

**PLANNING PANELS VICTORIA**

**GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C245GSHE:  
SHEPPARTON NORTH ACTIVITY CENTRE STRUCTURE PLAN**

**GREATER SHEPPARTON CITY COUNCIL**

Planning Authority

**PLANNING AUTHORITY'S PART A SUBMISSION**

(Filed pursuant to Direction 8 of the Panel Direction dated 31 January 2024)

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Date of document: 12 February 2024

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**1. INTRODUCTION**

1. Greater Shepparton City Council (**Council**) is the Planning Authority for Amendment C245gshe (**Amendment**) to the Greater Shepparton Planning Scheme (**Planning Scheme**).
2. This document contains the Greater Shepparton City Council Part A Submission to Planning Panel Victoria (**Panel**) to inform Planning Scheme Amendment C245gshe.
3. This 'Part A' submission is made in accordance with Panel Directions dated 31 January 2024 (**Directions**).
4. This submission addresses the following matters in accordance with Direction 8 of the Panel Directions:
  - a. a summary of the physical context of the subject land and surrounds
  - b. background to the Amendment including chronology of events
  - c. a summary of the conditions of authorisation and how they have been met
  - d. a summary of the strategic context, including:
    - i. relevant planning policies and controls
    - ii. any other recently approved or upcoming amendment that might impact on the Amendment.
  - e. a summary of any permit applications or recently granted permits that might impact on the Amendment
  - f. a summary of the issues raised in submissions, including an explanation of which (if any) of those issues have been resolved

5. In addition to this submission, at the hearing listed to start on 26 February 2024, Council will:

- Present its 'Part B' Submissions; and
- Rely on expert evidence provided by:
  - a) Simon McPherson of Global South on urban design.
  - b) Sean Stephens of Ethos Urban Pty Ltd on economics.

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**2. DEFINITIONS**

**ACZ2** means Schedule 2 to the Activity Centre Zone;

**Advisory Committee** means the Shepparton North Activity Centre Advisory Committee;

**Amendment** means Amendment C245gshe;

**CAD** means Shepparton Central Activity District;

**CACS** means the City of Greater Shepparton Commercial Activity Centre Strategy 2015;

**Council** means Greater Shepparton City Council;

**DDO9** means Schedule 9 to the Design and Development Overlay;

**Department** means Department of Energy, Environment and Climate Action (DEECA);

**Directions** means Panel Directions dated 31 January 2024;

**Growth Plan** means the Shepparton & Mooroopna 2050: Regional City Growth Plan – March 2021;

**Lascorp** means Lascorp Investment Group Pty Ltd;

**Panel** means Planning Panel Victoria;

**Planning Scheme** means Greater Shepparton Planning Scheme;

**PPN56** means Planning Practice Note 56 Activity Centre Zone;

**PPN58** means Structure Planning for Activity Centres Practice Note 58;

**SNAC** means Shepparton North Activity Centre;

**SSNEC** means Shepparton Sports and Events Centre;

**Structure Plan** means the Shepparton North Sub-Regional Activity Centre Structure Plan proposed in the Amendment;

**UDF** means Urban Design Framework – Shepparton North and South Business Areas July 2006;

**UDF Addendum** means Urban Design Framework - Shepparton North and South Business Areas (Addendum); and

**VPA** means Victorian Planning Authority.

**3. AMENDMENT**

**3.1 Overview**

- 6. The Amendment applies to land known as the Shepparton North Activity Centre (**SNAC**) as identified in **Figure 1**.
- 7. The subject land is an irregularly shaped precinct located on the east and west side of Numurkah Road/Goulburn Valley Highway generally to the north of Brauman Street on its west side, and Hawkins Street on its east side. The land includes the Shepparton Sports and Events Centre (**SSEC**) to the west and includes extensions along Numurkah Road/Goulburn Valley Highway, north of Wanganui Road and south of Hawkins Street.

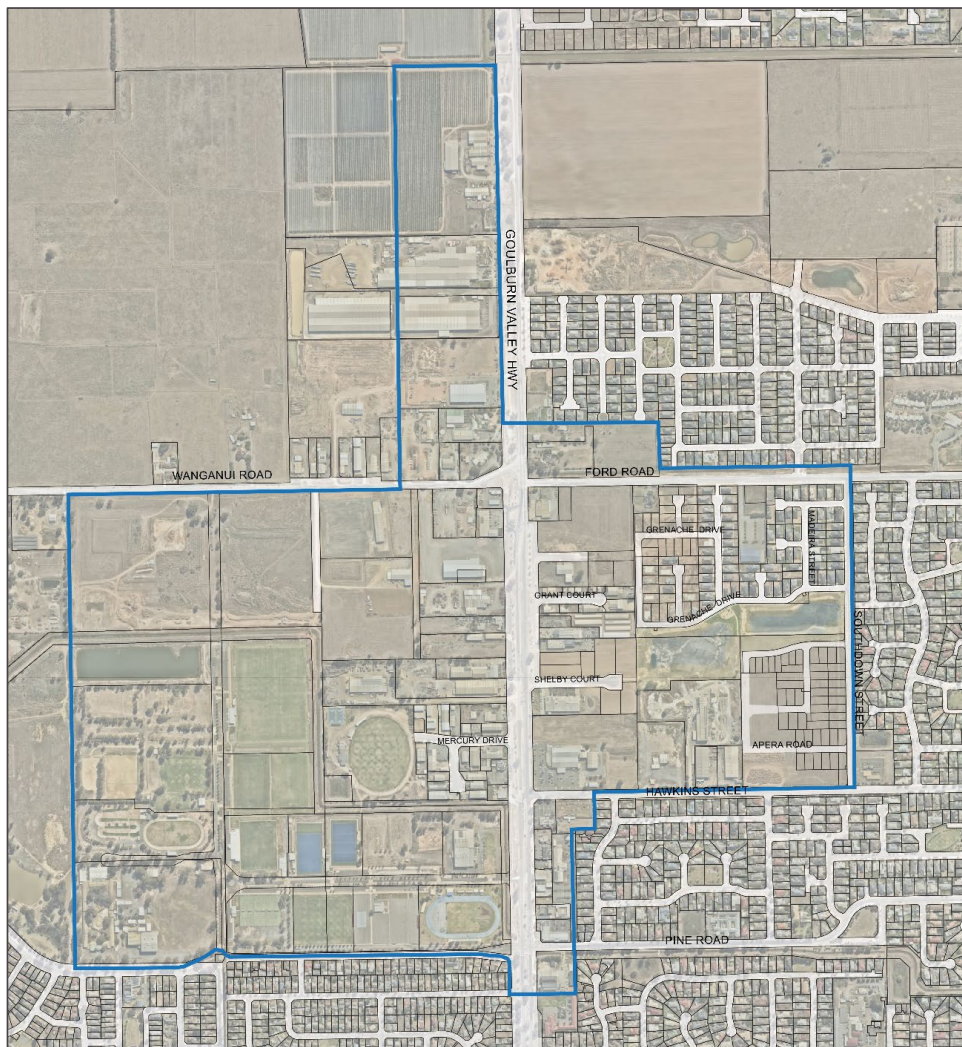


Figure 1 Shepparton North Activity Centre (subject land)

8. The Shepparton North Sub-Regional Activity Centre Structure Plan dated March 2023 prepared by Mesh Planning (Structure Plan) functions as a guiding document to support Shepparton North's future growth, and redevelopment of the existing under-developed and disconnected groups of land uses, to become an integrated 'activity centre' with co-ordination and connectivity between sites.
9. The Structure Plan sets out the context, response to emerging challenges, vision, precincts, framework plan and implementation of the SNAC.
10. Importantly, the Structure Plan focusses on the identification of the key 'structural changes' to land uses and the movement network that will be necessary to facilitate coordinated change to support development of an activity centre across the next 20 years.
11. Further, the Structure Plan adopts the built form guidance provided by the Urban Design Framework Shepparton North and South Business Areas (Planisphere, July 2017) (**UDF Addendum**) which currently informs Design and Development Overlay – Schedule 4 (**DDO4**) Shepparton North Growth Corridor, as well as applies more specific built form objectives and requirements across the 'core' precincts of the Activity Centre Structure Plan area.
12. The Structure Plan was developed following the instructions and guidelines of the Planning Practice Note 56 Activity Centre Zone (**PPN56**), Structure Planning for Activity Centres Practice Note 58 (**PPN58**) and referring to the State Government's Activity Centres toolkit, alongside other relevant Planning Practice Notes listed and Advisory Notes at **Section 7.5**.
13. The following planning scheme ordinance amendments area proposed as part of the Amendment:
  - Amends the Planning Policy Framework at Clause 17.02-1L to recognise the SNAC and the Structure Plan as a Background Document in the Planning Scheme;
  - Inserts a new Schedule 2 to the Activity Centre Zone Clause 37.08 Activity Centre Zone (**ACZ2**);
  - Inserts a new Clause 45.04 (Road Closure Overlay) to identify Doody Street as a road that is closed by this Amendment;
  - Inserts the provisions and requirements of Design and Development Overlay Schedule 9 into the Schedule to the ACZ2;
  - Amends Operational Provisions at Clause 72.03 (What does this Planning Scheme consist of?) to amend the maps listed in the Planning Scheme; and
  - Amends Operational Provisions at Clause 72.08 (Background Documents) to Structure Plan as a Background Document.
14. The Amendment was on exhibition from Tuesday 14 November 2023 to Thursday 14 December 2023.
15. In broad terms, the Amendment proposes to:
  - Rezone land within the SNAC area currently Zoned Commercial 1 Zone, Commercial 2 Zone, Industrial 1 Zone, Urban Floodway Zone, General Residential Zone to the ACZ2.
  - Remove the existing DDO9, DDO 19 and Development Plan Overlay Schedule 4 from the Planning Scheme and consolidates relevant provisions into the ACZ2.
  - Support the progressive transformation of Shepparton North into a fully functioning, integrated activity centre.
  - Make changes to various sections of the Planning Scheme to ensure consistency with the Amendment purpose objectives and to make appropriate reference of Structure Plan.

#### 4. BACKGROUND TO AMENDMENT

##### 4.1 UDF Addendum and Amendment C196

16. The UDF Addendum provides updated guidance for urban design at Shepparton North and South Business areas following the preparation of the Urban Design Framework – Shepparton North and South Business Areas July 2006.
17. The UDF Addendum was adopted by Council at its Ordinary Council Meeting held on 18 July 2017.
18. Amendment C196 gave effect to the UDF Addendum to the Shepparton North and South Business Area Urban Design Framework 2017 (**UDF**).
19. Amendment C196 implemented a new DDO9 and applies DDO9 to all land within the Commercial zoned land in Shepparton North.
20. The UDF includes the following vision 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.*
  - *Encourage innovative, high quality design and efficient use of land, while enhancing the appearance and strengthening the identity of the commercial corridor. This includes gateway sites, prominent corners, and sites at the northern and southern extents of the precinct.*
  - *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.*
21. The UDF defines the importance of a number of gateway sites and identifies the following objectives and design requirements for gateway sites:

##### **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, prominent corners and sites, should incorporate innovative designs using form, materials and articulation to reflect the transition from rural to urban environment.*
22. The UDF includes Objectives and Design Requirements in relation to:
    - Massing and Height
    - Street Wall Height and Upper Building Setbacks
    - Street Setbacks
    - Side and Rear Setbacks

- Roof Form and Roofline
- Access Points and Cross Overs
- Parking
- Landscape and Front Gardens
- Signage
- Façade Treatment and Architectural Features
- Materials, Colours and Finishes

#### 4.2 Commercial Activity Centres Strategy, Amendment C192 and Amendment C193 Part 1

23. The City of Greater Shepparton Commercial Activity Centre Strategy 2015 (CACS) sought to provide a policy framework which:

- clarifies the role and function of activity centres in Greater Shepparton;
- identifies future retail/commercial floorspace requirements for activity centres; and
- identifies the relationship between economic activity, population levels, demographics, and social sustainability of activity centres.

24. The CACS includes specific actions for the SNAC including the following:

- **Action 1** - Encourage the expansion of retail and commercial facilities in the existing Commercial 1 Zone area so that residents of Shepparton North are provided with an enhanced range of local convenience shopping facilities and services.
- **Action 2** - Expansion of the Shepparton North centre to provide a range of retail and non-retail facilities that is consistent with sub-regional status in the activity centres hierarchy. This could include the addition of a second full-line supermarket and enhanced supporting retail (not including a major non-food retail anchor such as a discount department store).
- **Action 3** - Ensure that future development of the Shepparton North centre takes place in a manner supported by appropriate urban design and planning guidance. In indicative terms, an increase of 6,000m<sup>2</sup> in shop floorspace may be supported on land outside the existing Commercial 1 Zone at Shepparton North, which is sufficient to accommodate a second supermarket and supporting retail such as specialty shops. This should be subject to detailed assessment through application of the Planning and Development Assessment Criteria for any proposal.

An appropriate site in the area fronting the Goulburn Valley Highway between Ford Road in the north and Hawkins Street in the south can be endorsed for this extension to the Commercial 1 Zone.

- **Action 4** - Consider implementation of a maximum shop tenancy size which restricts a discount department store or other major non-food based anchor 'shop' tenant in the Shepparton North centre (similar to that applied to a supermarket in Riverside Plaza). This will ensure large anchor tenants better suited to the CBD or Shepparton Marketplace are not located in the Commercial 1 Zone at Shepparton North.
- **Action 5** - Once the location of an expanded Commercial 1 Zone in Shepparton North is identified, develop an urban design framework or similar assessment that provides appropriate guidance on how the centre can develop in a manner that provides a high-level of amenity to shoppers and is consistent with best-practice activity centre development guidelines. If required, apply a Development Plan Overlay (DPO) or similar mechanism to the Shepparton North centre.

25. Amendment C192 sought to implement the recommendations of the CACS, specifically to amend the Municipal Strategic Statement to:

- update the activity centre hierarchy;
- encourage expansion of retail and commercial convenience facilities in the Commercial 1 Zone, subject to detailed planning and development assessment criteria;
- discourage the location of cinema and department stores outside the retail core;



- rezone Shepparton Marketplace, land along Benalla Road (Enterprise Corridor) and Wyndham Street (Wyndham Street North) from the Commercial 1 and 2 Zones to the Activity Centre Zone Schedule 1;
  - rezone approximately 55,000 square metres of General Residential Zone land abutting Shepparton Marketplace to Activity Centre Zone Schedule 1;
  - amend Activity Centre Zone Schedule 1 to increase the permit threshold at Shepparton Marketplace from 15,500 square metres of Shop floor area to 22,500 square metres of Retail premises;
  - delete Design and Development Overlay Schedule 3 from land in the Wyndham Street North Precinct and update the overlay maps accordingly;
  - amend the Commercial 1 Zone Schedule to remove reference to Shepparton Marketplace;
  - amend Clause 21.06-7 (Strategic Work Program) to reflect work undertaken and include the preparation of Structure Plans/Urban Design Frameworks for relevant activity centres;
  - amend Clause 21.08 (General Implementation) to reflect the recommendations of the Commercial Activity Centres Strategy November 2015; and
  - amend Clause 21.09 (Reference Documents) to reference the Commercial Activity Centres Strategy November 2015.
26. The CACS was adopted by Council on 16 February 2016.
27. Amendment C192 implemented the CACS, gazetted on 7 June 2018.
28. The Panel Report issued 9 October 2017 recommended the adoption of Amendment C192 to the Planning Scheme with some modification as well as recommended the preparation of a Structure Plan for Shepparton North.
29. The same Panel Report considered combined Amendment C193 and Planning Permit Application No. 2016-269, which split Amendment C193 into:
- Part 1 (Public Acquisition Overlay); and
  - Part 2 (Lascorp Investment Group Pty Ltd (**Lascorp**) proposal).
30. Part 1 related to the Public Acquisition of part of 221-229 Numurkah Road, part of 38-50 Ford Road and part of 25 Hawkins Road.
31. The Panel in its report recommended to defer consideration of Amendment C193 Part 2 and planning permit application 2016-269 until the SNAC is defined through a structure planning process. Reconsideration of Amendment C193 Part 2 and planning permit application 2016-269 is pending these outcomes.

#### 4.3 SNAC Advisory Committee

32. SNAC Advisory Committee (Advisory Committee) was established on 15 September 2018 to consider Part 2 of the combined Amendment C193 and Planning Permit Application 2016-269 and to provide overarching policy guidance for the SNAC.

#### 4.4 Amendment C193 Part 2 and Planning Permit Application No. 2016-269, SNAC Advisory Committee Report

33. Amendment C193 considered Planning Permit Application No. 2016-269 which applied to land at 221-229 Numurkah Road and 10 Ford Road, Shepparton, being one of two sites in Shepparton North subject to commercial interest from 'competing' proposals for delivery of a second and possibly a third supermarket to serve the Shepparton North community since 2017.
34. The second site is located at 177-193 Numurkah Road, Shepparton. The planning history of this site is described further at **Section 8.1** of this report.

