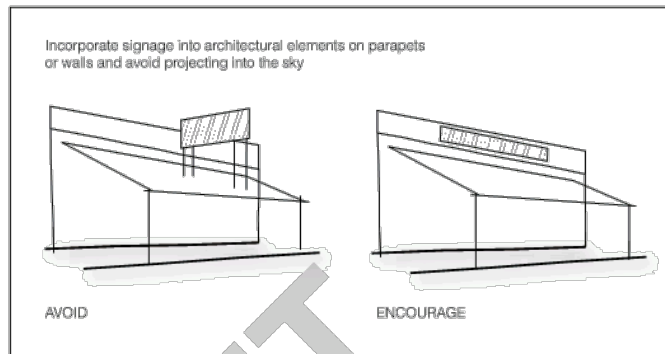


**Avoid:** Areas of car parking/ hardstand stock display that are not softened by a landscape buffer when viewed from the road

**Signage**

**Objectives**

- To ensure signage respects the preferred character of the area.
- To encourage business identification signage that is coordinated and effective.
- To ensure signage does not dominate the site, building on which it is located, streetscape, surrounding landscape and other signage.
- To ensure all way-finding and directional signage is clearly visible and the safe operation of the Highway is prioritised.
- To avoid visual clutter on sites and in the public realm when viewed from the Highway.
- To minimise all promotional signage.
- To discourage animated and visually distracting signage.

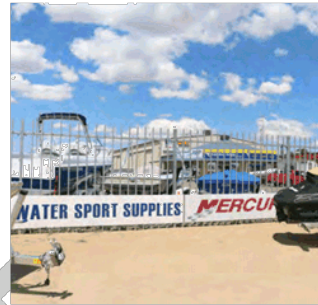


**Encourage:** Signage that is an integral part of the building facade and has simple, business identification content.

## Signage (Continued)

### Design Requirements

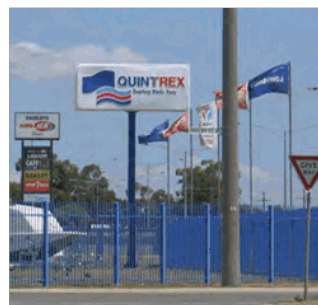
- Business identification signage should form an integral part of the building facade, appropriately proportioned to sit within the parapet or gable end, and not protrude above or beyond the building façade.
- Business identification information can be incorporated into one way-finding oriented sign at the entrance to each section of service road to reduce visual clutter.
- High wall, panel and sky signs are discouraged.
- Promotional signs that project outside the perimeter of the building, or are free-standing, are discouraged.
- Major promotion signs will only be considered acceptable on a temporary basis (e.g. a maximum of 5 years from the date of permit issue)
- Free-standing signage (e.g. blade or pole signs) must be set back a minimum distance of 1m from the front property boundary.
- Signage, including painted signs, located on a side wall should not occupy more than 50% of the area of the wall.
- Bunting, animated and reflective signs, including sandwich boards and inflatable and temporary signs, are discouraged.
- Colours, materials, animation and illumination that interfere with the safety or efficiency of traffic circulation, safety or function of the GVH as a major thoroughfare and Road Zone, Category 1 (RDZ1) must be avoided.
- Floodlit signs must ensure that the lighting is directed only onto the sign and does not cause distraction to drivers.
- The design of new buildings should take into account the likely need for signage by future occupants, and incorporate sign panels that meet these guidelines.
- Refer to Clause 52.05 of the Shepparton Planning Scheme for general requirements relating to signage.



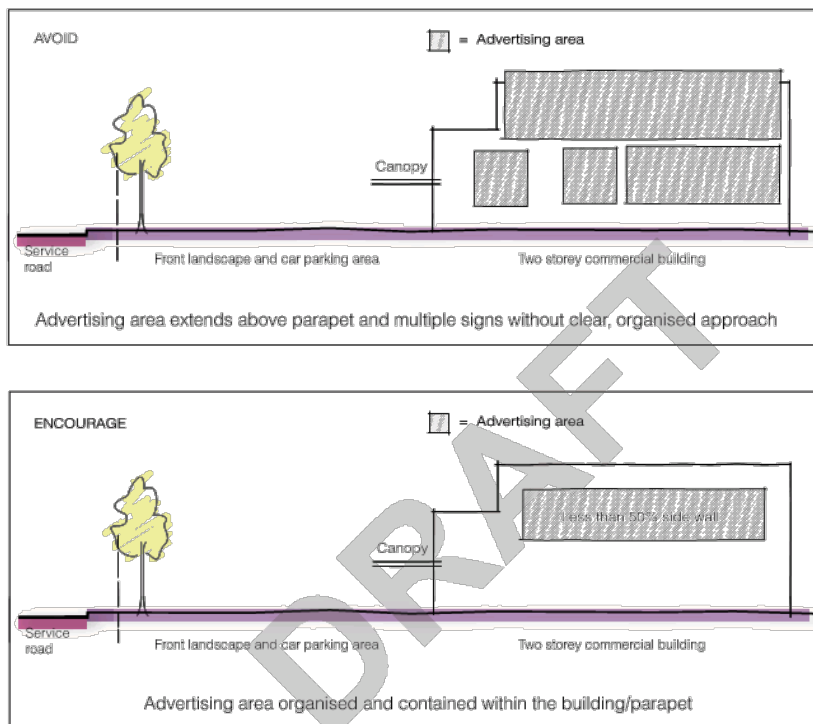
**Avoid:** Signs scattered across a site without simple messaging and presented in a discordant way.



**Avoid:** Sandwich board signs and advertising signs are discouraged as they detract from the public realm.



**Avoid:** Signs that dominate views and the skyline as the most prominent feature of development





## Facade Treatment and Architectural Features

### Objectives

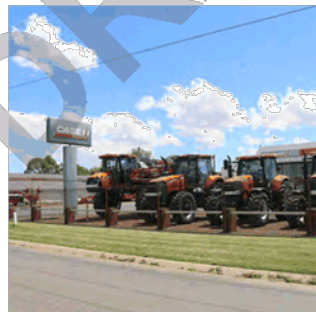
- To maintain and enhance the character of this precinct as a high quality, regionally significant commercial area.
- To ensure built form is of a quality that respects the precinct as an important entrance and gateway site in the north.
- To ensure new buildings contribute to the GVH streetscape in a positive way.

### Design Requirements

- Ensure built form treatments are of a large format scale that reflects the highway corridor characteristics of this precinct.
- Provide clearly defined building entrances that are oriented towards the streetscape and have human scale elements.
- Enhance the relationship between built form and the streetscape by providing large window proportions, particularly on the front building elevation.
- Provide articulated building façades that reduce the impact of visual bulk on the streetscape.
- Avoid large, blank walls or uniform façades without articulation.
- New buildings should adopt the appearance of commercial, rather than industrial, built form.
- Buildings, works, plant and machinery should be constructed, housed and maintained in a manner that minimises visual impact.



**Avoid:** Informal storage areas that dominate the streetscape - these should be constructed, housed and maintained in a manner that minimises visual impact



**Encourage:** Front fencing to define the street edge and contribute to the streetscape character



**Encourage:** A front landscape setting that contributes to a preferred streetscape character and public realm



**Avoid:** Built form that is not articulated and presents a large, blank facade to the streetscape.



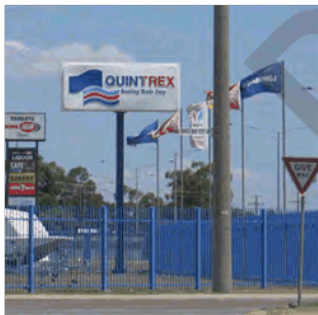
**Materials, Colours and Finishes**

**Objectives**

- To ensure that a cohesive streetscape character is achieved through appropriate use of colours and materials.
- To maintain a cohesive streetscape character through use of visually non-intrusive materials, colours and finishes.

**Design Requirements**

- Materials for external surfaces of new developments should consider and complement those used in existing buildings in the area, such as brick and non-reflective, high quality cladding.
- The use of concrete wall construction (e.g. tilt panels) should be complemented by the use of contrasting claddings such as timber and metals that provide facade definition.
- Reflective glass, PVC, unrelieved painted render, highly reflective materials such as zincalume, unarticulated concrete surfaces and unarticulated cladding systems should be avoided. Bright, extravagant colours schemes should also to be avoided.
- Colour schemes of all external surfaces of new developments must complement those found in the surrounding area and should consider neutral colours.