35. The Proponent of the Amendment and permit application was Lascorp. Lascorp advised the Committee that Woolworths will be the supermarket tenant.
36. Amendment C193 Part 2 sought to:
- rezone land at 221-229 Numurkah Road and 10 Ford Road, Shepparton from Commercial 2 Zone to Commercial 1 Zone;
  - apply the Public Acquisition Overlay to part of 221-229 Numurkah Road, part of 221-229 Numurkah Road, part of 38-50 Ford Road and part of 25 Hawkins Road, Shepparton;
  - amend the Public Acquisition Overlay Schedule to reserve land for drainage purposes; and
  - amend planning scheme maps.
37. The Advisory Committee did not support the proposal at 221-229 Numurkah Road and 10 Ford Road on the grounds that it would likely result in two disconnected retail nodes.
38. It also found that approval of a third supermarket in the SNAC would have potential to compromise the viability of the Shepparton Central Activity District (**CAD**). The Advisory Committee Report made the following recommendations:
- Amendment C193 Part 2 to the Planning Scheme be abandoned.
  - Planning Permit 2016-269 not be issued.
  - Council prepare a Structure Plan for the SNAC area, to commence within six months of the date of the Advisory Committee report.
  - Expand the area within the Structure Plan to include, but not limited to, the SNAC, the existing shops in Pine and Hawkins Streets, the Shepparton Sports and Events Centre and the Munarra Centre for Regional Excellence.
39. Based on the findings of the Advisory Committee, the Minister for Planning decided to refuse combined Amendment C193 Part 2 and Planning Permit Application 2016-269 on the grounds that the proposal was inconsistent with the objectives of the Act, State and local planning policy and the preferred outcome of the Greater Shepparton CACS.
40. Combined Amendment C193 and Planning Permit Application 2016-269 was refused by the Minister for Planning on 21 May 2021.

#### **4.5 Shepparton and Mooroopna 2050: Regional City Growth Plan (2021)**

41. The Victorian Planning Authority (**VPA**) in partnership with Council prepared the Shepparton & Mooroopna 2050: Regional City Growth Plan – March 2021 (**the Growth Plan**).
42. The Growth Plan sets a vision for the future of the Shepparton and Mooroopna for the next 30 years.
43. The Growth Plan addresses key challenges to guide housing, employment, infrastructure and other opportunities for residents and visitors to manage growth in the Shepparton and Mooroopna areas, guide land development, identify key projects and provide guidance on future investment decisions.
44. The Growth Plan:
- sets out the future vision for Shepparton, Mooroopna and Kialla;
  - guides sustainable future growth and development over the next 30 years;
  - identifies the steps needed to manage growth;
  - defines key projects and infrastructure required to support growth; and
  - provides an improved and more certain environment for making both public and private investment decisions.

45. Specifically, the Growth Plan at Strategy 1.4, Action 1.4.3 sets out to “Prepare a structure plan for the Shepparton north sub-regional activity centre.”

#### 4.6 Structure Plan Supporting Documents

46. The following documents were prepared prior to the drafting of the Structure Plan and informed the preparation of the document:
- Shepparton North Community Infrastructure Needs Assessment, Final Report V1 August 2022 prepared by ASR Research Pty Ltd.
  - Shepparton North Activity Centre Economic Analysis, Supporting Material June 2022, prepared by Geografia.
  - Traffic Impact Assessment – Issues and Opportunities – Transport. March 2023, prepared by One Mile Grid Pty Ltd.

### 5. CHRONOLOGY OF EVENTS

47. **Table 1** outlines the planning history for the SNAC including reference documents.

*Table 1 Consultation on SNAC Summary*

Year	Date	Event
2015	November	Council prepared the CACS to review the retail hierarchy in the Planning Scheme and to provide guidance for future commercial growth.
2016	16 February	The CACS was adopted by Council at the Ordinary Council Meeting held on 16 February 2016.
2017	18 July	Council prepared the UDF Addendum to provide an updated guidance for the urban design at Shepparton North and South Business areas following the preparation of the UDF. The UDF Addendum was adopted by Council at the Ordinary Council Meeting held on 18 July.
2018	7 June	<b>Amendment C192</b> updated the Planning Scheme including Activity Centre Zone Schedule 1 to implement the recommendations of the Commercial Activity Centres Strategy, November 2015.
2018	7 June	<b>Amendment C193 and planning permit application 2016-269</b> formed part of a combined planning scheme amendment and planning permit application (PPA 2016-269), pursuant to section 96A of the Planning and Environment Act 1987. Amendment C193 was split into Amendment C193 Part 1 and Amendment C193 Part 2. Amendment C193 Part 1 was adopted.
2018	15 October	<b>Amendment C196</b> introduced the UDF Addendum to the Urban Design Framework: Shepparton North and South Business areas, July 2017 into the Planning Scheme as a reference document and implement its recommendations that introduces a new DDO Schedule 9 for land at Shepparton North.
2020	14 August	<b>Amendment C193 and planning permit application 2016-269</b> formed part for a combined planning scheme amendment and planning permit application (PPA 2016-269), pursuant to section 96A of the Planning and Environment Act 1987. Amendment C193 Part 2 was abandoned.

2021	30 March	Council adopted the Shepparton and Mooroopna 2050: Regional City Growth Plan (Growth Plan) at the Additional Council Meeting held on 30 March 2021.
2021	10 November	Engagement of Mesh Planning to prepare a Structure Plan for Shepparton North.
2022	21 February	Pre-draft consultation with the community, landowners and stakeholders of the SNAC.
2022	5 September	Issues, Opportunities and Emerging Challenges Paper Council briefing.
2022	15 September	Issues, Opportunities and Emerging Challenges Paper finalised for community consultation.
2022	19 September	Community, landowner and key stakeholder consultation on the findings of the Key Issues, Opportunities and Emerging Challenges Paper.
2023	21 March	Shepparton North Activity Centre Structure Plan was adopted by Council at its Ordinary Council Meeting resolved that the Council: <ol style="list-style-type: none"> <li>1. Note the conclusion of the community engagement process associated with the Shepparton North Issues, Opportunities and Emerging Challenges Paper August 2022;</li> <li>2. Receive and note the Conversation Report – Shepparton North Issues, Opportunities and Emerging Challenges Paper, November 2022 summarising all submissions received or heard in relation to the Shepparton North Issues, Opportunities and Emerging Challenges Paper August 2022, as attached;</li> <li>3. Adopt the Shepparton North Structure Plan March 2023, as attached;</li> <li>4. Begin preparing a planning scheme amendment to implement the structure plan by including it into the Greater Shepparton Planning Scheme.</li> </ol>
2023	12 April	Council requested assistance submitted through the Regional Planning Hub (RPH) portal for the preparation of Amendment documentation to implement the Shepparton North Activity Centre Structure Plan.
2023	18 September	Council submitted a request to seek Authorisation from the Minister of Planning to prepare and exhibit the Amendment.
2023	27 October	Authorisation was subsequently granted under delegation from the Minister for Planning with one (1) condition.
2023	14 November	Exhibition of Amendment commenced.
2023	14 December	Exhibition of Amendment concluded. Total seventeen (17) submissions were received.
2024	9 January	Panel appointed.
2024	29 January	Directions Hearing held for Amendment C245gshe.
2024	26 February	Panel Hearing to commence 26 February.

### 5.1 Consultation on SNAC

48. Table 2 outlines the public consultation undertaken for the Shepparton North Activity Centre Structure Plan including with key stakeholders.

Table 2 Consultation on SNAC Summary

Year	Date	Event
2022	21 February	Pre-draft community consultation commenced.
2022	21 March	<b>Pre-draft community consultation concluded.</b> Council received eleven (11) submissions. Methods of engagement included direct emails to all stakeholders who actively participated in the Shepparton North Activity Centre Advisory Committee, Council's e-newsletter, Council's website, advertisements in the Shepparton News / Adviser; and direct letters to everyone within the SNAC.  Submissions were invited via an online submission form, by email, by post and verbal briefings were delivered via in person or online forums.
2022	19 September	Community consultation on the Key Issues and Opportunities Paper commenced.
2022	21 October	<b>Community consultation on the Key Issues, Opportunities and Emerging Directions Paper concluded.</b> Council received twenty-two (22) submissions during the consultation phase. Methods of engagement included invitations to all stakeholders who actively participated in the Shepparton North Activity Centre Advisory Committee to attend appointments with Council officers and the consultant, direct e-mails and letters sent to all landowners, occupiers of land, referral authorities and agencies, and previous submitters, information on Council's website including a submission portal on Shaping Greater Shepparton allowing online submissions; and full page advertisement in the Shepparton News.  Submissions were invited via an online submission form, by email, and by post and verbal briefings were delivered via in person or via video conference.
2023	14 November	Exhibition of Amendment commenced.
2023	14 December	Exhibition of Amendment concluded. Total seventeen (17) submissions were received.

49. Further details of consultation undertaken prior to the preparation of the adopted Shepparton North Activity Centre Structure Plan is outlined in the Council Minutes of Council Meeting held on 21 March 2023 included at **Attachment 1**.

## 5.2 Key Stakeholder Consultation

50. In addition to the broader community consultation described above, additional key stakeholder meetings were held with representatives from IGA and Lascorp, as well as landowners of 190 Numurkah Road and 370 and 374 Goulburn Valley Highway regarding the Issues, Opportunities and Emerging Challenges Paper, as well as the Draft Structure Plan.
51. **Table 3** outlines the dates of these key stakeholder meetings:

Table 3 Key Stakeholder Consultation Summary

Stakeholder	Attendees	Agenda
<b>IGA</b>		
14/10/22	Centrum Planning, Metcash, Council, Mesh Planning	Emerging Challenges Paper
21/10/22	Conceptus Property, Council, Mesh Planning	Concept Plan Workshop

7/12/22	Conceptus Property, Mesh Planning	Draft Structure Plan Concept Discussion
20/12/22	Conceptus Property, Mesh Planning	Draft Structure Plan Revised Concept Discussion
<b>Lascorp</b>		
14/10/22	Lascorp Investment Group Pty Ltd, Council, Mesh Planning	Emerging Challenges Paper
14/11/22	Lascorp Investment Group Pty Ltd, Clarke Hopkins Clarke, Council, Mesh Planning	Concept Plan Workshop
7/12/22	Clarke Hopkins Clarke, Council, Mesh Planning	Draft Structure Plan Concept Discussion
20/12/22	Clarke Hopkins Clarke, Council, Mesh Planning	Draft Structure Plan Revised Concept Discussion
<b>190 Numurkah Road</b>		
14/10/22	Landowner, Council, Mesh Planning	Emerging Challenges Paper
<b>370 and 374 Goulburn Valley, Shepparton North</b>		
14/10/22	Ethos Urban, Council, Mesh Planning	Emerging Challenges Paper

### 5.3 Department Energy, Environment and Climate Action - Regional Planning Hub Assistance

52. Regional Planning Hub is a new ongoing program delivered by the Department of Energy, Environment and Climate Action (the Department) to provide statutory and strategic planning support to rural and regional councils. The program was developed following the Planning and Building Approvals Process Review in 2019 by the Commissioner for Better Regulation.
53. Greater Shepparton City Council subsequently submitted an application to the Regional Planning Hub program on the **12 April 2023**, requesting funding for the preparation of the Planning Scheme Amendment documentation.
54. On the **29 May 2023**, Regional Planning Partnerships Team advised in writing that Council's funding request had been approved and that a steering committee, working party or other similar group will be established by the Regional Planning Hub to manage the preparation of amendment documentation for Council to support the implementation of the Shepparton North Activity Centre Structure Plan in the Planning Scheme.
55. A meeting was held on **19 July 2023** with Mesh Planning, Council and the Regional Planning Partnerships Hub representatives to discuss and review the drafting of the draft Schedule 2 to the Activity Centre Zone and the progress of the Amendment package.
56. The draft Schedule 2 to the Activity Centre Zone was further referred internally by the Regional Planning Partnerships Team to the Activity Centre Reference Group on **8 August 2023**. The Regional Planning Partnerships Team and Activity Centre Reference Group provided combined comments on the drafting of the ACZ on 10 August 2023. These comments were considered as part of Amendment documentation prior to the exhibition of the Amendment.

### 5.4 Authorisation

57. On 18 September 2023 Council submitted a request to seek Authorisation from the Minister to prepare and exhibit the Amendment.
58. Authorisation was subsequently granted on 27 October 2023 under delegation from the Minister for Planning with one (1) condition as follows:

*That prior to exhibition of the amendment, the Explanatory Report is revised to clarify what the amendment does, remove abbreviations, properly cite / reference reports and background documents and address other minor matters discussed with the department to the satisfaction of the department.*

59. This condition was satisfied, and changes incorporated into the final Amendment documentation that was exhibited as part of Amendment C245gshe.
60. A copy of the Authorisation Letter is provided at **Attachment 3**.

## **6. PHYSICAL CONTEXT**

61. Shepparton North is located 60km south of Victoria's border with New South Wales, 114km east of Bendigo CBD and 90km west of Wangaratta CBD.
62. Shepparton North is serviced by Numurkah Road/Goulburn Valley Highway, a 60m wide major arterial road, including two traffic lanes in each direction, a central medium and two associated service roads.
63. The SNAC is located on the northern fringe of Shepparton, comprising predominately industrial uses, warehouses, freight related uses and large format retail stores associated, as well as rudimentary shed structures, offices and storage additions.
64. The Shepparton North Activity Centre Structure Plan subject land is an irregularly shaped area located on the eastern and western sides of the Numurkah Road/Goulburn Valley Highway, generally to the north of Brauman Street/Hawkins Street.
65. The subject land is defined by a flat topographical condition, wide road reserves and industrial and commercial buildings along the Numurkah Road/Goulburn Valley Highway corridor with associated at-grade car parking.
66. Shepparton North is dominated by vehicle infrastructure and built form along the Numurkah Road/Goulburn Valley Highway corridor including large format buildings interrupted by pockets of vacant lots and underdeveloped sites. Building scale is predominantly one to two storeys in height with an appearance of one storey height typical of warehouse development.
67. The Vines residential estate in the east, is characterised by narrow streets and short cul de sacs with frequent street tree planting. A drainage reserve divides this residential area providing a break of passive open space within the subject land.
68. Business identification signage along the Numurkah Road/Goulburn Valley Highway is displayed intermittently on pole or blade signs within the front setbacks of properties, reinforcing the commercial nature of the area.
69. Street edges are defined by steel fencing and gating, and some low-scale landscaping within property boundaries. Outside of the residential area, street tree planting within the subject land is sparse and juvenile.
70. The area to the west of the Numurkah Road corridor, which straddles Wanganui Road, comprises industrial land of varied lot sizes. Buildings in these areas generally comprise a single large format warehouse per lot, located centrally.
71. Shepparton Sports Precinct including Shepparton Sports City, Shepparton Sports Stadium and surrounding active open space occupies a large portion of the subject land west of Numurkah Road.
72. The Structure Plan area currently accommodates a range of disparate land uses including:
  - Large format 'highway related' land uses with direct frontages and/or access to the Numurkah Road/Goulburn Valley Highway;

- The existing Fairley's SUPA IGA;
- A number of fast food restaurants;
- Car, caravan and 4WD suppliers;
- Petrol stations;
- Personal services;
- Industrial uses;
- Serviced-apartments;
- Large scale agribusinesses;
- Smaller workshops;
- Large scale active sporting fields and clubs, other reserves and car parking;
- Some vacant industrial and commercial land; and
- Recently developed and older residential areas.

73. The Structure Plan area generally aligns within the boundaries recommended by the Shepparton North Advisory Committee with the additional recommendation by Council to include the future potential expansion areas of the Shepparton Sports Precinct Master Plan and industrial land at 45- 47 Wanganui Road, Shepparton North.

## 7. STATE, REGIONAL AND LOCAL POLICY CONTEXT

74. Following is an outline of the relevant objectives and strategies from State, Regional and Local Policy of the Planning Scheme that relate to this Amendment.