**Avoid:** Overly bright colour schemes that do not complement the surrounding area and that specifically stand out in the context of the broader streetscape character



**Avoid:** Highly reflective colour schemes such as bright whites or zincalume-based finishes

## 2.3 Summary of Findings

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SHEPPARTON NORTH GATEWAY COMMERCIAL PRECINCT

### Shepparton North Gateway Commercial Precinct

#### Summary

The Shepparton North Gateway Commercial Precinct is an important entry point for the town. The area also plays a significant role in providing for agricultural goods that services Greater Shepparton and the wider region.

Accordingly, guidance is needed to manage visual clutter, quality of built form and car parking in the public realm, which currently detract from the area and the important urban design and functional roles it plays.

#### Recommendations

It is recommended that the Shepparton North Gateway Commercial Precinct Framework within this chapter be used to prepare a Design and Development Overlay (DDO) schedule to address future urban design and development in the area.

A draft DDO has been included in Appendix B of this document. The DDO incorporates the objectives and requirements outlined in the Framework.

#### Further Work

In addition to the recommendations above, it is suggested that Council prepare an advertising signs local policy to support this and other precincts throughout the municipality where variations to the Victoria Planning Provisions (VPP) advertising sign policy (Clause 52.06) are sought.

DRAFT

3.0

# Kialla Lakes Drive Addendum

*Addendum to the Kialla Park Boulevard Framework*

DRAFT

# 3.1 Contextual Analysis

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KIALLA LAKES DRIVE ADDENDUM

## Existing Character: Urban Form

The western portion of Kialla Lakes Drive is defined by a transition from a residential estate to industrial land (Industrial 3 Zone, IN3Z). The road reserve forms a meandering and well-landscaped pathway connecting the residential area to GVH.

The IN3Z lots are characterised by big box service businesses of bulky goods, manufacturing and retail services. Some lots within the IN3Z are vacant.

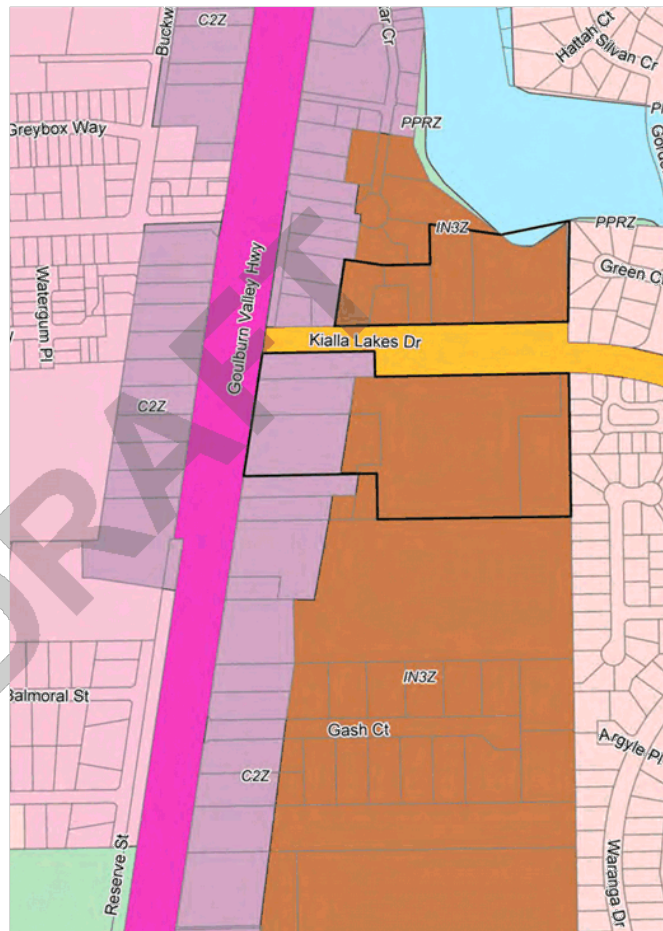
The landscaping along Kialla Lakes Drive is planted in an avenue style on either side of the road and within a wide median strip, creating a high quality public realm at the entrance to Kialla Lakes estate.



Existing Character: Planning Zones

Legend

- Commercial 2 Zone (C2Z)
- Industrial 2 Zone (IN1Z)
- Urban Floodway Zone (UFZ)
- General Residential Zone (GRZ1)
- Neighbourhood Residential Zone (NRZ1)
- Road Zone, Category 1 (RDZ1)
- Road Zone, Category 2 (RDZ2)
- Public Park and Recreation Zone (PPRZ)










KIALLA LAKES DRIVE ADDENDUM

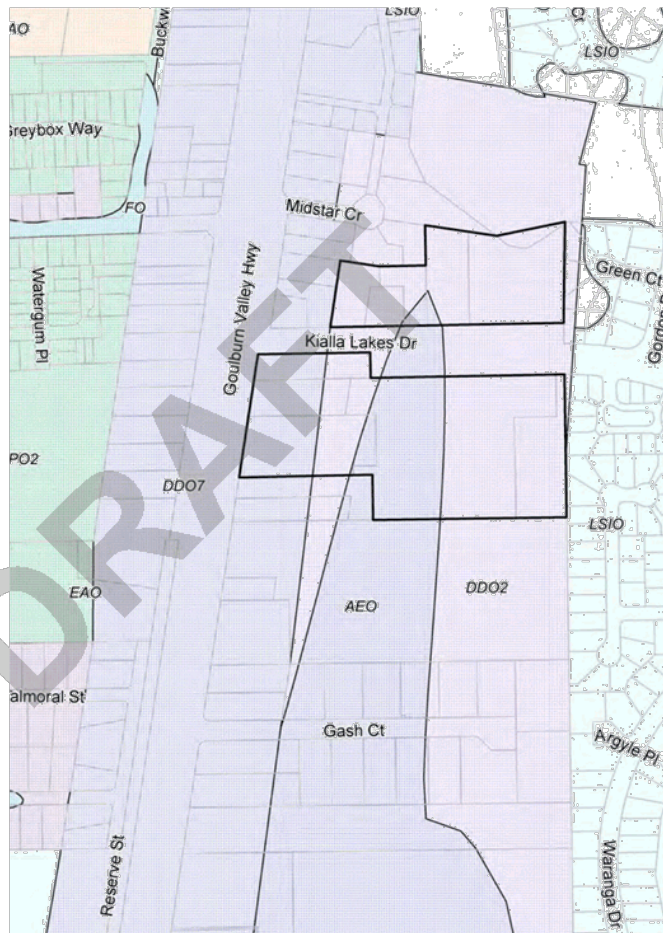


Existing Character: Planning Overlays

KIALLA LAKES DRIVE ADDENDUM

**Legend**

-  Development Contributions Plan Overlay (DCPO2 - South Corridor)
-  Design and Development Overlay (DDO2 - Airport Environs)
-  Design and Development Overlay (DDO7 - Kialla Park Boulevard Precinct)
-  Development Plan Overlay (DPO3)
-  Environmental Audit Overlay (EAO)
-  Floodway Overlay (FO)
-  Airport Environs Overlay (AEO)





Existing Character: Predominant Features, Values and Strengths

Wide road reserve with generous front setbacks and lots generally set back from the street, accommodating large trees planted in an avenue style. In some parts, trees planted in the front setback of private property enhance this avenue feeling.

The IN3Z appears to be in transition, with a number of vacant lots fenced with post and wire agricultural fencing. One large lot fronting Kialla Lakes Drive is fenced with shipping containers.

There are examples of some big box retailers and manufacturing/warehouse buildings with concrete tilt panel construction and flat roofs. The industrial buildings are generally located within large concrete car parking aprons typical of big box retail precincts in the wider Kialla Park Boulevard precinct.

Residential development adjoining the IN3Z area is characterised by one to two storey dwellings with hipped and tiled roofs and comparatively narrow front setbacks.



Issues and Threats

KIALLA LAKES DRIVE ADDENDUM

Inconsistent treatment of public realm interface between residential and industrial lots.

Scale, siting and design of industrial buildings interrupts view lines and reduces visibility of gateway to residential estate.

Fencing design guidelines in the IN3Z are lacking, with examples of high fencing or shipping containers that create large areas of blank interface with the public realm.