### 7.1 State Policy

**Table 4** Relevant State Policy Summary

Policy	Relevant objectives and strategies
11.01-1S Settlement	<p><b>Objective</b></p> <p>To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.</p> <p><b>Strategies</b></p> <p>Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.</p> <p>Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.</p> <p>Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.</p>
11.02-1S Supply of urban land	<p><b>Objective</b></p> <p>To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.</p>
11.02-2S Structure planning	<p><b>Objective</b></p> <p>To facilitate the fair, orderly, economic and sustainable use and development of urban areas.</p> <p><b>Strategies</b></p> <p>Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.</p>
11.02-3S Sequencing of development	<p><b>Objective</b></p> <p>To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.</p>



<p><b>11.03-1S</b> <b>Activity centres</b></p>	<p><b>Objective</b></p> <p>To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.</p> <p><b>Strategies</b></p> <p>Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:</p> <ul style="list-style-type: none"> <li>– Comprises a range of centres that differ in size and function.</li> <li>– Is a focus for business, shopping, working, leisure and community facilities.</li> <li>– Provides different types of housing, including forms of higher density housing.</li> <li>– Is connected by transport.</li> <li>– Maximises choices in services, employment and social interaction.</li> </ul> <p>Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.</p> <p>Undertake strategic planning for the use and development of land in and around activity centres.</p> <p>Give clear direction on preferred locations for investment.</p> <p>Encourage a diversity of housing types at higher densities in and around activity centres.</p> <p>Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.</p> <p>Improve access by walking, cycling and public transport to services and facilities.</p> <p>Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.</p> <p>Encourage economic activity and business synergies.</p> <p>Improve the social, economic and environmental performance and amenity of activity centres.</p>
<p><b>11.03-2S</b> <b>Growth areas</b></p>	<p><b>Objective</b></p> <p>To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.</p> <p><b>Strategies</b></p> <p>Create a network of mixed-use activity centres that are high quality, well designed and create a sense of place.</p>
<p><b>13.03-1S</b> <b>Floodplain management</b></p>	<p><b>Objective</b></p> <p>To assist the protection of:</p> <ul style="list-style-type: none"> <li>– Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.</li> <li>– The natural flood carrying capacity of rivers, streams and floodways.</li> <li>– The flood storage function of floodplains and waterways.</li> <li>– Floodplain areas of environmental significance or of importance to river, wetland or coastal health.</li> </ul> <p><b>Strategies</b></p> <p>Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.</p> <p>Avoid intensifying the impact of flooding through inappropriately located use and development.</p>

	Plan for the cumulative impacts of use and development on flood behaviour.
<b>15.01-1S Urban design</b>	<b>Objective</b> To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
<b>17.01-1S Diversified economy</b>	<b>Objective</b> To strengthen and diversify the economy. <b>Strategies</b> Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
<b>17.02-1S Business</b>	<b>Objective</b> To encourage development that meets the community's needs for retail, entertainment, office and other commercial services. <b>Strategies</b> Plan for an adequate supply of commercial land in appropriate locations. Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure. Locate commercial facilities in existing or planned activity centres. Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres. Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations. Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.
<b>17.02-2S Out of centre development</b>	<b>Objective</b> To manage out-of-centre development. <b>Strategies</b> Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres. Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities
<b>19.03-1S Development and infrastructure contributions plans</b>	<b>Objective</b> To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.

## 7.2 Regional Policy

*Table 5 Relevant Regional Policy Summary*

<b>Policy</b>	<b>Relevant objectives and strategies</b>
<b>11.01-1R Settlement - Hume</b>	Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta, Wodonga and Benalla.

## 7.3 Local Policy

Table 6 Relevant Local Policy Summary

Local Policy	Relevant policy			
02.01 Context				
02.02 Vision	Build a thriving, resilient economy where Greater Shepparton is recognised as a competitive place to invest and grow business. Provide and support appealing relevant infrastructure that makes Greater Shepparton an attractive, liveable regional city.			
02.03 Strategic Directions	<p><b>Settlement</b></p> <p>In facilitating the future growth and development of its towns, Council is committed to achieving urban consolidation, thereby promoting walking, the use of bicycles and reducing the dependence on car use.</p> <p><b>Built form and heritage</b></p> <p>Council is committed to:</p> <ul style="list-style-type: none"> <li>– Encouraging a high standard of architectural, landscaping and urban design for built form and public spaces.</li> <li>– Managing the design, form, size and placement of signs.</li> <li>– Supporting signage that responds to the character and amenity of the area.</li> </ul> <p><b>Economic development</b></p> <p>Council is committed to:</p> <ul style="list-style-type: none"> <li>– Reinforcing the Shepparton CBD as the principal retail centre in the region.</li> <li>– Facilitating subregional retail facilities to serve local communities.</li> </ul> <p><b>Infrastructure</b></p> <p>Council is committed to:</p> <ul style="list-style-type: none"> <li>– Facilitate a coordinated, efficient and equitable approach to the provision of infrastructure and community facilities.</li> </ul>			
02.04 Strategic framework plans	The existing Shepparton North Framework Plan identifies a portion of SNAC as an Urban Growth Area, a large component of which accommodates the Vines residential estate.			
15.01-1L-01 Urban design	<p><b>Strategies</b></p> <p>Avoid building frontages with long expanses of solid walls by incorporating design elements and a variety of materials that create articulation and visual interest.</p> <p>Encourage landscaping in new developments to mitigate the impact of buildings on the surrounds and provide additional vegetation in the canopy.</p> <p>Encourage retention of existing vegetation where practical.</p> <p>Encourage the use of indigenous and low maintenance plant species.</p>			
17.02-1L Commercial activity centres	<p><b>Strategies</b></p> <p>Support a hierarchy of commercial activity centres that promotes the primacy of the Shepparton CBD as a multi-function centre complemented by local centres for convenience shopping, as outlined below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Sub-regional Centre</td> <td style="width: 10%; text-align: center;">3</td> <td style="width: 60%;">Riverside, Mooroopna CBD, Shepparton North</td> </tr> </table> <p>Facilitate and support the expansion and concentration of additional retail and commercial facilities for the SNAC, between Ford Road and Hawkins Street on the eastern side of Numurkah Road, to reflect the designated sub-regional role and function of the centre.</p>	Sub-regional Centre	3	Riverside, Mooroopna CBD, Shepparton North
Sub-regional Centre	3	Riverside, Mooroopna CBD, Shepparton North		

	<p>Encourage the location of peripheral sales, bulky goods and restricted retail in Business Enterprise Corridors identified in the Shepparton Business Framework Plan to this clause.</p> <p>Discourage development that facilitate cinema, supermarket, shop (other than restricted retail) and office uses outside of designated activity centres in the Shepparton South and North Enterprise Corridors.</p> <p>Discourage uses such as display yards or service stations that disrupt pedestrian connections in shopping streets.</p>
<p><b>19.03-2L-01</b> <b>Infrastructure design and provision</b></p>	<p><b>Strategies</b></p> <p>Encourage a consistent approach to the design and construction of infrastructure across the municipality using standardised infrastructure guidelines.</p> <p>Encourage the provision of infrastructure that is responsive to township and local character.</p> <p>Coordinate developer funded delivery of development infrastructure including the extension of water and sewerage services.</p>

#### 7.4 Relevant Planning Scheme Amendments

75. The following are recently approved or upcoming Planning Scheme Amendments that might impact on the Amendment:

- **Amendment C211gshe**, gazetted 17 January 2019 applies the Specific Controls Overlay to land in north Shepparton to facilitate the development of the Munarra Centre for Regional Excellence and Shepparton Sports and Events Centre located within the SNAC.
- **Amendment C162**, gazetted 3 March 2016 implements the findings and recommendations of the Industrial Land Review, City of Greater Shepparton, 2011 (ILR) into the Greater Shepparton Planning Scheme. This amendment applies to industrial zoned land within the Shepparton North Activity Centres that is proposed to be rezoned to the ACZ.
- **Proposed Amendment C147gshe**, not yet commenced requests for the Urban Floodway Zone (UFZ) to be replaced by flood overlay controls. The submission made by Goulburn Broken Catchment Management Authority (GBCMA), noted at Attachment 5 recommends for new flood mapping to be applied to the entire ACZ as a part of Amendment C147gshe.

#### 7.5 Practice and Advisory Notes

76. The Amendment is consistent with the following Practice and Advisory Notes:

- PPN13 Reference and Incorporated Documents (inactive)
- PPN17 Urban Design Frameworks (review in progress)
- PPN30 Potentially Contaminated Land (current)
- PPN46 Strategic Assessment Guidelines (current)
- PPN56 Activity Centre Zone (review in progress)
- PPN58 Structure Planning for Activity Centres (review in progress)
- PPN60 Height and Setback Controls for Activity Centres (review in progress)
- AN48 Ministerial Direction No. 15 - The Planning Scheme Amendment Process
- AN73 New requirements for a planning authority to consult Environmental Protection Authority

## 8. LAND USE ACTIVITY SUMMARY

### 8.1 177-193 Numurkah Road Shepparton (IGA Site) Planning History

77. Two separate planning permits have been submitted in relation to the land at 177-193 Numurkah Road Shepparton for the development of two supermarkets as follows.

- **Planning Permit 2008-436** was issued on 5 April 2012, for the development of a 'neighbourhood activity centre', concurrently with Amendment C119, which rezoned the land from Business 4 Zone to Business 1 Zone (which has subsequently translated to the C1Z). This planning permit approved a second supermarket on the land, to the north of the existing IGA supermarket, with other associated retail also approved. Amendment C119 also introduced the 8,000 square metres retail floor space cap in the Business 1 Zone (now C1Z) that continues to affect the subject site. This planning permit was not acted upon and subsequently expired.
- **Planning Permit No. 2017-177** was issued on 27 April 2018 following receipt of consent orders from the Victorian Civil and Administrative Tribunal (VCAT). Planning Permit No. 2017-177 allows two supermarkets amongst other uses. Condition 1 of Planning Permit 2017-177 required submission of amended plans for approval. This permit has not yet been acted upon and has been extended twice, with the latest extension at the direction of VCAT, Shepparton Pty Ltd v Greater Shepparton CC [2023] VCAT 150. The current start date for development under the Permit is 4 August 2024.

An application for an extension of time for this permit was lodged with Council on 24 January 2024 included at **Attachment 4**. This extension of time application is still under review.

- **Planning Permit 2017/177A** was submitted to Council to amend Planning Permit No. 2017-177 issued on April 2018. The key amendments to the proposal when compared with the drawings endorsed under the Permit can be broadly summarised as:
  - development to occur in a single stage rather than two separate stages;
  - the supermarket buildings repositioned in a side-by-side arrangement on the north side of the subject site, rather than in a north/south alignment in the centre of the subject site;
  - deletion of the centralised urban and town squares
  - consolidation of four, relatively separate, car parking areas at corners of the subject site into a larger, consolidated car park at the centre of the subject site between the proposed buildings, with a smaller car park in the north-western corner, adjacent to Numurkah Road;
  - deletion of the medical centre;
  - addition of a separate bottle shop adjacent to supermarket 2, with the redeveloped supermarket 1 (Fairleys IGA) to retain an internal liquor store that forms part of the 3,800sqm floor space;
  - addition of a click and collect area in the east setback of supermarket 2;
  - retention of both mini majors, however a reduction to the floor area of one to 435sqm (previously 600sqm);
  - similar building setbacks from the north and south boundaries, but changes to the siting of buildings such that majority of the built form is proposed along the northern boundary,

rather than in a north-south alignment through the middle of the site, with smaller retail tenancies continuing to front Hawkins Street, albeit the revised proposal expands on this arrangement along most of the street frontage;

- various changes to vehicle access arrangements, including removal of left-in access at the northern edge of the Numurkah Road frontage, removal of the direct loading access from Hawkins Street and provision of the main boulevard entry from Hawkins Street rather than Numurkah Road; and
- loading and unloading times extended to 6:00am to 10:00pm Monday – Sunday.

78. A comparison of the endorsed planning permit 2017-177 (Figure 2) and proposed amended planning permit 2017-177A, subject to VCAT review (Figure 3).

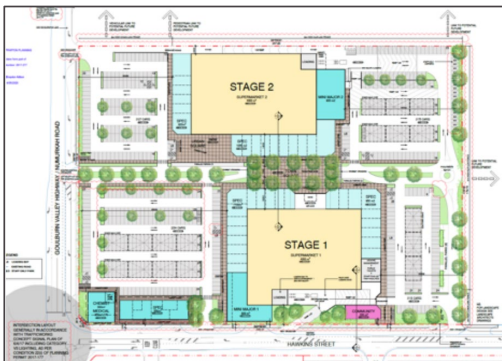


Figure 2 – Endorsed PP No. 2017-177

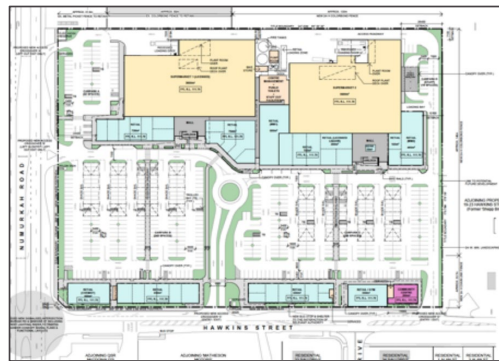


Figure 3 – Proposed PP No. 2017-177A

79. The proponent lodged an Application for Review to VCAT for Council's failure to make a decision on an amendment application within the prescribed time under Section 79 of the Planning and Environment Act 1987.

80. At Council Meeting held on 19 September 2023, Council moved that the formal decision in relation to application (2017-177/A) would have been refusal in its current form had an appeal for failure not been lodged with VCAT due to the following reason:

- *proposed design produces unacceptable planning outcomes; and*
- *an amended permit may be granted should the design shortcomings be generally addressed to the satisfaction of Council officers at the VCAT Compulsory Conference or within the current VCAT proceedings.*

81. The VCAT hearing took place between 11 and 15 December 2023. The Tribunal has not yet issued a decision on the matter.

## 8.2 221-229 Numurkah Road and 10 Ford Road (Lascorp Site) Planning History

82. The Lascorp Site is located to the south-east of the intersection between Numurkah and Ford Roads at the northern gateway into Shepparton. The site has been proposed for the use and development of a mix of land uses including a full-line supermarket.

83. A summary of the planning history of 221-229 Numurkah Road and 10 Ford Road is provided below:

- **Planning Permit 2016-378 (221-229 Numurkah Road)** was issued for the use and development of the land for a 108 place childcare centre and a two lot subdivision. This planning permit has since expired.
- **Planning Permit Application 2016-269 (221-229 Numurkah Road and 10 Ford Road)** and a joint request to rezone the land from C2Z to C1Z (Amendment C193 Part 2) proposed permit application was for:
  - buildings and works for a supermarket and additional retail space, medical centre and community meeting space;
  - to use the land for a community meeting space;
  - packaged liquor licence (bottle shop);
  - to create and alter access points to a road in a Road Zone Category 1; and
  - to erect and display advertising signs.

The development proposal comprised:

- a full line supermarket (3,960 square metres) including an area to sell liquor;
- an area with outdoor seating and dining;
- loading dock to the supermarket with access from Ford Road;
- specialty retail tenancies (2,030 square metres) wrapping around the supermarket;
- a chemist and medical centre (560 square metres);
- a space for community purposes in one of the tenancies;
- bicycle and change room facilities, internal bike lockers, and external bicycle parking;
- convenient pedestrian access is accessible throughout the development; and
- pylon signs along Numurkah Road and Ford Road.

Based on the recommendations of the Advisory Committee, the Minister for Planning decided to refuse combined Amendment C193 Part 2 and Planning Permit Application 2016-269, discussed further at Section 4.4 of this report.

- **Planning Permit Application 2022-189** was submitted for the development of this property for a range of retail uses, most of which were as of right in the C2Z but including a supermarket with a reduced size compared to the previous planning permit application. It is understood that this application remains active and under assessment by Council. The advertised plans are illustrated at Figure 4.