Vacant industrial land adjacent to residential area may be developed without appropriate transition of scale, siting and building design.

Landscaping treatment along the IN3Z portion of the street is inconsistent with the remainder of the street to the residential estate.

There is no clearly defined gateway to the precinct from GVH, meaning the residential area is screened by the existing industrial area.

There is limited integration or transition between existing industrial and residential buildings.

Fence design is inconsistent and poorly maintained in some areas.

Vacant paddocks with a high prevalence of weeds are visible throughout the IN3Z area, creating an unkempt appearance.

Reflective roofing or construction materials in new buildings may have a negative impact within the Airport Environs area within this subject area.



Lack of design guidelines or high quality fencing treatments



Scale and siting of existing industrial uses adjacent to residential area creates interface issues.



Development and hard stand car parking constructed to lot boundaries without provision for landscaping



Unfinished or poorly maintained driveways with gravel spill into the public realm (inappropriate materials)

### Contextual Influences

The strong characteristics and influences which define the vision and future character of the precinct are:

- New lots created through realignment of Kialla Lakes Drive provide a public realm or new development opportunity in the IN3Z.
- Future development of those two Council-owned areas adjacent to the road reserve (currently vacant lots) will impact on the streetscape and adjoining residential land.
- Emerging light industrial character with big box retail-style development similar to that lining GVH in the Kialla Park Boulevard precinct.
- Substantial new residential areas to the east of the subject area hidden by the scale of development and lack of public realm treatment along the start of Kialla Park Drive to signify an entrance to the estate (particularly from the GVH intersection).
- Curvilinear streetscape winding from IN3Z to the residential area has a partially established boulevard character.
- Kialla Lakes Drive is a key road for accessing the emerging IN3Z area as well as servicing a large area of new residential estates to the east.
- Selected materials, colours and finishes, particularly roofing materials, must be non-reflective to ensure no glare is projected within the Airport Environs area.

## Vision, Objectives and Strategies

This section contains a vision, objectives and strategies relevant to preparing a planning policy and design framework for Kialla Lakes Drive.

### Vision: Kialla Lakes Drive

Create a cohesive and inviting transition from the industrial precinct (IN3Z) on Goulburn Valley Highway and Kialla Lakes Drive to the Kialla Park residential area. Use design solutions for new industrial development and the public realm to manage this transition; including space for landscaping and high quality fences.

- Ensure the land use transition from IN3Z to residential is managed by a cohesive public realm treatment.
- Encourage new development in the IN3Z that has a sensitive interface with adjoining residential properties (where relevant).
- Provide a clearly defined, legible and attractive gateway from Goulburn Valley Highway to the precinct.
- Encourage innovative building design in industrial areas that respects the gateway nature of this precinct at the transition to the residential estate.

# 3.2 Framework

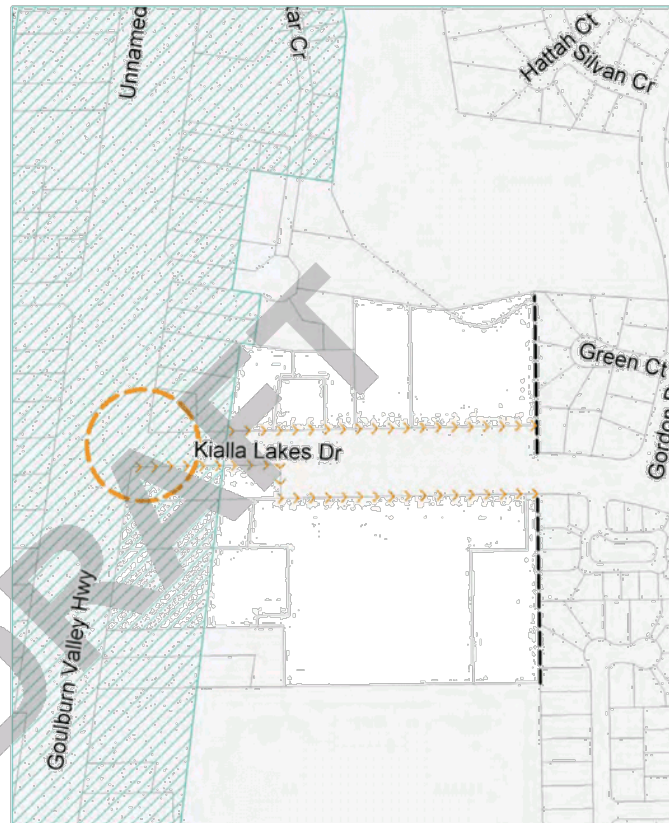
## Gateways

### Objectives

- To encourage gateway features at the entrance to this precinct that signify the transition from IN3Z to residential area.
- To encourage significant architectural outcomes that reinforce this precinct as a transitional and gateway area.
- To provide a clearly defined, legible and attractive gateway at the intersection of GVH and Kialla Lakes Drive to signify the residential area behind the IN3Z.
- To manage new development within the IN3Z area to ensure high quality of built form and architectural innovation improves the entrance to the residential estate.

### Design Requirements

- Developments within the IN3Z should contain innovative built form and landscape treatment that is reflective of this gateway area and extends the boulevard character of Kialla Lakes Drive to better manage the IN3Z-residential interface.
- New development on the Council-owned land must create a transition in scale from the IN3Z lots behind to Kialla Lakes Drive.
- Use gateway treatments to demarcate access from the GVH through the industrial area to the residential properties.



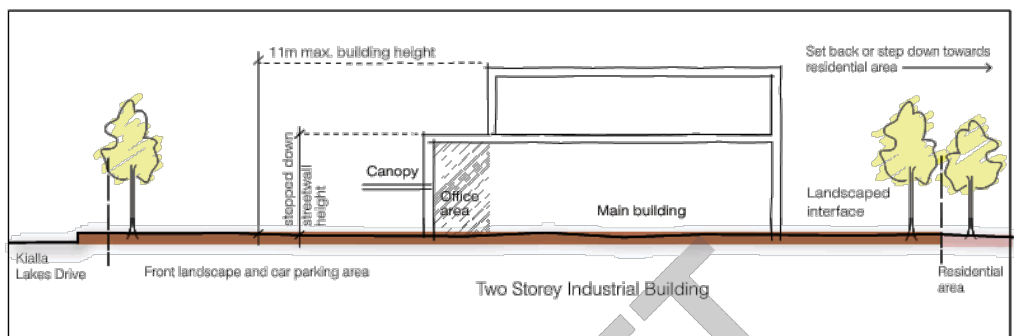
#### Legend

- Land outside subject area
- Existing Kialla Lakes Park Precinct
- Gateway entrance area
- Property boundaries
- Interface with adjoining residential zoned land
- Interface with adjoining other zoned land



Massing and Height

KIALLA LAKES DRIVE ADDENDUM



*Note: The Kialla Lakes Drive subject area lies within the floodplain of the Broken River and is covered by a Land Subject to Inundation Overlay (LSIO).*

*'Finished ground floor level' must be determined by planning provisions of the LSIO schedule, and by requirements of the catchment management authority (CMA).*

**Objectives**

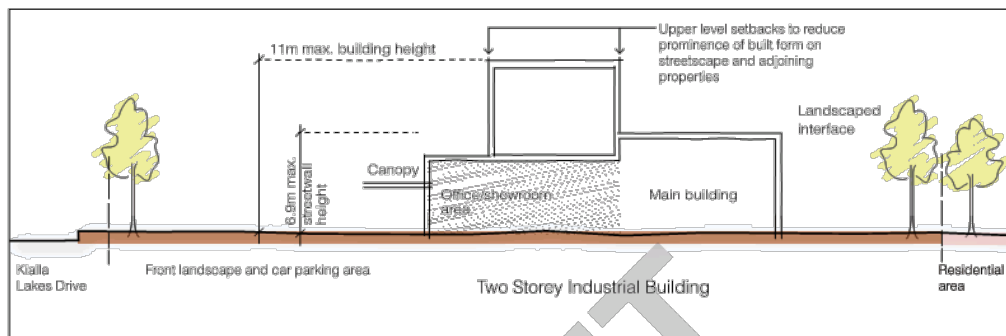
- To ensure that a transition in scale is avoided between the IN3Z and residential areas.
- To avoid large 'box like' industrial buildings with large, blank façades and limited articulation.
- To provide for building height in the IN3Z that does not limit appropriate industrial activities but which is sensitive to the interface with residential properties.

**Design Requirements**

- The height and form of new industrial or warehouse buildings should be articulated in such a way as to mitigate the appearance of visual bulk in response to the nearby residential fabric.
- Built form articulation should be particularly responsive to streetscape interfaces and be stepped down towards residential interfaces, where those properties share a boundary.
- Building height must be no greater than two storeys within a maximum height of 11m from natural ground level.



Street Wall Height and Upper Building Setbacks



KIALLA LAKES DRIVE ADDENDUM

**Objectives**

- To ensure building mass does not adversely impact the Kialla Lakes Drive streetscape or adjoining residential properties.
- To provide a human scale element in the streetscape interface that reduces the visual impact of larger scale built form.
- To ensure a sensitive interface with the surrounding residential neighbourhood.

**Design Requirements**

- The street wall height of a building frontage must not exceed 6.9m from natural ground level.
- Where two storey built form is proposed, consider varying the upper level setbacks to provide some articulation of the building and reduce dominance of the built form on Kialla Lakes Drive or adjoining residential properties.
- New developments in the IN3Z on lots abutting the NRZ1 must consider overlooking and overshadowing pursuant to Clause 55 of the Greater Shepparton Planning Scheme.

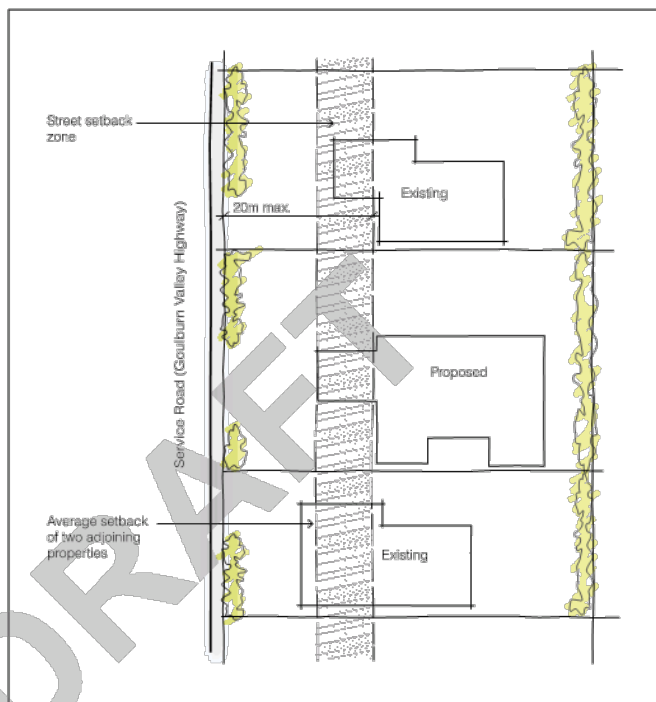
## Street Setbacks

### Objectives

- To maintain and reinforce consistency in existing street setbacks.
- To ensure street setbacks contribute to efficient use of the site.
- To ensure that street setbacks contribute to an attractive streetscape that reflects the gateway function of this area to the residential area beyond.

### Design Requirements

- The front setback of new buildings should be consistent with the setbacks of existing development in the area. The distance for new development in the IN3Z should be taken as an average of the setbacks of adjoining properties in the IN3Z or 20m, whichever is the lesser.
- Street setbacks must consider parking and landscape requirements, and can be utilised to provide short-term parking spaces within the lot frontage.



## Side and Rear Setbacks

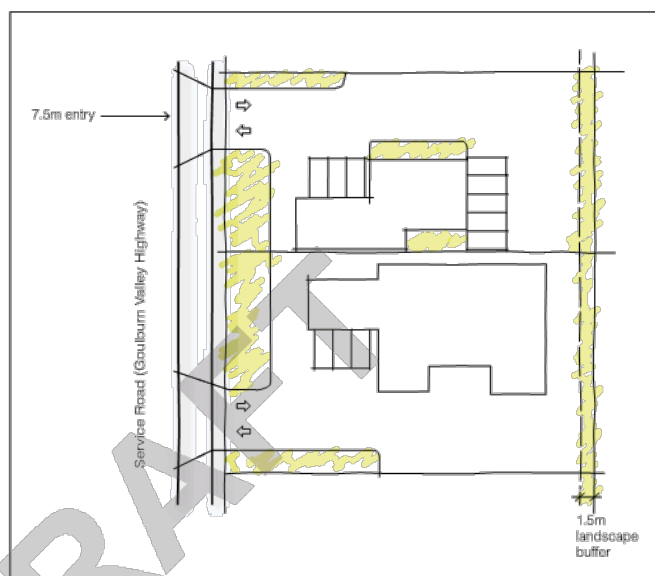
45

### Objectives

- To ensure an appropriate interface is provided between new developments and residential area to the east.
- To limit the impact of new developments on the amenity of neighbouring buildings and dwellings.
- To provide opportunities for efficient solar access that will address environmentally sustainable site planning.

### Design Requirements

- A minimum 1.5m landscape buffer is to be provided along one side or rear boundaries.
- Where possible, development should be set off both side boundaries to limit opportunities for large scale, 'wall like' developments along Kialla Lakes Drive.
- Where a zero (0m) setback is sought on land adjacent to the NRZ1, the provisions of Clause 55 and/or the zone schedule must be applied to overshadowing and overlooking.
- Ensure that long, blank front façades and side façades facing street frontages are avoided and use of glazing is maximised within developments.



KIALLA LAKES DRIVE ADDENDUM

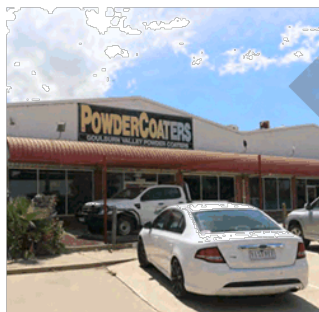
### Roof Form and Roofline

#### Objectives

- To ensure roof forms are an integral and considered aspect of the building design.
- To encourage building design that is climatically appropriate for the local context.

#### Design Requirements

- Building roof form and pitch (including flat roofs if relevant) should be designed to complement prevailing character. This may include using subtle design cues to reference the nearby residential area.
- Plant equipment, vents and any other mechanical equipment must be carefully designed and sited or incorporated into the roof design such that it is screened or concealed from the street, surrounding spaces and buildings.
- Where possible, ensure verandahs and canopies are incorporated into single storey built form components to enhance site amenity and provide shade for employees and visitors to the site.
- Provide sustainable water use in buildings by implementing measures to collect rain water runoff from roof areas. Ensure water storage/tanks are located away from public view, and do not impact on neighbours' visual amenity.



**Encourage:** Lower, human-scale entrances featuring articulation/projecting verandah to reduce visual bulk to the streetscape



**Avoid:** Visible plant and building services on roofs that are not screened from the public realm

### Access Points and Crossovers

#### Objectives

- To ensure the entrance to Kialla Lakes Drive is neatly set out and provides for safe and orderly vehicle movement.
- To limit wide paved areas for site entry/exit that interrupt avenue planting.
- To limit opportunities for conflict between pedestrians accessing the residential area and heavy vehicles or visitors accessing the IN3Z sites.

#### Design Requirements

- Where practicable, limit vehicle entry points to one crossover and avoid large areas of circular driveway aprons and impermeable surfaces.
- Group access points between properties and limit double crossover widths to large sites.
- Driveways must be designed to minimise any conflict between vehicle movements and pedestrians by maintaining sight lines through use of permeable fencing and appropriate siting of buildings.

### Parking

#### Objectives

- To provide for the parking needs of building occupants and visitors without adverse impact on the streetscape.
- To avoid parking and traffic difficulties on site.
- To avoid informal parking within the public realm (e.g. on service road median strips).
- To ensure vehicle parking areas in the front setback are well designed to allow space for landscaping.

#### Design Requirements

- Sufficient car parking spaces should be provided on site for occupants and visitors in accordance with Clause 52.06 of the Greater Shepparton Planning Scheme.
- For larger sites, consideration should be given to short-term parking areas located in the front setback, with longer-term parking (i.e. staff parking) located to the rear.
- Avoid large paved car parking areas that are not broken up by landscaping.
- Ensure a landscape buffer is provided between car parking areas and the front property boundary.
- Where practicable, use landscape design to provide significant canopy trees that can assist in shading car parking areas to mitigate heat impacts.