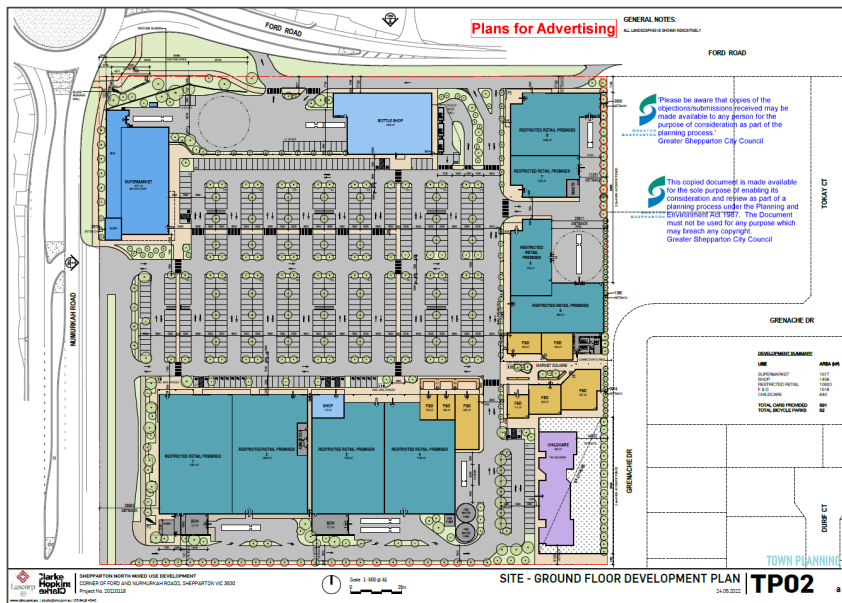


Figure 4 Advertised Plans for Planning Permit Application 2022-189

8.3 Recent Planning Approvals

84. Recent planning approvals and planning applications under assessment within the subject land are as follows:

Table 7 Decided Applications

Ref No	Address	Development	Status
2017-177/A	177-193 Numurkah Hwy	IGA	Amended application waiting VCAT decision
2020-411	3 Shelby Court	Self-Storage	Constructed
2019-230	178-180 Numurkah Rd	KFC	Constructed
2023-193/A	212-216 Numurkah Rd	Truck Sales	Use commenced
2020-14/B	218-226 Numurkah Rd	Tractor Sales	Constructed
2021-371	203 Numurkah Rd	Hungry Jacks	Not commenced construction
2022-22	201 Numurkah Rd	Residential Hotel, for 124 rooms	Not commenced construction
2023-181	2 Shelby Court	Warehouses	Not commenced construction
2023-108	5 Shelby Court	Warehouses	Not commenced construction



2020-236	228-238 Numurkah Rd	Petrol Station (7-11)	Constructed
2021-167/A	31-49 Hawkins Rd	Residential Subdivision	Under construction
2022-237	47 Wanganui Rd	Teleco Tower (32m)	Not commenced construction
2021-283	47 Wanganui Rd	Building Addition	Constructed
Enq-2022-2	120-174 Numurkah Rd	Munarra (Education)	Under construction
2022-415	111-125 Numurkah Rd	Apco Café	Under construction

Table 8 Applications Under Assessment

Ref No	Address	Development	Status
2022-189	219 Numurkah Rd	Shopping centre	Vic Roads RFI
2024-27	218-226 Numurkah Rd	6m high sign	Initial Assessment
2024-14	4 Shelby Court	Medical Centre	Initial Assessment
2023-364	27 Wanganui Rd	Storage facility	Assessment
2023-284	374 Goulburn Valley H/W	Retirement Village	RFI
2023-368	111-125 Numurkah Rd	Shop (Use application)	Assessment
2023-369	100 Packham	BMX start hill	Assessment
2023-370	100 Packham	BMX club rooms	Assessment

#### 8.4 Goulburn Valley Highway Shepparton Bypass

85. The Goulburn Valley Highway Shepparton Bypass (the Bypass) proposes 36km four lane bypass that completes a fully duplicated highway from Shepparton to Melbourne.
86. Greater Shepparton City Council approved a five stage Bypass proposal at its Ordinary Council Meeting in May 2016. The current priority is Stage 1 – Midland Highway to the Goulburn Valley Highway in north Shepparton – a total distance of 10.05kms, illustrated at **Figure 5**. The Federal Government has committed \$208 million to deliver Stage 1 of the Bypass.

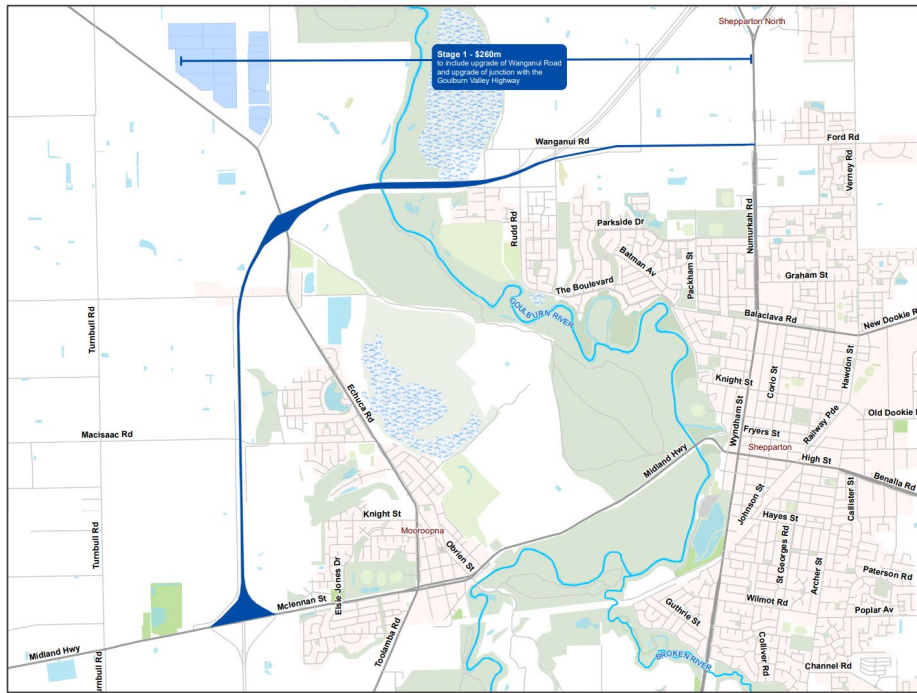


Figure 5 Stage 1 – Midland Highway to the Goulburn Valley Highway in north Shepparton Map

## 9. SUBMISSIONS

### 9.1 Summary of Submissions

87. The Amendment was exhibited from Tuesday 14 November 2023 to Thursday 14 December 2023.
88. A total of fifteen (15) submissions were made to during the exhibition of the Amendment. A further two (2) submissions were made after the exhibition period.
89. A summary of these submissions is provided at **Attachment 5** to this report.

### 9.2 Key Issues Raised in Submissions

90. The key issues raised in submissions are as follows:
  - Supermarket use outside of single 'core' retail area, general objection to two retail nodes and the inclusion of Precinct 2 as a retail area and development at Ford Road;
  - Policy that allows up to four supermarkets in the short-term;
  - Consultation process, including lack of public exhibition before adoption;
  - Perceived conflict with expert direction and advice, including the Minister, Advisory Committee, Panels and economic experts;
  - Siting and built form including siting and configuration of anchor sites and open space, built form requirements of Sub-precinct 2A;
  - Prohibition or restriction of certain uses, including Industry, supermarket and retail premises in Sub-precinct 2B;
  - Status of the Structure Plan in the Planning Scheme, Incorporated Document instead of Background Document;
  - Flooding, drainage and stormwater concerns including request for application of flood overlay controls and new mapping, issues with adoption before release of Victoria's 2024 Flood Report; and
  - Other environmental risks, including potentially contaminated land, land use incompatibility, noise risks.

## 10. POST EXHIBITION CHANGES

### 10.1 Response to Submissions

91. Responses to the submissions made during public exhibition of the Amendment are provided at **Attachment 5** and are integrated into the Post-Exhibition Changes provided at **Section 10.4**.

### 10.2 Urban Design Witness Statement by Global South and Recommended Changes

92. An expert witness statement related to urban design matter has been prepared by Simon Joseph McPherson, Director of Global South Pty Ltd.
93. In December 2023 Simon McPherson was engaged by Greater Shepparton City Council, through Holding Redlich, to serve as an Expert Witness (Urban Design) for the scheduled Advisory Committee Hearing for the Amendment.
94. The expert witness statement broadly supports the vision and intent of the Amendment and makes recommendations to guide the review and refinement of the urban design outcomes of the Structure Plan to enhance the clarity, useability and potential effectiveness of the Amendment documents.
95. Council generally supports the recommendations made by the urban design expert witness statement and have sought to adopt recommendations within the Structure Plan and Amendment documentation.
96. A summary of the recommendations provide by urban design witness statement is provided at **Attachment 4**, and includes associated post exhibition changes to the Structure Plan and Amendment documentation to address these recommendations.

### 10.3 Economics Witness Statement by Sean Stephens

97. The Council will also rely upon the expert evidence of Sean Andrew Stephens, Group Director of Ethos Urban Pty Lt, who prepared an economic expert statement dated 12 February 2024 titled "Shepparton North Sub-Regional Activity Centre".
98. Sean Stephens' key conclusions [at 4.1.3-4.1.4] were that:
- The Amendment provides a framework for the future planning and development of the entire Shepparton North Sub-Regional Activity Centre which is consistent with a net community benefit.
  - The Amendment and Structure Plan articulate a sensible and genuinely long-term framework for the future development of the Shepparton North Sub-Regional Activity Centre.
  - This is done while also allowing for market demand to determine the scale, nature and timing of retail, commercial, industrial and other facilities to be delivered within this framework.

### 10.4 Post Exhibition Changes

99. A summary of post exhibition changes is provided at **Table 7** below.

*Table 7 Post Exhibition Changes*

Post Exhibition Change	Reason for change
Renaming of Structure Plan from Shepparton North Sub-Regional Activity Centre Structure Plan to Shepparton North Activity Centre Structure Plan.	Consistent naming of activity centres in Greater Shepparton, notwithstanding recognition of Shepparton North as a sub-regional centre within Clause 17.02-1L, as defined by the Commercial Activity Centres Strategy.

<b>Structure Plan boundary</b> extension to include land at 405 Goulburn Valley Highway, includes updated mapping in the Structure Plan and proposed amendment documentation including the proposed Schedule 2 to the Activity Centre Zone.	Allow for a logical inclusion of the land parcel within the existing Commercial 2 Zone and where the existing DDO9 applies.
<b>Reference to intersection upgrades</b> to be amended to refer to "Future intersection upgrades" across documents and mapping.	Response to DTP submission.
<b>Inclusion of environmental risk requirements</b> within the amendment document to the satisfaction of EPA.	Response to EPA submission.
<b>Change the document reference</b> of the Shepparton North Activity Centre Structure Plan from an Incorporated Document to a Background Document in the Planning Scheme.	Assessment of Structure Plan against Planning Incorporated and Reference Documents Planning Practice Note 13 (Department of Environment, Land, Water and Planning, September 2018)
<b>Amendment of built form objectives and requirements</b> to reflect the recommendations of the Urban Design Expert Witness Statement prepared by Simon McPherson through mapping and text changes within the Shepparton North Activity Centre Structure Plan and amendment documentation.	Response to recommendations contained within Urban Design Expert Witness Statement prepared by Simon McPherson, refer to <b>Attachment 6</b> for detailed list of changes.
<b>Response to submissions</b> including text and mapping changes to Shepparton North Activity Centre Structure Plan and amendment documentation responding to submissions	Response to specific submissions. See specific submissions and response to submissions within <b>Attachment 5</b> .
<b>Wording changes to amendment documentation</b> to respond to comments made during Directions Hearing.	Response to comments made by the Panel Member at Directions Hearing regarding drafting of Amendment documents including revised schedule to the Activity Centre Zone that addresses: <ul style="list-style-type: none"> <li>- consistent language and expression.</li> <li>- use of 'should' and 'must'.</li> <li>- where a permit is required.</li> <li>- building heights within text and in tables.</li> <li>- table of uses, especially in Precinct 1.</li> <li>- selection of the Activity Centre Zone.</li> <li>- potential underlying zone(s) if the Activity Centre Zone was not used.</li> <li>- improved map legend.</li> </ul>

## 11. CONCLUSION

100. The Amendment introduces new zoning controls into the Planning Scheme.
101. The Amendment is considered to be consistent with the objectives of the Planning Policy Framework contained within the Planning Scheme.
102. Great Shepparton City Council respectfully request that the Planning Panel support the Amendment and consider the proposed post exhibition changes detailed in Section 10.4 and **Attachment 5** of this report.

103. Council's position to the Panel will rely on the background documents to illustrate the strategic merit of the Amendment. Council's 'Part B' Submission will be presented at the Panel Hearing on 26 February 2023.

104. This completes the Part A Submission for the Planning Authority.

Holding Redlich  
**Solicitors for the Planning Authority**

**12. LIST OF ATTACHMENTS**

- Attachment 1** Council Minutes, March 2023
- Attachment 2** Regional Planning Hub and AC Reference Group Comments on draft ACZ Schedule
- Attachment 3** Letter of Authorisation
- Attachment 4** Application for Extension of Time to Planning Permit No. 2017-177
- Attachment 5** Summary of Submissions
- Attachment 6** Summary of Recommendations and Post Exhibition Changes responding to Urban Design Witness Statement

**ATTACHMENT 1**



## 12 Sustainable Development Directorate

### 12.1 Shepparton North Structure Plan

Author Senior Strategic Planner  
 Approved by Director Sustainable Development  
 Purpose For Decision at a Council Meeting

#### Disclosures of Conflict of Interest in Relation to this Report

Under section 130 of the *Local Government Act 2020* officers, delegates and persons engaged under a contract providing advice to Council must disclose any conflicts of interests.

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.

#### RECOMMENDATION

That the Council:

1. note the conclusion of the community engagement process associated with the *Shepparton North Issues, Opportunities and Emerging Challenges Paper August 2022*;
2. receive and note the *Conversation Report – Shepparton North Issues, Opportunities and Emerging Challenges Paper, November 2022* summarising all submissions received or heard in relation to the *Shepparton North Issues, Opportunities and Emerging Challenges Paper August 2022*, as attached.
3. adopt the *Shepparton North Structure Plan March 2023*, as attached.
4. begin preparing a planning scheme amendment to implement the structure plan by including it into the *Greater Shepparton Planning Scheme*.

#### Executive Summary

Shepparton North is currently experiencing strong population growth and significant investment in infrastructure, particularly planning for arterial road projects and the construction of stormwater drainage in recent years.

In May 2021, the Minister for Planning recommended that Greater Shepparton City Council (Council) prepare a structure plan for Shepparton North, including the Shepparton North Activity Centre (being the area to the east of Numurkah Road between Hawkins Street and Ford Road), existing commercial uses along Pine Road and Hawkins Street, the Shepparton Sports and Events Centre, and the Munarra Centre for Regional Excellence.

Council engaged Mesh Liveable and Urban Communities Pty Ltd (Mesh) in November 2021 to prepare the Shepparton North Structure Plan (the Structure Plan).

Council undertook community consultation as part of pre-draft consultation to inform the Structure Plan between 21 February and 21 March 2022. Submissions received informed the preparation of the *Shepparton North Issues, Opportunities and Emerging Challenges Paper* (the Key Issues and Opportunities Paper) in August 2022 by Mesh. The Key Issues and Opportunities Paper identifies the key challenges a future structure plan must address and identify opportunities and potential responses to key challenges.

Council undertook further consultation on the Key Issues and Opportunities Paper between 19 September and 21 October 2022 receiving 22 submissions. A conversation report has been prepared summarising all submissions received and Council officers' responses to the themes raised (Attachment One: *Conversation Report – Shepparton North Issues, Opportunities and Emerging Challenges Paper, November 2022*).

All submissions received have informed the preparation of the *Shepparton North Structure Plan March 2023* (Attachment Two: *Shepparton North Structure Plan March 2023*). Council is now requested to adopt the Structure Plan which will allow Council Officers to commence the Planning Scheme amendment process.

The Structure Plan will guide the future development of the Shepparton North Activity Centre for predominantly retail and commercial purposes whilst also investigating the wider Shepparton North Area (Attachment Two: *Shepparton North Structure Plan March 2023*).

### Report Detail

Shepparton North is currently experiencing strong population growth and significant investment in infrastructure, particularly planning for arterial road projects and the construction of stormwater drainage in recent years.

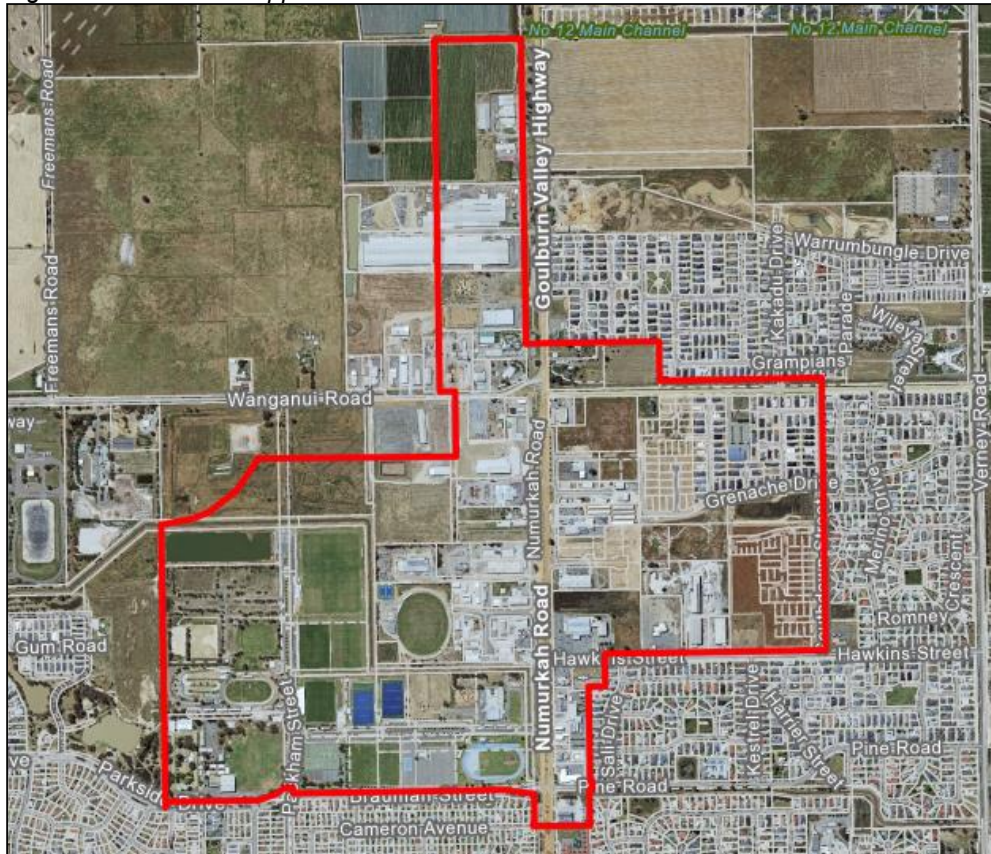
In May 2021, the Minister for Planning recommended that Greater Shepparton City Council (Council) prepare a structure plan for Shepparton North, including the Shepparton North Activity Centre (being the area to the east of Numurkah Road between Hawkins Street and Ford Road), existing commercial uses along Pine Road and Hawkins Street, the Shepparton Sports and Events Centre, and the Munarra Centre for Regional Excellence.