## Landscape and Front Gardens

### Objectives

- To encourage space for front landscape settings that soften the appearance of 'big box' developments, contribute to and enhance the amenity of Kialla Lakes Drive as an interface between GVH and the NRZ1 residential area to the east.
- To ensure buildings do not significantly dominate the landscape and provide vegetation that is appropriately scaled to address building heights in the IN3Z.
- To create opportunities for consistent planting and establishment of significant trees in both the public and private realm.

### Design Requirements

- In the Council-owned areas of road reserve, ensure a sufficiently wide nature strip is retained to facilitate planting of street trees when the land is redeveloped.
- A minimum of 15% of the lot frontage must be landscaped to include a variety of shrubs and at least one significant tree (mature height 10m). Plant species must be appropriate and suitable to this area, and to Council's satisfaction.
- A minimum 3m landscape buffer must be provided along rear boundaries to ensure a suitable interface with residential properties. Where a residential interface abuts a side boundary, a minimum 1.5m landscape buffer must be provided.
- Minimise areas of paving, particularly in the front setback.
- The landscape treatment should serve to soften the 'big box' nature of new development and enhance the appearance of the overall development and streetscape.
- Front fences are encouraged to contribute to a high quality public realm and should have a height no greater than 1.2m and a minimum 50% visual permeability.
- Fencing should be constructed from materials that complement the building and surrounding area and should be painted in muted colours/tonings, avoiding galvanised steel mesh and 'Colorbond' style fencing.
- Wherever possible, fencing should be softened and screened by vegetation.
- Sustainable water use should be achieved using water sensitive urban design (WSUD) principles and low water use plant materials.



**Encourage:** Front landscape treatments that respond to and incorporate new industrial developments into the boulevard character of Kialla Lakes Drive and the immediately adjoining residential area beyond



**Avoid:** High front fencing that is visually impermeable, or is constructed from materials that visually detract from the surrounding area



**Signage**

**Objectives**

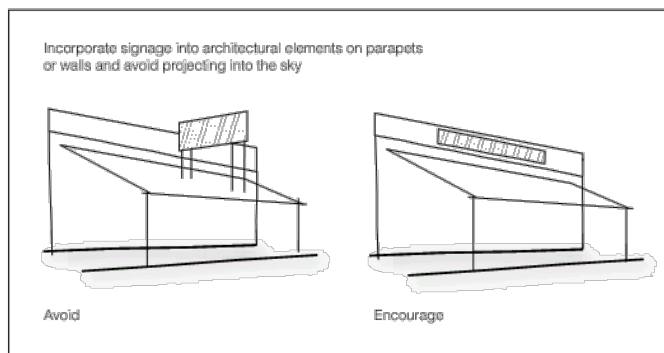
- To provide for business identification signage.
- To provide well designed and integrated signage that contributes to the commercial or semi-industrial activities of the precinct.
- To avoid uncoordinated signage and visual clutter in the public realm.

**Design Requirements**

- One business identification sign is permitted per development.
- Multiple business occupancies are to share space on the sign.
- Freestanding business identification signs are to fit in an envelope that is a maximum height of 2 metres, and a maximum width of 1.5 metres. This envelope includes the height of any supporting structure.
- Signs attached to a building are encouraged and should be a maximum height of 1.0 metre, and a maximum width of 3.0 metres. Exemptions may be made for signs composed of individual letters that form an integral part of the building façade.
- Promotional signs should be avoided.
- Above verandah signs including V-boards signs and advertising elements such as banners, flags and inflatable should be avoided.
- Colours and materials that interfere with the safety or efficiency of traffic circulation should be avoided



**Avoid:** Bright, reflective colours and multiple signage across a building facade.



## Facade Treatment and Architectural Features

### Objectives

- To ensure building façades are of a simple, modern architectural style and reflect bulky goods retailing, light industrial or commercial character, while taking into account the need to transition in scale and respond to the neighbouring residential area.
- To maintain and enhance the character of this precinct as a high quality, semi-industrial area.
- To ensure built form is of a quality that reflects the role precinct as an important entrance and gateway site in the north.
- To ensure new buildings positively contribute to the Kialla Lakes Drive streetscape.

### Design Requirements

- Facade treatments should incorporate architectural features to the building frontage that address the street, provide legibility for customers, and reduce the visual impact of the large building mass.
- Provide clearly defined building entrances that are oriented towards the streetscape and have human scale elements.
- Enhance the relationship between built form and the streetscape by providing large window proportions, particularly on the front building elevation.
- Provide articulated building frontages that reduce the impact of visual bulk on the streetscape.
- Avoid large, blank walls or uniform front façades that do not provide for interaction with the streetscape and human scale.
- Buildings, works, plant and machinery should be constructed, housed and maintained in a manner that minimises visual impact.



**Encourage:** Muted colours and tonings, large window proportions oriented towards the streetscape and use of verandahs to minimise visual bulk

Materials, Colours and Finishes

**Objectives**

- To reflect the vision for Kialla Lakes Drive.
- To complement the colours and tones found in the nearby residential area.

**Design Requirements**

- New buildings should incorporate a material and colours palette reflective of the neighbouring residential area in muted/ natural colours and tonings such as the browns of brick and timber, natural creams and non-reflective finishes.
- Exterior walls should be of brick, concrete, steel or glass.
- Concrete tilt panel buildings should display a trowel or textured render finish in non-reflective, earthy tones to avoid large bland areas.
- Reflective glass, PVC, unrelieved painted render, highly reflective materials such as zincalume, unarticulated concrete surfaces and unarticulated cladding systems should be avoided. Bright, extravagant colours schemes should also to be avoided.
- Colour schemes of all external surfaces of new developments should consider neutral colours.
- Roof materials must be non-reflective to ensure no glare is projected within the Airport Environs area.



**Avoid:** Large, blank façades and use of bright, eye catching colours that are not sensitive to the residential area nearby



**Encourage:** Use of muted colours and tonings that draw on the agricultural and landscape settings that surround Shepparton

## 3.3 Summary of Findings

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KIALLA LAKES DRIVE ADDENDUM

### Kialla Lakes Drive

#### Summary

The Kialla Lakes Drive subject area contains a transition in land uses from light industrial and commercial (IN3Z) in the west to residential (NRZ1) in the east. The stretch of Kialla Lakes Drive between GVH and the NRZ is highlighted as a gateway site where the sensitive interface requires improved management.

Further, most parcels within this subject area are currently vacant, and two areas of surplus land in the road reserve will soon be made available for development.

#### Recommendations

It is recommended that the Framework addendum contained within this chapter be used to support an expansion of the DDO7 to also apply to the subject area.

Where additions have been made to the objectives and recommendations unique to this new section of Kialla Lakes Drive, it is recommended that the DDO7 be amended to reflect those changes.

A

# Appendix

Planning Practice Note 17: Urban Design Frameworks

July 2015

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# Planning Practice Note 17: Urban Design Frameworks

## Overview

According to *Planning Practice Note 17 (PPN17): Urban Design Frameworks* (July 2015), an Urban Design Framework (UDF) should:

- include a comprehensive analysis of context
- look beyond the individual project and seek to coordinate across projects and opportunities, setting a project in its broader context
- incorporate and respond to information from existing strategies and studies, such as transport, heritage and neighbourhood character studies
- respond to all major stakeholders by integrating their interests and concerns
- incorporate major infrastructure issues and provide design direction for the details within infrastructure construction projects
- set out an implementation strategy that looks at a range of time scales and generally includes:
  - long-term strategies and options (say, 10 to 15 years and beyond)
  - intermediate-term strategies and options (say 3 to 5 years)
  - short-term actions that can be immediately

implemented without compromising long-term objectives

- present analysis, principles and options for implementation in graphical and written format to a standard suitable for public consultation
- illustrate existing constraints and available opportunities, identify different options, and provide a record of why particular options are selected referring to key policy objectives, urban design principles, etc.
- provide a 'layered' response to issues at hand, beginning with the broad contextual issues and principles, and working down to detailed design studies and guidelines for critical locations.

## Urban Design Framework Process

The following steps should be undertaken when preparing a UDF (*PPN17*, 2015):

1. Preliminary actions (project objectives, scope, boundaries and significant influences in the region, including population projections)
2. Analysis and objectives (review existing plans, policies, infrastructure programs, built form

physical characteristics, land use and movement patterns, local strengths and weaknesses culminating in key issues and opportunities)

3. Synthesis and strategic framework (broad design objectives and strategic action areas, test options with stakeholders)
4. Final reporting, including an implementation strategy and coordinating framework plan.