Council engaged Mesh Liveable and Urban Communities Pty Ltd (Mesh) in November 2021 to prepare a structure plan for Shepparton North.

An indicative boundary for the structure plan was prepared by Council officers in early-2022, which comprises:

- all commercial land on both sides of Numurkah Road (Goulburn Valley Highway) between Ford Road and Pine Road;
- residential interface areas, including the recently constructed The Vines residential estate;
- commercial and industrial land on the western and eastern sides of Numurkah Road (Goulburn Valley Highway) between Pine Road and Ford Road / Wanganui Road; and
- the Shepparton Sports City, and the Shepparton Sports and Events Centre.

Figure 1: Indicative Shepparton North Structure Plan Area.



The structure plan is required to guide the future development of Shepparton North and provide best practice design guidance for future development within any final study area.

Council undertook pre-draft community consultation in between 21 February and 21 March 2022. Council received 11 submissions during the pre-draft consultation phase. A Conversation Report was prepared to summarise the submissions received and heard; this report was circulated to submitters.

In August 2022, Mesh prepared the *Shepparton North Issues, Opportunities and Emerging Challenges Paper* (the Key Issues and Opportunities Paper).

The Key Issues and Opportunities Paper gathered and synthesised all background research, and key issues and themes raised in submissions. The Key Issues and Opportunities Paper also outlined:

- Council's aspirations for Shepparton North;
- key influences informing the growth of Shepparton North (e.g., growth constraints, etc.);
- the role of key land uses;
- how development can positively contribute to the growth of the area;
- what form commercial and residential development should take; and
- what the issues and opportunities for the transport network are.

### Consultation

Council undertook additional community consultation with relevant landowners, referral authorities and government agencies on the Key Issues and Opportunities Paper between 19 September and 21 October 2022.

Council received 22 submissions during the consultation phase. Methods of engagement included:

- invitations to all stakeholders who actively participated in the Shepparton North Activity Centre Advisory Committee to attend a 1-2-1 appointment with Council officers and the consultant;
- direct e-mails and letters sent to all landowners, occupiers of land, referral authorities and agencies, and previous submitters;
- information on Council's website including a submission portal on Shaping Greater Shepparton allowing online submissions; and
- full page advertisement in the Shepparton News.

Submissions were invited via an online submission form, by email, and by post and verbal briefings were delivered via in person or via video conference.

A range of common themes were identified in submissions, these were, in no particular order:

- issues and opportunities for future commercial use;
- transport and movement considerations;
- opportunities for landscaping and gateway treatments along Numurkah Road;
- interface issues between commercial and residential areas;
- use of the Activity Centre Zone;
- issues and opportunities for mixed use development and non-commercial development; and
- servicing of future development.

A Conversation Report was prepared to summarise the submissions received and heard, and Council officers' responses to the themes raised is included as (Attachment One: *Conversation Report – Shepparton North Issues, Opportunities and Emerging Challenges Paper, November 2022*). All of these submissions have informed the *Shepparton North Structure Plan*.

The Structure Plan will guide the future development of the Shepparton North Activity Centre for predominantly retail and commercial purposes whilst also investigating the wider Shepparton North Area (Attachment Two: *Shepparton North SP Outline and Key Graphics Set*).

Council Officers have undertaken extensive consultation on this project and consider that the Structure Plan is ready for adoption by Council. This would allow Officers to commence the Planning Scheme amendment process.

The Planning Scheme amendment will provide a formal consultation process for the Structure Plan. The once authorised by the Minister, the amendment will be formally exhibited to the community. During this time the community can make submissions to the planning authority about the amendment proposal, these submissions will be considered by an independent panel.

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

Council is now requested to adopt the *Shepparton North Structure Plan March 2023* to allow Council officers to begin preparing a planning scheme amendment to implement the Shepparton North Structure Plan March 2023 into the Greater Shepparton Planning Scheme.

### Council Plan/Key Strategic Activity

#### **VIBRANT and DIVERSE ECONOMY**

We will drive the visitor economy by growing visitor experiences and major events that provide employment and other opportunities to the community. Our economic development will focus on establishing a strong, adaptive, sustainable and thriving region supported by agriculture and a diverse range of industries.

3.2 Council to prioritise the redevelopment of the Shepparton Sports and Events Centre.

3.5 Encourage and facilitate investment and expansion.

3.6 Attract people to live, work, study and remain in our region.

3.10 Efficient land use planning to encourage and support future development.

#### **INFRASTRUCTURE and TECHNOLOGY**

We will focus on the planning of our region's requirements to enable delivery of technology and infrastructure to meet the current and future needs of the community.

4.10 Progress housing and business development opportunities.

### Risk Management

Not progressing the project in a timely manner is considered to be a risk to the continued integrity of this project.

### Policy Considerations

The adoption of the Structure Plan and Planning Scheme amendment outlined in this report is consistent with Council policies and will support the preparation of a structure plan for Shepparton North.

### Financial Implications

All costs required to facilitate this project have been included in Council's 2022/2023 financial year budget.

### Legal/Statutory Implications

The adoption of the Structure Plan and Planning Scheme amendment outlined in this report aligns with Council policies and the Victorian Government's *Planning Practice Note 58 - Structure Planning for Activity Centres, June 2015*.

### Environmental/Sustainability Impacts

The adoption of the Structure Plan and Planning Scheme amendment outlined in this report will not result in any environmental impacts.

### Social Implications

The adoption of the Structure Plan and Planning Scheme amendment outlined in this report will not result in any adverse social implications.

### Economic Impacts

The final structure plan will provide clear direction, and certainty to landowners and developers regarding areas suitable for development.

The recommendation will not result in any adverse economic implications.

## Consultation

Council undertook pre-draft community consultation from 21 February to 21 March 2022. Council received 11 submissions during the pre-draft consultation phase. Methods of engagement included:

- direct emails to all stakeholders who actively participated in the Shepparton North Activity Centre Advisory Committee;
- Council's e-newsletter to 5,500 subscribers;
- information on Council's website including a submission portal on Shaping Greater Shepparton allowing online submissions;
- social media promotion with link back to website;
- potential to place advertisements in the Shepparton News / Adviser; and
- direct letters to everyone within the Shepparton North Activity Centre.

Submissions were invited via an online submission form, by email, by post and verbal briefings were delivered via in person or online forums.

Council undertook additional community consultation on the Key Issues and Opportunities Paper between 19 September and 21 October 2022. Council received 22 submissions during the consultation phase. Methods of engagement included:

- invitations to all stakeholders who actively participated in the Shepparton North Activity Centre Advisory Committee to attend a 1-2-1 appointment with Council officers and the consultant;
- direct e-mails and letters sent to all landowners, occupiers of land, referral authorities and agencies, and previous submitters;
- information on Council's website including a submission portal on Shaping Greater Shepparton allowing online submissions; and
- full page advertisement in the Shepparton News.

Submissions were invited via an online submission form, by email, and by post and verbal briefings were delivered via in person or via video conference.

Council officers believe that proper and extensive consultation has occurred in the preparation of the structure plan, and the matter is now ready for Council consideration.

It is recommended that Council adopt the Shepparton North Structure Plan and begin the preparation and exhibition of a Planning Scheme Amendment to implement the Structure Plan. This will also provide an opportunity for further engagement through a formal planning scheme amendment process.

The once authorised by the Minister, the Planning Scheme amendment will be formally exhibited to the community. During this time, the community can make submissions to the planning authority about the amendment proposal, these submissions be considered Council and by an independent panel if needed.

## Strategic Links

### a) Greater Shepparton 2030 Strategy 2006

Relevant objectives:

- To provide for sufficient suitable additional land for urban growth

### b) Other strategic links

- *Greater Shepparton Housing Strategy 2011*
- *City of Greater Shepparton Commercial Activity Centres Strategy 2015*
- *Greater Shepparton Planning Scheme*

### Conclusion

Shepparton North is experiencing strong population growth and significant investment in infrastructure, particularly planning for arterial road projects and stormwater drainage infrastructure, in recent years.

A structure plan is required to guide the future development of the Shepparton North Activity Centre for predominantly retail and commercial purposes whilst also investigating the wider Shepparton North Area. This will better ensure that the structure plan provides appropriate connections to surrounding commercial, recreational, and residential areas in the wider Shepparton North area.

Council officers have undertaken community consultation for the pre-draft and the Key Issues and Opportunities Paper. All these submissions have informed the Structure Plan.

On the basis of the matters outlined in this report, it is recommended that Council adopt the *Shepparton North Structure Plan March 2023* to allow Council officers to begin preparing a planning scheme amendment to implement the *Shepparton North Structure Plan March 2023* such that it forms part of the *Greater Shepparton Planning Scheme*.

### Attachments

1. Conversation Report Shepparton North Issues, Opportunities and Emerging Challenges Paper November 2022 [12.1.1 - 8 pages]
2. Shepparton North Structure Plan [12.1.2 - 78 pages]

**ATTACHMENT 2**



**From:** [Sarah Collie \(DEECA\)](#)  
**To:** [Colin Kalms](#); [Erica Orfanos](#)  
**Cc:** [Richard J Whiting \(DEECA\)](#)  
**Subject:** RE: OFFICIAL: RE: Shepparton North Draft ACZ  
**Date:** Thursday, 10 August 2023 12:21:33 PM  
**Attachments:** [image001.png](#)  
[image004.png](#)

---

Hello Erica and Colin,

Thank you for providing the draft ACZ recommended by the adopted Shepparton North Sub-Regional Activity Centre Structure Plan 2023 (SNAC SP).

The following comments are provided based on my review of the draft ACZ and feedback from the AC Reference Group:

- To ensure consistency with PPN56, the expansion of the precinct 6/ACZ boundary should be addressed via an amendment to the SNAC SP. Any consideration to also include the land to the south between the addition and Wanganui Road?
- The AC Reference Group commented on the number of sub-precincts and the need to confirm that all are necessary. I understand that this is addressed in the SNAC SP and so will be reflected in the strategic justification for the Planning Scheme Amendment (PSA) to apply the ACZ.
- In addition to the updates required to align with the Activity Centre Zone Mapping Style Guide, I have identified some further minor departures from the Ministerial Direction on Form and Content in the draft e.g. missing lead in sentence at 4.4, incorrect lead in sentence for notice and review requirements at 7.0 and inclusion of sign requirements at 9.0. I am sure that you plan to do a final review against MDFC prior to handover, which will certainly pick up these and any other departures.
- It is noted that GBCMA comments are to be sought regarding UFZ zoned land in Precinct 3.
- I have not had a chance to review the draft ACZ in the context of the GSPS but acknowledge your previously advised intent that it will not result in any duplication of state, regional and/or local policy not to mention, within the ACZ schedule itself.
- 3.0 Table of Uses
  - The table is very detailed so a thorough review of consequences would be worthwhile, which I understand has/is being undertaken by council. For example, conditions for an office suggest section 1 use in precinct 1 or sub-precinct 2A, if <250sqm but outside these two precincts, would fall to section 2 where it states '*Must be in Precinct 1 or 2, Must not be in Precinct 5 or 6, or Sub-precinct 3*'?
  - There are many section 2 uses that would become prohibited in the case that the condition is not met. This is not necessarily an issue but rather highlighting for confirmation of intent.
- 4.0 Centre wide provisions
  - Noting the intent of the ACZ schedule to remove the existing DDO9 and DPOs currently affecting the SNAC AC, it will be important to clearly set out the strategic justification for the proposed centre-wide provisions in the PSA to apply the ACZ.
- 5.0 Precinct provisions
  - See comments above re Centre-wide provisions
  - Recommend the inclusion of lead in sentences and a table title/header for the Precinct requirements
  - In the event that a permit application seeks built form that does not comply with the preferred precinct requirements in the table, is there sufficient guidance for the planner to make an assessment?

- Support the non-inclusion of any uplift or equitable development provisions
- 7.0 Notice and review
  - As noted above, the MDFC includes requirements for notice and review as the head provision already applies an exemption for applications under clauses 37.08-2, 37.08-4, 37.04-5 and 37.08-6 unless specified otherwise in the schedule.
  - Unclear why triggers in particular provisions are included (licensed premises, gaming)
- 9.0 Signs – as noted above, the MDFC does not include sign requirements. This is reflected in the head provision.

Finally, and more a comment for Colin, I assume that the PSA to apply the ACZ will be accompanied by a local policy to implement the SNAC Framework Plan at clause 11. I can also see that the implementation section of the SNAC SP references various PAOs and a DCP, unsure as to the progress of the investigation required for these components but if ready these could accompany the ACZ application in one PSA.

Regards,

**Sarah Collie** (she/her)  
Regional Planning Partnerships  
Department of Transport and Planning

8 Nicholson Street  
East Melbourne VIC 3002  
T: 03 8508 2380  
[sarah.collie@delwp.vic.gov.au](mailto:sarah.collie@delwp.vic.gov.au)  
[dtp.vic.gov.au](http://dtp.vic.gov.au)

I am currently working flexibly Monday to Thursday and can best be initially contacted by email.



*I acknowledge the Traditional Aboriginal Owners of Country throughout Victoria and pay my respect to Elders past and present, and to the ongoing living culture of Aboriginal people.*

OFFICIAL

**From:** Colin Kalms <Colin.Kalms@shepparton.vic.gov.au>  
**Sent:** Tuesday, 8 August 2023 9:42 AM  
**To:** Erica Orfanos <erica@meshplanning.com.au>; Sarah Collie (DEECA) <sarah.collie@delwp.vic.gov.au>  
**Cc:** Richard J Whiting (DEECA) <richard.whiting@delwp.vic.gov.au>  
**Subject:** RE: OFFICIAL: RE: Shepparton North Draft ACZ

Hi Sarah

The property is also in one ownership and developed and in existing C1Z

It was really just an error that we didn't pick up initially until we were working through the ACZ provisions

**ATTACHMENT 3**



## Department of Transport and Planning

GPO Box 2392  
Melbourne, VIC 3001 Australia  
[www.dtp.vic.gov.au](http://www.dtp.vic.gov.au)

Mr Peter Harriott  
Chief Executive Officer  
Greater Shepparton City Council  
Locked Bag 1000  
Shepparton VIC 3632

Email: [Jennifer.Brewis@shepparton.vic.gov.au](mailto:Jennifer.Brewis@shepparton.vic.gov.au)

Dear Mr Harriott

### **PROPOSED GREATER SHEPPARTON PLANNING SCHEME AMENDMENT C245gshe**

I refer to your council's application for authorisation to prepare an amendment to the Greater Shepparton Planning Scheme. The amendment proposes to rezone land in the Shepparton North Activity Centre to the Activity Centre Zone and makes consequential changes to the planning scheme.

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act), I authorise your council as planning authority to prepare the amendment with the following condition(s):

- That prior to exhibition of the amendment, the Explanatory Report is revised to clarify what the amendment does, remove abbreviations, properly cite / reference reports and background documents and address other minor matters discussed with the department to the satisfaction of the department.

The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and
- before notice of the amendment is given, setting directions hearing and panel hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the explanatory report.

The direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process.](#)

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to [foi.unit@delwp.vic.gov.au](mailto:foi.unit@delwp.vic.gov.au) or FOI Unit, Department of Transport and Planning, GPO Box 3292, East Melbourne, Victoria 3001.



44 of 64  
OFFICIAL

In accordance with sections 17(3) and (4) of the Act, the amendment must be submitted to the Minister at least 10 business days before council first gives notice of the amendment.

Please submit the amendment electronically using the Amendment Tracking System (ATS).

If you would like further information, please contact Richard Whiting, Senior Regional Planner, Department of Transport and Planning, on 0409 334 417 or email [richard.whiting@delwp.vic.gov.au](mailto:richard.whiting@delwp.vic.gov.au).

Yours sincerely



**Bruce Standish**  
Manager Hume Regional Planning Services

27 / 10 / 2023

**ATTACHMENT 4**



24 January, 2024

Greater Shepparton City Council  
Via email: [council@shepparton.vic.gov.au](mailto:council@shepparton.vic.gov.au)

Dear Sir/Madam,

**Re: Planning Permit 2017-177  
Application for Extension of Time**

I refer to the above Planning Permit. Please find attached a request to extend the Permit under Section 69 of the Planning & Environment Act 1987.

Centrum Town Planning has been engaged to prepare this request by the developer of the site, Shepparton Pty Ltd. The application form is attached. Please invoice us and we will arrange payment of the application fee of \$698.25.

The permit will expire if the development is not commenced by 4 August, 2024 and completed by 4 August, 2026. We request an extension of time of two years to start the development. We believe that this is reasonable given that:

- a decision by VCAT on the amended plans is unlikely to be received before February, 2024;
- it will take at least six months to achieve compliance with the various conditions of the planning permit;
- there may be additional land acquisition and design processes associated with dual right lane movements into Hawkins Street, as identified at the VCAT hearing in December, 2023;
- following compliance with the planning permit conditions, it will take a further six months to complete detailed construction plans and the construction tender process.

We have attached a submission that supports this request.

We respectfully request that the extension of time be granted. Please do not hesitate to contact me on (03) 5410 0565 or 0421 656 958 if you would like to discuss this request.

Yours sincerely

A handwritten signature in black ink, appearing to read "R. Krelle".

Raph Krelle  
**Centrum Town Planning**

Suite 29, 1st Floor, Killians Walk,  
Queen Street, Bendigo VIC 3550  
 PO Box 1328, Bendigo VIC 3552  
 03 5410 0565  
[info@centrumplanning.com.au](mailto:info@centrumplanning.com.au)  
[www.centrumplanning.com.au](http://www.centrumplanning.com.au)  
 ABN 28 501 449 183

### ***Background***

Planning Permit 177-2017 ('the Permit') was issued in April 2018 and allows a significant expansion of the existing shopping centre, including the development of two supermarkets. The permit expired on 27 April, 2021.

An extension of time was granted on 4 August, 2021, which extended the commencement time to 4 August, 2022. A further extension of time was granted at the direction of VCAT in March, 2023 (P1270/2022). The permit expires if the development is not commenced by 4 August, 2024 and completed by 4 August, 2026.

Shepparton Pty Ltd, the developer of the site, has entered into an agreement with Coles to establish a second supermarket on the site. In July, 2022, lodged an application to amend the planning permit with changes to the layout to accommodate Coles. In June, 2023, this application was appealed to VCAT under Section 79 of the Planning & Environment Act 1987 (P864/2023). The hearing was held in December, 2023, and no decision has yet been made by VCAT.

In terms of the request for the extension, the principles set out in *Kantor v Murrindindi SC* (1997) 18 AATR 285, while neither definitive or exclusive, are nonetheless useful in assessing the request. We have provided an assessment against those principles, below.

### ***Change in Planning Policy***

Since the Planning Permit was extended on 3 March, 2023, there have been no changes in planning policy, at the state, regional or local levels that would mean the Permit is no longer supported and would weigh against the request to extend the Permit. Furthermore, there have been no changes in the physical context of the site that are relevant to the development.

### ***Warehousing and intervening circumstances***

Since the grant of the Permit there is nothing in the applicant's conduct to suggest they are seeking to warehouse the Permit. To the contrary, since granting the Permit they have:

- carried out significant documentation work on an amended layout that will accommodate the needs of the second full-line supermarket, Coles;
- continued to engage with Fairleys IGA regarding their retail requirements for the centre;
- actively engaged with Council regarding the Shepparton North Sub-Regional Activity Centre Structure Plan and prepared a submission to Amendment C245;
- continued to engage with Council regarding the design related issues outlined in the Council Report of 19 September, 2023, including attendance at two design workshops/meetings;

1





- actively attempted to resolve traffic and movement related issues with Department of Transport & Planning;
- made significant preparations for the VCAT hearing, including the engagement of expert witnesses.

The issues around warehousing the permit and intervening circumstances were discussed by VCAT in their orders for P1270/2022 (Paragraphs 28-36). These findings continue to hold true for the application.

***Total elapse of time***

As noted above, the Permit was issued in April 2018, which is around five and a half years ago. It cannot be said this is a lengthy period of time in the context of major commercial development with a total estimated project value of \$50 million. This, and similar major commercial developments, have encountered various difficulties in gaining traction during and after the Covid pandemic, for the reasons outlined above.

***Was the original time period adequate?***

The Permit allowed three years for development to commence. Notwithstanding VCAT's finding in P1270/2022, we continue to be of the view that three years was not sufficient given the scale of the project and the design and documentation work that is required to be carried out before the development commences.

***Economic Burden***

Since the grant of the Permit the owner has expended more than \$100,000 preparing plans and other documentation to support changes to accommodate Coles. Metcash has also spent in the order of \$1 million in supporting the application, including representation and strategic processes associated with the site. That expenditure would be wasted if the extension were not granted. It is submitted that this is an unacceptable economic burden.

***Probability of a permit issuing again***

As noted above, there has been no relevant change in planning policy since the grant of the Permit. Similarly, there has been no change in the zone or overlay provisions applying to the property that are relevant to Council's consideration of an extension to the Permit. On this basis it is submitted there is no reason why a planning permit would not be granted for the use and development if a new application were lodged.



# Application for Extension of Time to a Planning Permit



Use this form to apply for an extension of time to an existing planning permit

Planning Enquiries  
Phone: (03) 5832 9730  
Web: [greater-shepparton.com.au](http://greater-shepparton.com.au)

## Private Notice

! The Council is collecting the information on this for in accordance with its legislative powers and functions and it will only be disclosed in accordance with these powers and functions. You may access the information by contacting the Council.

The Greater Shepparton City Council will collect, hold and disclose personal information in accordance with its privacy policy.

## Applicant details

Provide details of the applicant.

**CLEAR FORM**

The person you want council to communicate with about the application.

! **Note** if the applicant is not the owner of the land, it is the responsibility of the applicant to inform the owner of the application.

Name:	Sam Herszberg		
Organisation:	Shepparton Pty Ltd		
Postal Address:	PO Box 1, St Kilda East		Postcode: 3183
Contact phone:	(03) 5410 0565	3	Please Indicate your preferred contact method by numbering in order of preference
Mobile phone:	0421 656 958	1	
Email:	raph@centrumplanning.com.au	2	
Fax:			

## Planning Application details

Provide the Planning Permit Number:

2017-177

## The land

Address of the land

Street No:	Street Name:	177-193 Numurkah Road	
Lot No: 2	On LP/PS No:	90949	
Suburb: Shepparton	Postcode:	3630	

## Reason for the Extension

Has the development &/or use commenced?

Yes – provide details below  No

Detail the status of the development &/or use. (e.g. earthworks, vegetation removed)  
Attach an additional page if there is insufficient room.

*Details provided in attached letter from Centrum Town Planning dated 24/1/2024*



## ATTACHMENT 5

SUBMITTER	SUBMISSIONS SUMMARY	KEY ISSUES	RESPONSE
<b>Goulburn Valley Water (GVW)</b>	<p><i>Does not object.</i></p> <p>Currently no water or sewer constraints resulting from proposed amendment. Council should continue to engage with GVW.</p>	N/A	Submission noted.
<b>Department of Transport and Planning (DTP)</b>	<p><i>Supportive, subject to requested changes.</i></p> <p>Recommendations for Structure Plan (SP) text and mapping changes—mainly references to transport infrastructure upgrades, a movement &amp; access objective and requirement for a traffic and car parking assessment.</p>	Minor text changes	All DTP recommendations adopted.
<b>Shepparton Pty Ltd and IGA Retail Services Pty Ltd ('Metcash')</b>	<p><i>Objection, supportive of some elements.</i></p> <p>Amendment would undermine ability of Retail Core to develop and create potential for two retail nodes. Should allow for different configuration of key anchor sites and open space.</p> <p>Structure Plan should be a Background Document.</p> <p>Structure Plan not released for comment to landowners and community before formal adoption.</p> <p>A number of specific requests put forward regarding objectives, design and land use.</p> <p>Supportive of Precinct 1 location and objectives, use of Activity Centre Zone (ACZ) as a planning tool, general land use vision and objectives for Shepparton North (with some exceptions).</p>	<ul style="list-style-type: none"> <li>– Issue with supermarket uses outside of retail core / two retail nodes</li> <li>– Siting and configuration of anchor sites and open space</li> <li>– Status as an Incorporated Document</li> <li>– Lack of consultation of draft Structure Plan</li> </ul>	<p><b>To be addressed .</b></p> <p>Indoor recreation facility as Section 1 use in Precinct 1 amended to have Restricted recreation facility (above ground floor level) as Section 1 use in Precinct 1.</p>
<b>Goulburn Broken Catchment Management Authority (GBCMA)</b>	<p><i>No objection, subject to requested change.</i></p> <p>Request for the Urban Floodway Zone (UFZ) to be replaced by flood overlay controls as per proposed Amendment C147gshe. Recommendation for new flood mapping to be applied to the entire ACZ.</p>	Application of flood overlay controls	Application of flood overlay controls in progress via separate Amendment process.

<p><b>Lascorp Investment Group Pty Ltd (Lascorp)</b></p>	<p><i>Supportive, with recommendations.</i></p> <p>Supportive of Lascorp site as the 'northern gateway' and 'Commercial Core', with its potential for a full-line supermarket.</p> <p>Recommendation for boundary between sub-Precincts 2A and 2B to be located further east and for built form requirements of 2A to be less restrictive.</p> <p>Issues with 'Dwelling with anything other than a foyer at ground level as a Section 2 use (results in permit requirement for dwellings fronting Grenache Drive) and with supermarket and retail premises in 2B as Section 2 use (restrict extent of commercial-based uses).</p>	<ul style="list-style-type: none"> <li>- Amend boundary between Precincts 2A and 2B in mapping</li> <li>- Issue with Dwelling as Section 2 use.</li> <li>- Issue with Supermarket and Retail premises in 2B as Section 2 use</li> <li>- Built form requirements of 2A</li> </ul>	<p><b>To be addressed at Panel.</b></p> <p>Most recommendations adopted.</p> <ul style="list-style-type: none"> <li>- Boundary between sub-precinct 2A and 2B moved.</li> <li>- Dwellings in specified areas with anything other than foyer at ground level change to a Section 1 use.</li> <li>- Building height requirement of two storeys or 11m removed for Precincts 1, 2A and 4A.</li> </ul> <p>Supermarket and retail premises in 2B retained as Section 2 use.</p>
<p><b>Southern Steel Properties Pty Ltd (Surdex Steel Shepparton)</b></p>	<p><i>Objection</i></p> <p>Their land use (Industry) would be prohibited under the new ACZ2 and undermine viability of their business.</p> <p>Suite of uses too narrow, no certainly for residential use of the site, existing industrial use in proximity to sensitive uses, removes viable industrial land.</p>	<p>Prohibition of Industry in ACZ2</p>	<p><b>To be addressed at Panel.</b></p> <p>Concerns generally resolved through Existing Use Rights.</p>
<p><b>IGA</b></p>	<p><i>Objection</i></p> <p>Precinct 2 should not be Core Retail. No need for a third or fourth supermarket in North Shepparton until 2035 or later. No supporting economic evidence. Panels and Minister expressly said twin nodal configuration not preferred.</p>	<ul style="list-style-type: none"> <li>- Issue with Precinct 2 as Core Retail</li> <li>- Rushed process with lack of exhibition</li> <li>- Lack of economic and policy support</li> <li>- Conflicts with direction from Panels and Minister</li> </ul>	<p><b>To be addressed at Panel.</b></p>
<p><b>Environmental Protection Agency (EPA) Victoria</b></p>	<p><i>Requirements.</i></p> <p>Amendment to address environmental risks.</p> <p>Council should address requirements of Ministerial Direction 1 (MD1) and Planning Practice Note 30 (PPN30) with regard to contaminated land. Include planning control to compel recommendation of environmental audit and trigger assessment of land for uses not classified as 'sensitive'. Consider whether sensitive uses</p>	<ul style="list-style-type: none"> <li>- Potentially contaminated land</li> <li>- Land use incompatibility</li> <li>- Noise risks</li> </ul>	<p>Discussions progressed with EPA to address concerns through relevant changes to Amendment documentation and consideration of planning controls.</p>

	<p>have already established within the EAO.</p> <p>Consider planning controls to address land use compatibility with future adjacent residential. Address noise risk via planning controls.</p>		
<b>Goulburn-Murray Water (GMW)</b>	<p><i>No objection, with requirements.</i></p> <p>Notes requirements related to buildings and works within proximity of GMW surface water infrastructure or that may impact drainage flows.</p> <p>Council to take responsibility for drainage outfalls.</p>	Council to consider responsibility for drainage outfalls.	Submission noted.
<b>Victorian Planning Authority (VPA)</b>	<p><i>Supportive.</i></p> <p>Consistent with recommendations of strategic policy prepared by VPA, will complement planning for an activity centre network undertaken by Shepparton North East PSP and draft Shepparton South East PSP. Proactively response to Advisory Committee Reports.</p>	N/A	Submission noted.
<b>McCamish Properties Pty Ltd</b>	<p><i>Supportive.</i></p> <p>Provides amenities to residents of North Shepparton. Creates opportunity to have a northern entrance to the city.</p>	N/A	Submission noted.
<b>Jonathan Tedesco</b>	<p><i>Objection.</i></p> <p>Was not tested with the community. Hawkins Street should be core retail area. No demand for up to four supermarkets.</p>	<ul style="list-style-type: none"> <li>- Lack of community exhibition</li> <li>- Issue with retail outside of Hawkins Street area</li> </ul>	<p>Submission noted.</p> <p>Community consultation undertaken for SNAC is detailed at <b>Section 5.1</b>.</p>
<b>Belinda Moreno</b>	<p><i>Objection.</i></p> <p>Includes elements in direct conflict with Minister's and Advisory Committee's instructions. Two-part retail core would not achieve sense of place and cultural identity. Precinct 1 should be retail core.</p>	<ul style="list-style-type: none"> <li>- In conflict with instructions of Minister and Advisory Committee</li> <li>- Against two-part retail core</li> </ul>	Submission noted.
<b>Linda Williams</b>	<p><i>Objection.</i></p> <p>Land subject to drainage, stormwater and flooding issues. Should not adopt long-term plan without accounting for implications of Victoria's forthcoming Flood Report.</p>	<ul style="list-style-type: none"> <li>- Subject to drainage, flooding, stormwater issues</li> <li>- Adoption of plan before release of 2024 Flood Report</li> </ul>	Application of flood overlay controls in progress via separate Amendment process.

<b>Bianca McDowall</b>	<i>Objection.</i> Opening door to over-development and conflicting use at Ford Road. Hawkins Streets should be the primary retail area.	<ul style="list-style-type: none"> <li>– Against development at Ford Road</li> <li>– Hawkins should be primary retail area</li> </ul>	Submission noted.
<b>Abbie Jackson</b>	<i>Objection.</i> No proper public exhibition period. Seeks to override Minister's direction and contradicts advice of economic experts by allowing up to four supermarkets and two on Ford Road site in immediate future.	<ul style="list-style-type: none"> <li>– Lack of public exhibition</li> <li>– Goes against Minister and expert direction by allowing up to four supermarkets</li> </ul>	Submission noted. Community consultation undertaken for SNAC is detailed at <b>Section 5.1</b> .
<b>Ian Mintern</b>	<i>Supportive.</i> Expresses 'total support'.	N/A	Submission noted.