The existing *Shepparton North & South Business Areas UDF* identifies and addresses five precincts in the Shepparton business areas, and sets out frameworks to address any threats and opportunities identified in the contextual analysis section of the report.

The framework sections of the UDF are focussed on structure, form and character of the identified precincts, and set out a number of strategies that can be used to achieve preferred character in new developments.

The following sections examine the report with respect to the two subject areas currently being examined as part of this project.

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# Appendix

Draft Design and Development Overlay

Shepparton North Gateway Commercial Precinct

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APPENDICES

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# Draft Design and Development Overlay - Shepparton North C2Z

## SCHEDULE [...] TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO[...]**.

### Shepparton North Gateway Commercial Precinct

#### 1.0 Design objectives

To implement the design and development objectives for the Shepparton North Gateway Commercial Precinct along the Goulburn Valley Highway in accordance with the *Addendum to the Urban Design Framework - Shepparton North & South Business Areas* (Planisphere, March 2017).

To encourage a vibrant commercial area supporting large scale, regionally significant service and retail activities, within a high quality public realm that reflects the strategic importance of the area as a gateway location.

To ensure the design, quality and siting of buildings reflects the gateway role of the area.

To ensure signage is appropriately designed, sited and scaled for the highway corridor context and minimises visual clutter.

To maintain a sense of openness and views to the surrounding landscape corridor from the Goulburn Valley Highway.

To integrate public realm planting and building design with the surrounding landscape.

#### 2.0 Buildings and works

##### Permit Requirement

A permit is required for a fence where the fence is located along a boundary that has a street frontage and is:

- Visually impermeable and greater than 1.2m in height above natural ground level; or
- Constructed of unpainted or galvanised steel or uncoated wire.

A permit is required to construct or display the following signs:

- Animated, internally illuminated or electronic sign
- High-wall sign or sky sign
- Major promotion and promotion sign
- Panel sign, if the advertising area exceeds 20sqm
- Pole sign.

**Advertising Signage**

- Major promotion signs will only be considered acceptable on a temporary basis (e.g. a maximum of 5 years from the date of permit issue)
- Free-standing signage (e.g. blade or pole signs) must be set back a minimum distance of 1m from the front property boundary.
- Signage, including painted signs, located on a side wall should not occupy more than 50% of the area of the wall.

**Building height**

- Buildings should be a maximum height of 9m above natural ground level.
- The street wall height of a building frontage should not exceed two storeys (or 6.9m) above natural ground level.

**Site layout and design**

- Building setback should be a minimum of 9m and maximum of 20m from the front lot boundary, to the satisfaction of the responsible authority.
- Loading and unloading areas should be set back a minimum distance of 20m from the front lot boundary.
- Where a zero (0m) setback is sought on land adjacent to the GRZ1, the provisions of Clause 55 must be considered with regard to overshadowing and overlooking.
- Where possible, development should be set off both side boundaries to maximise views from the Goulburn Valley Highway to the surrounding area from between buildings.

**Fences**

- Fencing should be constructed of materials other than unpainted galvanised steel and wire.
- Fencing should be constructed of materials that complement the building and surrounding area and should be painted a muted colour.
- Where possible, fencing should be softened and screened by vegetation planting.

**Landscaping**

- A minimum 1.5m landscape buffer must be established along rear boundaries to ensure suitable interface with adjoining residential lots in the GRZ1.
- A minimum 1.5m landscape buffer should be established to ensure suitable interface with all other adjoining zones.
- Ensure that long, blank walls are avoided and opportunities for glazing are maximised within developments.



### 3.0 Design requirements

- The size of new commercial or semi-industrial buildings should be in keeping with the large format scale of surrounding development.
- Built form should be articulated to avoid blank and dominant façades and create an appropriate transition between pedestrian entries, offices and warehouse areas.
- Offices or building areas open to the public should be located at the front of the building massing.
- Upper level setbacks should be used to reduce building bulk and add visual interest.
- Street setbacks must incorporate significant landscaping and sealed car parking, and be utilised to provide clear sightlines and legibility to the street.
- Building roof form should be designed to complement the prevailing character.
- Plant equipment, vents and any other mechanical equipment must be carefully designed and sited or incorporated into the roof design, to ensure it is screened or concealed from the street, surrounding public spaces and buildings.
- Where possible, ensure verandahs and canopies are incorporated into single storey built form components to enhance site amenity and provide shade for employees and visitors to the site.
- Sustainable water use in buildings should be provided by implementing measures to collect rain water runoff from roof areas, and ensure water storage/tanks are located away from public view, and do not impact on neighbours' visual amenity.
- Materials for external surfaces of new developments should consider and complement those used in existing buildings in the area, such as brick and non-reflective, high quality cladding.
- The use of concrete wall construction (e.g. tilt panels) should be complemented by the use of contrasting claddings such as timber and metals that provide facade definition.
- Reflective glass, PVC, unrelieved painted render, highly reflective materials such as zincalume, unarticulated concrete surfaces and unarticulated cladding systems should be avoided. Bright, extravagant colours schemes should also be avoided.
- Colour schemes of all external surfaces of new developments must complement those found in the surrounding area and should consider neutral colours.

### 4.0 Parking and access requirements

- Sufficient car parking spaces should be provided on site for occupants and visitors in accordance with Clause 52.06 of the Greater Shepparton Planning Scheme.
- For larger sites, consideration should be given to short-term parking areas located in the front setback, with longer-term parking (i.e. staff parking) located to the rear.
- Avoid large paved car parking areas that are not broken up by landscaping.
- Ensure a landscape buffer is provided between car parking areas and the front property boundary.
- Where practicable, use landscape design to provide significant canopy trees that can assist in shading car parking areas to mitigate heat impacts.
- Where practicable, limit vehicle entry points to one crossover and avoid large areas of circular driveway aprons and impermeable surfaces.
- Group access and limit to double crossover widths to large sites to limit opportunities for vehicle conflict between the service road and GVH.

- For corner sites, encourage vehicle access to a side road rather than the GVH service road.
- For the purpose of providing an active street frontage, not more than 7.5m should be occupied for vehicular access purposes.

## 5.0 Landscaping requirements

- A minimum of 15% of the lot frontage must be landscaped to include a variety of shrubs and at least one significant tree (mature height 10m). Plant species must be appropriate and suitable to this area, and to Council's satisfaction.
- Provide large canopy trees and understorey planting to minimise loss of views from the GVH corridor to the surrounding landscape.
- Minimise areas of paving, particularly in the front setback.
- Front fences should have a minimum 50% visual permeability.
- Fencing should be constructed from materials that complement the building and surrounding area and should be painted in muted colours/tonings, avoiding galvanised steel mesh and 'Colorbond' style fencing.
- Wherever possible, fencing should be softened and screened by vegetation.
- Sustainable water use should be achieved using water sensitive urban design (WSUD) principles and low water use plant materials.
- Ensure proposed landscaping and plant selection complies with Council's Landscape Plan Guide (Spiire, 2017) and any relevant planting schedule.

## 6.0 Advertising sign requirements

- Advertising signage must be designed taking into consideration the requirements of Clause 52.05 of the Greater Shepparton Planning Scheme.
- Business identification signage should form an integral part of the building facade, appropriately proportioned to sit within the parapet or gable end, and not protrude above or beyond the building facade.
- Business identification information can be incorporated into one way-finding oriented sign at the entrance to each section of service road to reduce visual clutter.
- High wall, panel and sky signs are discouraged.
- Promotional signs that project outside the perimeter of the building, or are free-standing, are discouraged.
- Bunting, animated and reflective signs, including sandwich boards and inflatable and temporary signs, are discouraged.
- Colours, materials, animation and illumination that interfere with the safety or efficiency of traffic circulation, safety or function of the GVH as a major thoroughfare and Road Zone, Category 1 (RDZ1) must be avoided.
- Floodlit signs must ensure that the lighting is directed only onto the sign and does not cause distraction to drivers.
- The design of new buildings should take into account the likely need for signage by future occupants, and incorporate sign panels that meet these guidelines.

## 7.0 Application requirements

- An application for buildings and works must be accompanied by a written response to the DDO[...] detailing how the proposal appropriately responds to the relevant provisions of the Clause, to the satisfaction of the responsible authority.
- An application for buildings and works must be accompanied by a detailed landscape plan together with proposed irrigation systems, to the satisfaction of the responsible authority.
- The landscape plan and irrigation system should implement water wise, water sensitive urban design and low water use plan materials, to the satisfaction of the responsible authority.

## 8.0 Decision guidelines

Before deciding on an application the responsible authority must consider:

- The *Addendum to the Urban Design Framework - Shepparton North & South Business Areas* (Planisphere, March 2017).

### *Building Design and Siting*

- Whether the height of a proposed building accords with the scale of the local environment and type of surrounding buildings.
- The design and siting of existing development in the area.
- The interface with development on adjoining zones outside the C2Z.
- Whether the proposed development appropriately responds to and enhances the character of the Shepparton North Gateway Commercial Precinct precinct and its gateways.
- Whether the proposed front setbacks enable efficient use of the site.
- Whether opportunities for views between buildings to the surrounding area are available.
- Whether there is any potential for land use conflicts with adjoining zones as a result of the proposed building siting.
- Whether the development has been designed in a manner that is climatically appropriate for the local context.
- The potential for the proposed building to impact visual amenity of surrounding lots.
- Whether the proposed building incorporates active and attractive elements that interact with the streetscape.

### *Landscaping*

- Whether space has been provided for landscaping within the front setback.
- Whether plant choice is sustainable and suitable within the local environment.
- Where front fencing is proposed, whether the proposed fence enhances the street appearance and maintains view to, between, and around sites.

### *Advertising Signage*

- Whether the proposal is appropriately designed, sited and scaled for the Goulburn Valley Highway corridor without detracting from the public realm or competing with way-finding and road signage.
- Whether colours and materials proposed might interfere with the safety or efficiency of the Goulburn Valley Highway as a Road Zone, Category 1 (RDZ1).

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# Appendix

Draft Design and Development Overlay 7

Kialla Park Boulevard Precinct

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APPENDICES

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# Proposed Amendments to DDO7 (Kialla Park Boulevard Precinct)

The proposed amendments to the existing Design and Development Overlay that applies to the Kialla Park Boulevard Precinct (DDO7) are included as tracked changes over the following pages.

The amendment includes extending the current area of DDO7 to include the Kialla Lakes Drive subject area investigated as part of the current study.



APPENDICES

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GREATER SHEPPARTON PLANNING SCHEME

11/02/2016  
Proposed  
C179

SCHEDULE 7 TO THE DESIGN AND DEVELOPMENT OVERLAY

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Shown on the planning scheme map as DDO7.

Kialla Park Boulevard Precinct

28/05/2008  
Proposed  
C179

1.0 Design objectives

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- To implement the design and development guidelines for the Kialla Park Boulevard along [Kialla Lakes Drive](#) and the Goulburn Valley Highway in accordance with the *Urban Design Framework – Shepparton North & South Business Areas*.
- To create a vibrant and active principal commercial and business precinct based around large buildings for bulky goods retailing, manufacturing and associated business services within a well landscaped boulevard setting.
- To ensure that the Neighbourhood Centre functions as a key component of the precinct.
- To encourage proposal for a Neighbourhood Centre at the former Drive-in site that cater the needs of the neighbouring businesses and residential areas.
- To accept and promote the existing built form character of large 'big box' commercial activities with display setbacks. And to ensure new developments maintain and reinforce the inherent 'big box' character of large regular buildings with consistent front setbacks for display of goods.
- Encourage landscape treatment to complement the Goulburn Valley Highway landscape gateway.
- To ensure developments provide front landscapes that complements the existing [Kialla Lakes Drive and Goulburn Valley Highway landscapes](#), and reinforces the landscaped street edges.
- To provide robust, suitably scaled landscape treatments to integrate the built form, provide an appropriate scale, reduce its visual impact and provide a suitable interface between the commercial and the residential areas.
- To ensure developments provide landscape treatment that would visually integrate the commercial areas and contribute to a pleasing streetscape and help in partially screening the buildings when viewed from the [road](#).
- To ensure a landscaped rear setback is provided to reduce the visual impact of large buildings on the adjoining residential neighbourhoods.
- To provide clearly defined, legible and attractive gateways to the residential areas behind the commercial activity areas.
- To ensure access from the Goulburn Valley Highway to the new residential areas clearly defined by appropriate gateway treatments.
- To encourage a significant Neighbourhood Centre providing specialty services to surrounding residential and business areas.
- To ensure safe and efficient parking and vehicular/pedestrian access are provided on the site.
- To ensure appropriate interfaces between the commercial, [industrial](#) and residential areas are provided.

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GREATER SHEPPARTON PLANNING SCHEME

- To encourage environmentally sustainable designs that incorporate solar orientation, natural ventilation, efficient use of energy and water.

09/10/2014  
Proposed  
C173

**Buildings and works**

Deleted: C173

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**Height**

- Buildings should be a maximum height above natural ground level as specified in the table below.
- The street wall height of a building frontage should not exceed the height above natural ground level specified in the table below.

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Precinct (shown on Map 1)	Building height	Street wall height
Goulburn Valley Highway Precinct	14.5m maximum	8m or three storeys
Kialla Lakes Drive Precinct	11m maximum*	6.9m or two storeys*

\*See Diagram 1

Deleted: Explanatory

**Setbacks**

- Building setback should be 20 metres from the front boundary.
- A lesser setback (not less than 9 metres) may be considered by the responsible authority for the properties listed below for a single dwelling in a General Residential Zone, Neighbourhood Residential Zone or a Residential Growth Zone.
- No. 2 Reserve Street Kialla (Lot No. 1 PS327036F Parish of Kialla)
  - No. 4 Reserve Street Kialla (Lot No. 2 PS327036F Parish of Kialla)
  - Nos 1/6 and 2/6 Reserve Street Kialla (Lot No. 3 LP63440 Parish of Kialla)
  - No. 10 Reserve Street Kialla (Lot Nos. 4 and 5 LP63440 Parish of Kialla)
  - No. 12 Reserve Street Kialla (Lot No. 6 LP63440 Parish of Kialla)
  - No. 14 Reserve Street Kialla (Lot No. 7 LP63440 Parish of Kialla)
  - No. 16 Reserve Street Kialla (Lot No. 8 LP63440 Parish of Kialla).

A lesser setback (not less than 9 metres) may be considered by the responsible authority for the properties listed below for buildings and works in a Commercial Zone or Industrial Zone.

- Lot 1 and Lot 2 PS433159.
- Lot 1, Lot 2 and Lot 3 PS439192.
- Lot 2 PS426100.
- Lot 1 and Lot 2 LP121036.

**Fences**

- Front fences should have a maximum pier / post height of 1.2 metres, and have a transparency ratio of at least 50%, including piers, columns and bases.

GREATER SHEPPARTON PLANNING SCHEME

Landscaping

- A minimum 3 metre landscape buffer must be provided along rear boundaries to ensure suitable interface to residential properties. Where a residential zone abuts a side boundary, a minimum 1.5m landscape buffer must be provided.
- A minimum of 15% of the area to the lot frontage must be landscaped to include a variety of shrubs and at least one significant tree with a mature height of 10 metres (except where the land is also affected by DDO<sub>2</sub>, when the maximum height should not exceed 7.5metres, except with a Permit issued pursuant to that Schedule). All plant species must be suitable to this area and to the Council’s satisfaction.