**ATTACHMENT 6**



## Response to Global South Recommendations

No.	Recommendation	Response Notes	Change to Amendment Documentation
1	Review the built form controls in the existing DDO9, in the context of the vision and aspirations for the current Amendment, in supporting Activity Centre outcomes.  Develop alternative built form controls as appropriate, to better support the vision and desired outcomes for the Shepparton North Activity Centre.	<b>Recommendation adopted in principle.</b> This recommendation is acknowledged and responded to below.	Expert recommendation adopted in principle. Council position under consideration. Position to be confirmed to parties with the Part B submission.
2	Review the large Activity Centre Boundary shown in the Structure Plan and ACZ2. I question why the Shepparton Sports City to the west is within the Activity Centre boundary (but outside the proposed ACZ2), and why recent suburban residential development to the eastern side (comprising detached houses) is within both the Activity Centre Boundary and the proposed ACZ2.	<b>Recommendation adopted in principle.</b>  PP56 states “ <i>there will be instances where the boundary for an activity centre will include land which is not appropriate to be rezoned to ACZ. This may include public use zones or recreation zones.</i> ” (pg.3). Following the recommendation of the Shepparton North Advisory committee, Shepparton Sports and Events Centre and the Munarra Centre for Regional Excellence was included in the Shepparton North Activity Centre boundary but not included in the Activity Centre Zone.  The inclusion of residential subdivision within the ACZ is limited to the extent of residential area that responds to part of the Planning Practice Note “ <i>residential areas that are integrated into the activity centre or surrounded by other uses that have a strong functional inter-relationship with the activity centre even where limited development opportunities exist</i> ” (PPN56, pg.2).	Expert recommendation adopted in principle. Council position under consideration. Position to be confirmed to parties with the Part B submission.
3	Consider reducing the extent of the proposed Activity Centre Zone, or to provide stronger distinction between land use and built form requirements for the different precincts, to reinforce the ‘focus’ or ‘core’ of the activity centre between Numurkah Road and Grenache Drive, where the existing residential estate begins.	<b>Support recommendation.</b>  Provide stronger distinction between land use and built form required for the ‘core’ of the Activity Centre, bound by Grenache Drive, Numurkah Road, Hawkins Street and Ford Road.  Amend naming of Precinct 1, 2 and 4 as follows: <b>Precinct 1:</b> Core Southern Anchor <b>Precinct 2:</b> Core Northern Anchor <b>Precinct 4:</b> Core Mixed Use  Amend naming of Precinct 3, 5 and 6 as follows: <b>Precinct 3:</b> Peripheral Commercial-Industrial <b>Precinct 5:</b> Peripheral Residential <b>Precinct 6:</b> Highway Enterprise Corridor  Improved built form vision defined further in recommendations below.	Amended naming of Precinct 1, 2, and 4 within all Amendment documentation including the Structure Plan.
4	Revise the ACZ2 framework plan to show the Shepparton Sports City area as existing and proposed open space as appropriate, or clarify the current crosshatch graphic in the legend.	<b>Support recommendation</b> to clarify crosshatch within ACZ Framework Plan of Shepparton Sports and Events Centre and the Munarra Centre for Regional Excellence and amend wording of potential extension of open space of publicly owned land to the north, up to Wanganui Road.	Amended crosshatch area within plans to reflect existing Shepparton Sports and Events Centre and the Munarra Centre for Regional Excellence and clarify wording of legend related to publicly owned land.
5	Revise the first objective in the Structure Plan to focus on mixed-use outcomes including medium-density housing, and remove reference to high-density housing.	<b>Support recommendation.</b> Amend first land use objective of the Structure Plan and ACZ to read:  <i>To develop the Shepparton North Activity Centre with a focus on mixed-use outcomes accommodating a</i>	Amended wording within ACZ and Structure Plan.

		<i>mix of complementary retail, commercial, employment and community uses and medium-density residential development.</i>	
6	Clarify or review the distinction between land use areas in the Structure Plan maps, to provide more specific direction for where particular types of retail, commercial (including industrial-commercial, office or other uses) and other uses such as community and health facilities, should be encouraged.	<b>Support recommendation.</b> Land Use table within ACZ generally defines land use supported in various precincts.  Structure Plan plans to provide more direction for preferred land uses including retail, industrial-commercial, community and health facilities – changes will seek to confirm the preferred land use outcomes in the core as opposed to surrounding precincts.	Amended plans within Structure Plan.
7	I recognise that the varied level of detail reflects existing proposals for those sites, and that these indicative footprints are not shown in the ACZ2 precinct maps. However, in line with my recommendations for more location-specific built form controls (discussed below), I consider that notional, principles-based footprints or diagrammatic elements could be provided for other sites in the Structure Plan maps, particularly within the activity centre 'core' (Precincts 1, 2 and 4).	<b>Support recommendation.</b>  As stated at Recommendation No. 6, amend Structure Plan diagrammatic plans for Precinct 4 Core Mixed Use to reflect potential location-specific built form outcomes and better support direction of Activity Centre 'core'	Amended plans within Structure Plan.
8	Rename Precinct 4 to 'Mixed Use Core' or similar, to link it to Precincts 1 and 2 (gateway sites, within the "core" of the activity centre, being 'Retail Core' and 'Commercial Core'), while separating it from other 'non-core' Precincts.  Rename Precinct 3 (western side of Numurkah Road) to 'Commercial-Industrial Corridor' or similar.	<b>Support recommendation.</b>  Rename Precinct 4 to Core Mixed Use.  Rename Precinct 3 to Peripheral Commercial-Industrial	Amended wording within all Amendment documentation including the Structure Plan.
9	Revise Clause 17.02-1L to refer to the entire proposed ACZ area as 'Shepparton North Activity Centre', and to the central area east of Numurkah Road as 'activity centre core' or similar.	<b>Support recommendation.</b>  Amended Clause 17.02-1L to refer to proposed ACZ area as 'Shepparton North Activity Centre Structure Plan'  Amend wording within Clause 17.02-1L to state:  <i>Facilitate and support the expansion and concentration of additional retail and commercial facilities for the Shepparton North Activity Centre to the area east of Numurkah Road, between Ford Road and Hawkins Street, as an activity centre 'core', to reflect the designated sub-regional role and function of the centre.</i>	Amended wording within Clause 17.02-1L.
10	As discussed further below, it is important that the planning and design of the two gateway sites reflect and reinforce this planned or emerging north-south link or 'spine' for the core of the activity centre, through definition and framing by built form, active edges, and integration of pedestrian spaces.  This will allow the gateway sites to support and catalyse future development along this link, and will support pedestrian movement and vibrant places within the activity centre.	<b>Recommendation adopted in principle.</b> This recommendation is acknowledged and responded to below.	Expert recommendation adopted in principle. Council position under consideration. Position to be confirmed to parties with the Part B submission.
11	Review the ACZ2 general objectives and requirements, and precinct objectives and requirements, to more clearly articulate the types of land use (and built form) configurations envisaged for Numurkah Road, and to other streets and linkages. This may require varied provisions within individual Precincts, for example, which interface with Numurkah Road but also contain or front onto local streets.	<b>Support recommendation.</b> This recommendation is acknowledged and responded to further below.  Response to this recommendation is addressed within an amended ACZ2 which includes amended general objectives for: Movement & access; and Built form & interfaces	Amended wording within all Amendment documentation including the Structure Plan and amended plans to illustrate built form configurations and setback interfaces

		<p>The amended general objectives more clearly articulate the role of Numurkah Road and local streets and provide more particular guidance for built form configurations and interfaces to Numurkah Road and local streets.</p> <p>Further definition of the role of the streetscape network and built form relationship to streetscape network provided within individual activity centre 'core' Precincts 1, 2 and 4.</p> <p>Clarify preferred setbacks to local streets and definition of 'side boundary'. See response to Recommendation No. 15.</p>	to Numurkah Road and local streets.
12	<p>The requirement for large-format buildings should be removed or changed, because there is no clear reason for it, given the desired transformation of the area, and the lack of any existing buildings of significant quality or reflecting 'town centre' characteristics.</p> <p>Qualities of vibrant streetscapes, safe environments and walkable places will require smaller, more compact and more varied built form.</p> <p>While larger buildings can be designed and articulated to reflect a fine-grain presentation, the guidance to be 'in keeping; with the existing built form is not appropriate.</p>	<p><b>Support recommendation.</b></p> <p>Remove reference to 'large format' buildings within Structure Plan and ACZ.</p> <p>Remove reference to 'in keeping with the existing built form'.</p> <p>Further definition of the role of the streetscape network and built form relationship to streetscape network provided within individual activity centre 'core' Precincts 1, 2 and 4.</p>	Amended wording within all Amendment documentation including the Structure Plan.
13	<p>The requirement for roof forms is unclear in relation to its reference to the prevailing character, given that the setting and character are envisaged to transition or transform.</p> <p>I do not observe any strong, consistent or characteristic roof forms in the area currently that new built form should be required to 'complement'.</p>	<p><b>Support recommendation.</b></p> <p>Remove reference to existing roof forms.</p>	Amended wording within all Amendment documentation including the Structure Plan.
14	<p>I do not see a reason for this height limit, given the large activity centre area a limited extent of lack of sensitive interfaces. While I recognise that the height limits are discretionary, two-storeys may be restrictive to achieving housing diversity, medium density and affordable housing.</p> <p>Buildings of at least 3-4 storeys, with housing above commercial frontages in some locations, should be encouraged. Greater heights of 5-6 storeys would also be comfortably achievable within the activity centre, in my view.</p> <p>I also consider that the link between storey heights and height in meters requires clarification. It appears that in some locations such as Sub-Precincts 4B and 5B (medium-density housing areas), three storeys (or 11m) is encouraged, but the it is unclear if elsewhere the 11m or the 2-storeys takes precedence, for example.</p>	<p><b>Recommendation adopted in principle.</b></p> <p>Amend precinct Preferred Building Height within Built form requirements Table as follows:</p> <p>Precinct 1: Not specified.</p> <p>Precinct 2A: Not specified.</p> <p>Precinct 2B: 3 storeys (or 11 meters) above natural ground level.</p> <p>Precinct 3: No preferred building height for gateway site, otherwise 3 storeys (or 11 meters) above natural ground level</p> <p>Precinct 4A: Not specified.</p> <p>Precinct 4B: 3 storeys (or 11 meters) above natural ground level</p> <p>Precinct 5: 3 storeys (or 11 meters) above natural ground level.</p> <p>Precinct 6: 3 storeys (or 11 meters) above natural ground level.</p> <p>Amend wording to ensure consistency between storeys and heights in meters.</p>	Expert recommendation adopted in principle. Council position under consideration. Position to be confirmed to parties with the Part B submission.
15	While I accept that frontage setbacks are expected to vary between Numurkah Road and smaller-scale streets, such large	<b>Recommendation adopted in principle.</b>	Expert recommendation adopted in

	<p>setbacks will negate active frontages, passive surveillance and public realm quality (even with frontage landscaping), and facilitate frontage car parking, which creates poor public realm outcomes.</p> <p>This requirement currently does not differentiate between Numurkah Road, and other existing or proposed 'local' streets.</p> <p>I also consider that preferred front setbacks to local streets should be nominated in the ACZ2. I consider that setbacks of 0m-3m are appropriate for local activity centre streets, including for residential frontages at ground floor level.</p>	<p>Amend Preferred setbacks within Built form requirements Table of individual precincts as follows:</p> <p>Precinct 1: Maximum 20m front setback from the front of property to Numurkah Road Maximum 3m setback from any other street frontage.</p> <p>Precinct 2A: Maximum 20m front setback from the front of property to Numurkah Road Maximum 3m setback from any other street frontage.</p> <p>Precinct 2B: Maximum 3m setback from any other street frontage.</p> <p>Precinct 3: Minimum 9m and maximum 20m front setback from the front of property to Numurkah Road Maximum 3m setback from any other street frontage.</p> <p>Precinct 4A: Minimum 9m and maximum 20m front setback from the front of property to Numurkah Road Maximum 3m setback to any other street frontage.</p> <p>Precinct 4B: Minimum 3m front setback from the front of property to street frontage.</p> <p>Precinct 5: Minimum 3m front setback from the front of property to street frontage.</p> <p>Precinct 6A: Minimum 9m, and maximum 20m front setback from the front of property to Numurkah Road Maximum 3m setback to any other street frontage</p> <p>Precinct 6B: Minimum 9m, and maximum 20m front setback from the front of property to Numurkah Road Maximum 3m setback to any other street frontage</p>	<p>principle. Council position under consideration. Position to be confirmed to parties with the Part B submission.</p>
16	<p>The requirement for side setbacks to enable views from the Highway should be revised. Narrow gaps of 1-2m wide between buildings will not provide meaningful or even noticeable view corridors between buildings. These gaps are likely to also incorporate fences, building services infrastructure or informal 'storage'.</p> <p>Views to surrounding hills or landscape should be 'captured' and reinforced through planned public realm spaces or streets, which are aligned and designed to facilitate significant views. These alignments should be indicated in the Framework Plan, and may be within sites or 'shared' across site boundaries.</p>	<p><b>Support recommendation.</b></p> <p>No significant views to surrounding landscape are considered to require side setbacks. Accordingly, amend wording of ACZ schedule to:</p> <ul style="list-style-type: none"> <li>- Remove references side boundary setbacks.</li> <li>- Remove references to view corridors.</li> </ul> <p>Location of public open space within the Framework Plan has considered views to future public open space and existing drainage reserve.</p>	<p>Amended wording within ACZ schedule and Structure Plan.</p>
17	<p>This requirement states that street setbacks 'must' incorporate landscaping and parking. Frontage car parking in setbacks is not appropriate in activity centres or main streets, and is detrimental to the streetscape quality and public realm experience.</p> <p>I recognise that this requirement may be referring to the Numurkah Road highway setting, but it refers to 'streets' and does not differentiate between different frontages.</p>	<p><b>Support recommendation.</b></p> <p>Amend wording of ACZ schedule to:</p> <ul style="list-style-type: none"> <li>- Review and remove reference to word 'must' within Building Design and Building Setback requirements</li> <li>- Amend reference to landscaping and sealed car parking within front setback to be specific to Numurkah Road frontage setbacks.</li> <li>- Amend reference to legibility and sight lines</li> <li>- Limit maximum 20m front setback to Precinct 1 and 2.</li> </ul>	<p>Amended wording of ACZ schedule.</p>

	<p>If it is proposed that Numurkah Road will largely retain its current character as a highway environment with coarse-grained, large footprint buildings set back from the road, then well-landscaped car parking may be deemed acceptable, particularly if other frontages are highly active and engaging. However, this approach would reinforce Numurkah Road as a vehicle-oriented corridor that does not facilitate walking.</p> <p>The references to 'sight lines' and 'legibility' are unclear, but presumably relate to the visibility of building entrances from the street, even if they are set back by up to 20m. Given that I do not support large frontage setbacks and parking, I do not consider it appropriate to guide legibility or visibility between the building entrance and the street. This largely 'goes without saying', but the underlying assumption is contradictory to good urban design in activity centres.</p>		
18	<p>In principle, commercial/industrial properties in an activity centre should not have rear interfaces to residential properties, but should be 'buffered' by other commercial or mixed use properties which front onto streets.</p> <p>1.5m is a very small buffer, which I consider would be barely noticeable, given the size of some sites in the area. It is unclear if this buffer would be inside or outside the boundary/fenceline, or it is to buildings, or hardstand areas within sites for example.</p> <p>Further, if the commercial/industrial properties referred to front onto Numurkah Road, then their rear interface would be to the east, which I consider is a more important interface to ensure building 'fronts' rather than 'backs', as this is the preferred location for achieving activity centre qualities.</p>	<p><b>Support recommendation.</b></p> <p>Amend wording of ACZ schedule to increase rear landscape buffer from 1.5m to 3m for commercial/industrial uses abutting residential properties.</p>	Amended wording of ACZ schedule.
19	<p>15% seems like a very small proportion - the remaining 85% as paved car parking would reflect a poor outcome for the public realm and visual presentation, as discussed above.</p> <p>One significant tree per property is insufficient, noting that Landscape Architecture is not my area of expertise. For example, the southern gateway site's frontage length to Numurkah Road is approximately 180m (and approx. 240m to Hawkins Street), so one significant tree is clearly inadequate. This type of guidance should be based on distances (e.g. one tree per 20m), not individual lots.</p>	<p><b>Support recommendation.</b></p> <p>Amend wording of ACZ Schedule to:</p> <ul style="list-style-type: none"> <li>- Increase percentage of landscaping required within the lot frontage from 15% to 30%</li> <li>- Ensure a minimum planting of 1 significant tree for every 20m length of street frontage within the property frontage.</li> </ul>	Amended wording of ACZ schedule.
20	<p>Review the Movement and Access Plan to provide for clear, definitive identification of new streets and connections.</p> <p>Consider providing typical street cross-sections to further articulate the outcomes envisaged, especially along new north-south and east-west connections.</p> <p>Refer also specific recommendations regarding the ACZ2 Framework Plan below.</p>	<p><b>Support recommendation.</b></p> <p>Amend Movement and Access Plan within Structure Plan to provide definitive street connections. Make associated changes to Framework Plan within ACZ Schedule.</p> <p>Include the preparation of following cross sections to provide road network hierarchy guidance within the Structure Plan:</p> <ul style="list-style-type: none"> <li>- Numurkah Road east cross-section</li> <li>- North-south connector road 'spine' within activity centre 'core' precinct (Precinct 4)</li> </ul>	Amended plans changes within all Amendment documentation including Structure Plan.