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3.0

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C179

Design requirements

- Developments at gateway sites should contain innovative landmark built form and landscape treatment or urban art that signify entrances to the residential areas.
- Encourage a lower administration/reception/sales area or a veranda to the street frontage with the larger storage or manufacturing building to the rear of the site.
- Building facades should incorporate architectural features to the building frontage to address the street, provide legibility for customers, and reduce the visual impact of the large building mass. Extensive blank facades should be avoided.
- Roof design should be consistent with building design and bulky roof forms should be avoided.
- Provide sustainable water use in buildings by implementing measures to collect rain water runoff from roof areas. Water storage tanks must be located away from public view, and do not impact on neighbours visual amenity.
- Encourage exterior walls to be of brick, concrete, steel or glass.
- Encourage all external surfaces to be painted or finished with a quality textured coating.
- Ensure tilt slab buildings display a trowel finish or render in non-reflective earthy tones with a texture to avoid large bland areas.
- Discourage bright, extravagant colour schemes that are reflective of franchise industries and create visual chaos.
- Encourage neutral colours, with greater attention to signage, as a more effective display of the advertiser’s message.
- Encourage black metal picket fences.
- The landscape treatment should serve to soften and partially screen ‘big box’ retail and manufacturing buildings. Landscaping should be designed to enhance the appearance of the overall development and the streetscape.
- Encourage paving materials that provide texture, patterns, subtle colour and permeability to the lot frontage.
- Discourage large expanses of harsh grey cement or asphalt.
- Plant equipment, vents and any other mechanical equipment must be carefully designed or incorporated into the roof design so as to avoid visibility from the street, surrounding spaces and buildings.
- Development on land adjacent to a residential zone must comply with the overshadowing and overlocking provisions of Clause 54 or Clause 55, as appropriate.

## GREATER SHEPPARTON PLANNING SCHEME

**4.0 Parking and access requirements**29/05/2008  
C79

- Encourage vehicular access points and driveways to be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network. All vehicles including those delivering to or servicing the site should be able to enter and exit the site in a forward direction.
- A vehicular access point across lot frontage is to be no more than 6.4 metres wide
- Driveways should be designed to minimise any conflict of vehicle movements with pedestrians including consideration of side fences and / or buildings that will impact on sight lines between pedestrians and vehicular traffic.
- Adequate on site parking in accordance with the Greater Shepparton Planning Scheme should be provided in a form and manner that will not reduce the amenity of the area.
- Encourage developers to consider planting trees throughout car parking areas.

**5.0 Landscaping requirements**29/05/2008  
C79

- Plant species should be suitable to this area and environmental weeds and invasive tree species should be avoided to the satisfaction of the responsible authority.
- The front building setback should be landscaped to include a variety of shrubs and ground covers. Plant species should be suitable to this area and to satisfaction of the responsible authority.
- Paving materials that provide texture, patterns, subtle colour and permeability to the lot frontage should be used. Large expanses of harsh grey cement or asphalt should be avoided.
- Where space permits, small to medium sized trees should be planted to provide scale, aesthetic relief and shade to front entrances.

**6.0 Advertising sign requirements**29/05/2008  
C79

- One business identification sign is permitted per development.
- Multiple business occupancies are to share space on the sign.
- Freestanding business identification signs are to fit in an envelope that is a maximum height of 2 metres, and a maximum width of 1.5 metres. This envelope includes the height of any supporting structure. [See Diagram 2.](#)
- Signs attached to a building are encouraged and should be a maximum height of 1.0 metre, and a maximum width of 3.0 metres. Exemptions may be made for signs composed of individual letters that form an integral part of the building façade.
- Promotional signs should be avoided.
- Above verandah signs including V-boards signs and advertising elements such as banners, flags and inflatable should be avoided.
- Colours and materials that interfere with the safety or efficiency of traffic circulation should be avoided.

**7.0 Application requirements**29/05/2008  
C79

- where appropriate a landscaping plan together with proposed irrigation system should be submitted with applications for buildings and works to the satisfaction of the responsible authority.

Before deciding on an application, the responsible authority must consider, as appropriate:

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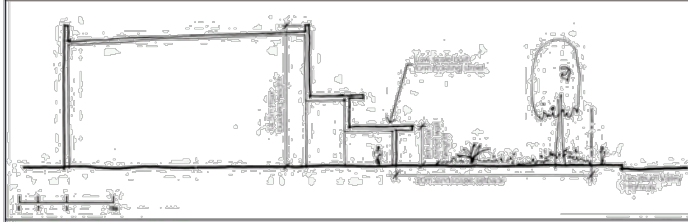
- Whether the height of a proposed building accords with the scale of the local environment and the type of surrounding buildings.
- The effect of the development of proposed buildings on the amenity of abutting buildings.
- Whether the proposed landscape treatment contributes to the character of [Kialla Lakes Drive](#) or the Goulburn Valley Highway landscape gateways.
- Whether the design, siting and appearance of buildings improves visual presentation of the frontages at the town entrance.
- The architectural quality and innovative response of the building design.
- Whether building setbacks provided along [Kialla Lakes Drive](#) or Goulburn Valley Highway demonstrate appropriate consideration of the streetscape and the residential interface.
- Whether the layout allows for safe access and egress from the site.
- The location of any proposed car parking.
- The inclusion of design elements which protect the amenity of abutting residents.
- [Whether the proposed development on land abutting a residential zone complies with the overlooking and overshadowing provisions set out at Clause 54 or Clause 55, as appropriate.](#)
- Whether the design considered energy and resource efficient and sustainable design principles.
- Whether the proposal is in accordance with the *Urban Design Framework - Shepparton North & South Business Areas*, July 2006 [and the addendum to the Urban Design Framework \(Planisphere, 2017\)](#).
- Whether the proposal complies with the provisions of DDO2 of this planning scheme to the satisfaction of the Responsible Authority.



GREATER SHEPPARTON PLANNING SCHEME

Diagram 1: Building Height and Setback in Kialla Lakes Drive Precinct

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APPENDICES

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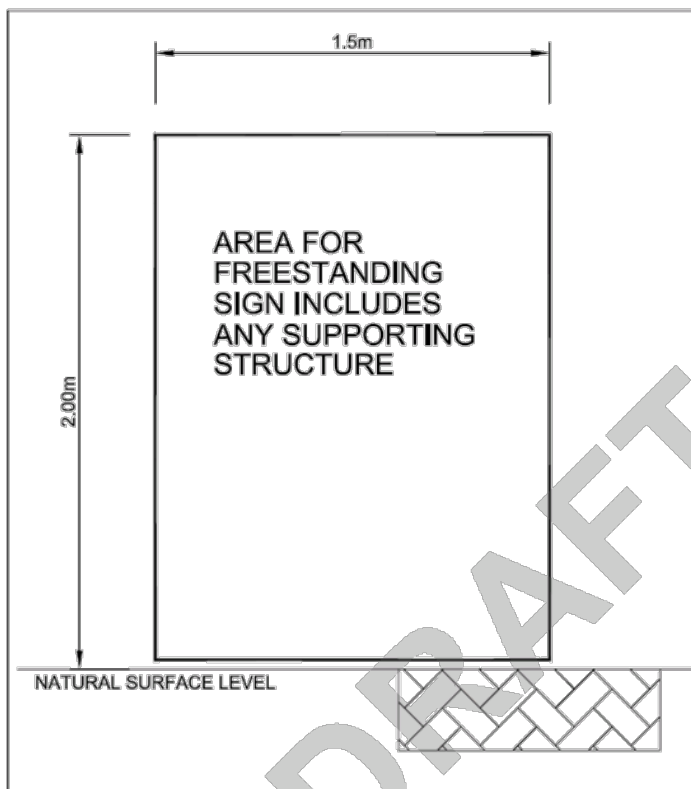
GREATER SHEPPARTON PLANNING SCHEME

Diagram 2: Freestanding Business Identification Sign Envelope

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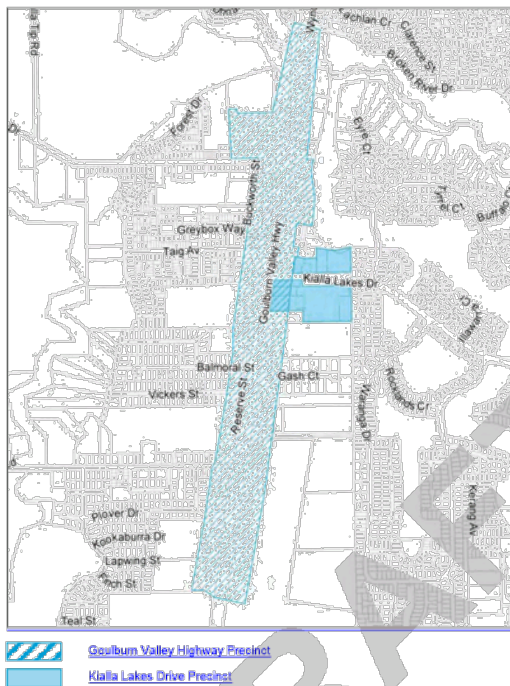


APPENDICES



GREATER SHEPPARTON PLANNING SCHEME

Map 1: Precincts



APPENDICES