		- Shared pedestrian cycle path along Numurkah Road	
21	<p>Review the terminology and definition of new streets and linkages. Rather than 'possible connection' and 'key connectors to link SNAC' for example, the plan should be clearer and more definitive regarding what is proposed, particularly in the 'core' area, to provide a strong urban structure, to which individual site layouts should respond and contribute.</p> <p>While I support the 'central' north-south link, I consider that it should extend to the north as a 'key street' or similar (not a 'possible connection'), and to the south into the southern gateway site, through the site to its north.</p> <p>The provision of a straight connection will support walkability by minimising walking distance, and legibility, by providing clear visibility along this route.</p> <p>The layout of the northern and southern gateway sites should integrate with this north-south connection, to reinforce it as the central, people-focussed 'spine' within the 'core' of the activity centre.</p> <p>This north-south connection should be designed as a human-scaled, pedestrian-friendly street (but with vehicle and cycling access).</p> <p>The Framework Plan should show 'active pedestrian scale edge' along both sides of this street (rather than just the western side as currently shown), and other new streets, and along the western side of Grenache Drive, noting that an active edge can be residential, and does not necessitate retail or commercial uses.</p>	<p><b>Support recommendation.</b></p> <p>As above, amend Movement and Access Plan within Structure Plan to provide definitive street connections. Make associated changes to Framework Plan within ACZ Schedule.</p> <p>Provide a cross-section for the north-south connector 'spine' within the activity centre core, and include additional objectives for the 'spine' within the Structure Plan.</p> <p>Amend Framework Plan to include 'active pedestrian scale edges' along both sides of north-south connector 'spine' within activity centre core.</p>	Amended plans changes within all Amendment documentation including Structure Plan.
22	Provide more specific description of the future role of Numurkah Road within the activity centre, and the land use and built form outcomes envisaged along this corridor, relative to proposed and existing streets within the activity centre.	<p><b>Support recommendation.</b></p> <p>Amend wording within ACZ Schedule and Structure Plan to provide specific objectives for:</p> <ul style="list-style-type: none"> <li>- the role of Numurkah Road</li> <li>- the role of existing and proposed local streets</li> </ul>	Amended wording within all Amendment documentation including the Structure Plan.
23	<p>Provide more detailed guidance for frontage conditions to Numurkah Road and other 'local' or 'internal' streets.</p> <p>Reinforce the role and definition of the new north-south link(s) as an alternative to the Numurkah Road corridor for activity centre outcomes, which is more intimate human-scaled, active, attractive, and with higher amenity (sense of enclosure, passive surveillance, street trees etc.)</p>	<p><b>Support recommendation.</b></p> <p>See response to Recommendation No. 20, 21 and 22.</p> <p>Provide a cross-section for Numurkah Road and the north-south connector 'spine' within the activity centre core, and include role and objectives for each within the Structure Plan.</p>	Amended plans and cross-section preparation within Structure Plan.
24	Clarify the configuration of the proposed shared path on Numurkah Road (e.g. 2-way separated path) and its location relative to the property frontage and footpath.	<p><b>Support recommendation.</b></p> <p>See response to recommendation No.20 regarding preparation of cross-section.</p>	Amended plans and cross-section preparation within Structure Plan.
25	<p>Review the ACZ2 Precinct 1 map to indicate enhanced Urban Design outcomes including:</p> <ul style="list-style-type: none"> <li>- Active, built frontages to Numurkah Road (potentially with a landscaped setback, but not frontage car parking;</li> <li>- Active, built frontages to Hawkins Street and the proposed north-south street to the east;</li> <li>- Location of large tenancies generally in the western part of the site (or arranged</li> </ul>	<p><b>Support recommendation.</b></p> <p>Amend Precinct 1 map to:</p> <ul style="list-style-type: none"> <li>- Retain built form generally in the western part of Precinct 1</li> <li>- Include landscape setback, and removal of frontage car park</li> <li>- Include indicative location of servicing areas for minimal impact on the public realm.</li> </ul>	

	<p>east-west, around a central pedestrian-oriented 'street' extending to the north);</p> <ul style="list-style-type: none"> <li>- Indicative location of servicing areas for minimal impact on the public realm.</li> </ul>		
26	<p>Regarding Precincts 1, 2 and 4 (and potentially the entire SNAC area), consider preparation of an Urban Design Framework for the activity centre, or for the 'core' area of Precincts 1, 2 and 4, to resolve and integrate the development opportunities across relevant sites with the proposed public realm initiatives, as a basis for provision of clearer guidance in the planning controls.</p>	<p><b>Recommendation adopted in principle.</b> Included within Further Strategic Work within Structure Plan recommend preparing Landscape and Urban Design Guidelines for activity centre 'core'.</p>	<p>Expert recommendation adopted in principle. Council position under consideration. Position to be confirmed to parties with the Part B submission</p>
27	<p>Clarify the role and land use focus of Precinct 2, as the basis for the ACZ2 content.</p> <p>Amend the 'Structure Plan Response' to provide this clear position, in alignment with the objectives and requirements for the Precinct.</p> <p>Review the name of this Precinct, from 'Commercial Core' to 'Northern anchor', 'Northern hub' or similar.</p>	<p><b>Support recommendation.</b> Amend wording within Structure Plan Response to provide definitive role and land use focus of Precinct 2.</p> <p>Rename Precinct 2 Core Northern Anchor.</p>	<p>Amended wording within all Amendment documentation including the Structure Plan.</p>
28	<p>My comments and recommendations for Precinct 1 largely apply to Precinct 2, but specific recommendations include:</p> <ul style="list-style-type: none"> <li>- Reinforce the central north-south connection as a 'key street connection' (or similar), rather than a 'possible connection, with active edges to both sides (which could include residential frontages);</li> <li>- Require active frontages or 'active pedestrian scale edge' along the east-west 'key connector'. The term 'pedestrian scale' should also be defined or clarified;</li> <li>- Provide for active edges to both sides of the proposed linear open space; and</li> <li>- Indicate preferred frontage conditions to Numurkah Road and Ford Road.</li> </ul>	<p><b>Support recommendation.</b> Amend Precinct 2 map to:</p> <ul style="list-style-type: none"> <li>- Extend central north-south connection as a 'key street connection' with active edges to both sides</li> <li>- Require 'active pedestrian scale edge' along the east-west 'key connector'.</li> <li>- Provide for active edges to both sides of the proposed linear open space</li> <li>- Indicate preferred frontage conditions to Numurkah Road and Ford Road</li> </ul> <p>Amend text within Structure Plan to define preferred interface conditions, i.e. 'pedestrian scale'.</p>	<p>Amended wording and plans within all Amendment documentation including the Structure Plan.</p>
29	<p>I suggest the following revisions to the Precinct 3 plan:</p> <ul style="list-style-type: none"> <li>- Clarification of the intent for consistent front setbacks to Numurkah Road, given that the associated guidance is for setbacks between 9m and 20m;</li> <li>- Incorporate a 'key connector' between the southern gateway (proposed signalised intersection) and the Shepparton Sports City precinct to the west, to reinforce connectivity between the sports facilities and the 'core' or the activity centre;</li> <li>- Reinforce Mercury Drive as a 'key connector' or 'key road', because it links to an existing sports oval; and</li> <li>- Include a gateway gesture to the south-western corner, noting that this location also marks an entrance into the Sports City precinct.</li> </ul>	<p><b>Support recommendation.</b> See response to Recommendation No. 15.</p> <ul style="list-style-type: none"> <li>- Remove 1m setback from side boundary.</li> </ul> <p>Amend Precinct 3 plan to:</p> <ul style="list-style-type: none"> <li>- Include 'key connector' arrow to support link between Core Southern Anchor</li> <li>- Include a 'key connector' along Mercury Drive</li> <li>- Include a 'gateway' symbol to the south-western corner of the precinct.</li> </ul>	<p>Amended wording and plans within all Amendment documentation including the Structure Plan.</p>
30	<p>I consider that the Precinct 4 plan should be revised as follows:</p> <ul style="list-style-type: none"> <li>- Reinforce the central north-south 'key connector' as a continuous street alignment to the north of Grant Court (rather than a 'possible connection'), and to the south, through the property south of Shelby Court, into Precinct 1. I understand that there are constraints</li> </ul>	<p><b>Recommendation adopted in principle.</b> Amend Precinct 4 plan to:</p> <ul style="list-style-type: none"> <li>- Show a definitive north-south connection, north of Grant Court connecting Precinct 4 with Precinct 2.</li> <li>- Extend the linear open space east-west through to Numurkah Road.</li> </ul> <p>Include definitions of interfaces within the Structure Plan including:</p>	<p>Amended Precinct 5 Plan within all Amendment documentation including Structure Plan.</p> <p>Included interface definitions within Structure Plan</p>

	<p>affecting this potential, but consider it an important outcome.</p> <ul style="list-style-type: none"> <li>- Extend the proposed linear open space running east-west, through to Numurkah Road. Grant Court and Shelby Court are approximately 190m apart, so an additional 'break' in between would be beneficial.</li> <li>- Clarify the difference between 'active pedestrian scale edge' and 'open space orientation'. I recognise that this suggests that the open space interface should not be a 'back' or blank/closed frontage. However, I consider that active frontages (including residential frontages) should be required along the eastern edge, and along both sides of the north-south and east-west streets, and along the linear open space.</li> </ul>	<ul style="list-style-type: none"> <li>- open space orientation</li> <li>- active pedestrian-scale edge</li> </ul>	<p>Expert recommendation adopted in principle. Council position under consideration. Position to be confirmed to parties with the Part B submission</p>
31	<p>I consider that the Precinct 5 plan should be revised as follows:</p> <ul style="list-style-type: none"> <li>- Clarify the purpose of Sub-Precinct 5B, noting that the built form guidance is very similar to 5A. I understand this is seen as a potential affordable housing location, but the rationale for a separate;</li> <li>- Continue 'open space orientation' or active frontages along the narrower open space links, and along all new and existing streets.</li> </ul>	<p><b>Support recommendation.</b> Precinct 5A and 5B to be combined.</p> <p>Amend Precinct 5 plan to include open space interface to reference 'open space orientation' within legend and continue along all open space frontages.</p>	<p>Amended wording in ACZ. Amended Precinct 5 Plan within all Amendment documentation including Structure Plan.</p>
32	<p>Consider that the Precinct 6 plan, objectives and guidelines and should be revised as follows:</p> <ul style="list-style-type: none"> <li>- Clarify the difference (if any) between expected outcomes in each Sub-Precinct;</li> <li>- Further describe the preferred outcomes through expanded objectives;</li> <li>- As discussed above, clarify what is meant by 'Commercial', noting that the Amendment refers to Commercial in relation to the northern gateway ('Core Commercial') and Precinct 4 ('Commercial Corridor'), which to my understanding have different envisaged outcomes;</li> <li>- Clarify the objective: <i>To support select commercial land uses within the precinct to encourage consolidation and intensification in the Retail Core:</i> <ul style="list-style-type: none"> <li>- The wording is unclear;</li> <li>- Does this suggest some current uses relocate to Precincts 1, 2 and 4 ('core' area east of Numurkah Road)?;</li> <li>- The 'Retail Core' refers to Precinct 1 only- is this intended?</li> </ul> </li> <li>- Revise and clarify the guideline: Preferred 9m front setbacks to main road frontages on smaller site to support site utilization. The associated Built Form requirements nominate 9m setbacks from Numurkah Road for all sites, in both Sub-Precincts.</li> </ul>	<p><b>Support recommendation.</b></p> <p>Amend wording within ACZ Schedule and Structure Plan to clarify the land use objectives.</p> <p>Consider renaming of Precinct to better describe preferred outcomes.</p> <p>Amend Built Form Requirements table to nominate varied setbacks to Wanganui Road for Precinct 6A. See response to Recommendation No.15.</p>	<p>Amended wording within all Amendment documentation including the Structure Plan.</p>



**Planning  
Panels  
Victoria**

**Greater Shepparton Planning Scheme Amendment C245gshe  
Shepparton North Activity Centre Structure Plan**

**Panel Report**

*Planning and Environment Act 1987*

**22 March 2024**



**How will this report be used?**

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.  
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located and the Yorta Yorta People upon the land on which the Amendment is located. We pay our respects to their Elders past and present.

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Greater Shepparton Planning Scheme Amendment C245gshe

Shepparton North Activity Centre Structure Plan

**22 March 2024**



Kathy Mitchell AM, Chair



Peter Marshall, Member

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## Glossary and abbreviations

2017 Panel	Panel for Amendments C192 and C193 in 2017
2020 Advisory Committee	Shepparton North Activity Centre Advisory Committee in 2020
ACZ2	Schedule 2 to the Activity Centre Zone
Amendment	Amendment C245gshe
CACS	City of Greater Shepparton Commercial Activity Centre Strategy 2015
Council	Greater Shepparton City Council
DDO9	Schedule 9 to the Design and Development Overlay
DTP	Department of Transport and Planning
DTP Transport	Department of Transport and Planning (Transport)
Growth Plan	Shepparton & Mooroopna 2050: Regional City Growth Plan 2021
Lascorp	Lascorp Investment Group Pty Ltd
Opportunities Paper	Shepparton North Opportunities and Emerging Challenges Paper
PE Act	Planning and Environment Act 1987
Planning Scheme	Greater Shepparton Planning Scheme
PPN56	Planning Practice Note 56: Activity Centre Zone
PPN58	Planning Practice Note 58: Structure Planning for Activity Centre Centres
SA2	Statistical Area 2
Shepparton CAD	Shepparton Central Activity District
SNAC	Shepparton North Activity Centre
SSEC	Shepparton Sports and Events Centre
Structure Plan	Shepparton North Structure Plan
UDF	Urban Design Framework
VCAT	Victorian Civil and Administrative Tribunal
VPA	Victorian Planning Authority

## Overview

Amendment summary	
The Amendment	Greater Shepparton Planning Scheme Amendment C245gshe
Common name	Shepparton North Activity Centre Structure Plan
Brief description	Introduction of the Activity Centre Zone in response to a new Structure Plan for Shepparton North
Subject land	Centred around the axis of Goulburn Valley Highway/Numurkah Road with Pine Road, Hawkins Street and Ford/Wanganui Road to Southdown Street to the east and the Shepparton Sports Precinct/Urban Floodway area to the west
The Proponent	City of Greater Shepparton
Planning Authority	City of Greater Shepparton
Authorisation	27 October 2023, noting drafting issues and clarity of language
Exhibition	14 November to 14 December 2023
Submissions	Number of Submissions: 17 (see Appendix A)

Panel process	
The Panel	Kathy Mitchell AM (Chair) and Peter Marshall
Supported by	Gabrielle Trowse and Chris Brennan
Directions Hearing	Planning Panels Victoria, Melbourne and by video: 29 January 2024
Panel Hearing	Planning Panels Victoria, Melbourne and by video: 26, 27, 28, 29 February and 1, 4, 5 March 2024
Site inspections	Not required
Parties to the Hearing	See Appendix B
Citation	Greater Shepparton PSA C245gshe [2024] PPV
Date of this report	22 March 2024

## Executive summary

Shepparton North is an emerging key residential, commercial and industrial area with significant open space and recreation areas, as well as the Munarra Centre for Regional Excellence. To better plan for this area, Council has led a structure planning process to provide the planning framework for future use and development in the core of Shepparton North over the next 15 to 30 years.

Greater Shepparton Planning Scheme Amendment C245gshe (the Amendment) seeks to provide a high-level plan to deliver the preferred land use outcomes for the Shepparton North sub-regional centre over a long-term planning horizon. As exhibited, it seeks to:

- introduce the Shepparton North Structure Plan (the Structure Plan)
- rezone all land within the Structure Plan area (with the exception of the open space area) from residential, commercial and industrial zones to a new schedule 2 to the Activity Centre Zone
- include the Structure Plan as an Incorporated Document in the Greater Shepparton Planning Scheme (the Planning Scheme).

Six Precincts are identified within the Structure Plan that reflect the preferred land uses for each through plans and text and ultimately through the Activity Centre Zone.

The Structure Plan and Amendment was exhibited for public comment, and attracted 17 submissions, the key issues of which related to:

- support and otherwise for two retail cores from a land use and economic perspective
- lack of detail regarding implementation
- concern about road and pedestrian linkages
- impacts on existing industrial land
- potentially contaminated land.

The Panel recognises the clear policy support to articulate strategic outcomes for activity centres. This proposal provides for two 'book-end' retail hubs within the central core of the Structure Plan area, connected by urban regeneration opportunities over a (lineal) 300 to 400 metre area. Further regeneration areas are located at the northern extent of the Activity Centre and to the south.

At the broad level, the strategic direction of the Amendment to realise increased activity and residential densities within the centre is well founded and should be supported.

The main focus of the Hearing related to the two proposed retail nodes, these being Precinct 1 to the south (Shepparton Pty Ltd land, located in the Commercial 1 Zone, currently improved with an existing supermarket but with a permit to develop two supermarkets) and Precinct 2 to the north Lascorp Investment Group Pty Ltd (Lascorp) land, located in the Commercial 2 Zone, which is largely vacant, and for which permits have previously been sought for retail). Both nodes will enjoy locational primacy. No party contested the need for a Structure Plan in principle, or that with modifications, the Structure Plan itself was generally fit for purpose. Shepparton Pty Ltd did not support Precinct 2 being included in the Activity Centre Zone.

Significantly, the whole of the core Precinct is already zoned for commercial purposes, being in the Commercial 1 Zone and Commercial 2 Zone (Precincts 1, 2 and 4), with the adjacent precinct in the Commercial 2 Zone (Precinct 6).

The Panel notes there have been several permits issued for the Shepparton Pty Ltd site in Precinct 1, but none have been acted upon. The Panel was advised a further time extension for the two already permitted supermarkets is currently being sought. There has been no change in retail activity on that site since the first Panel Hearing in 2017, and it has not delivered on its promise to the surrounding community. The most recent permit turns it back on the Activity Centre and from a connectivity and integration perspective, it is an unfortunate outcome. If that permit is acted upon as a catalyst development in the 'heart' of the Activity Centre, it will look outwards, not inwards and the north facing walls will present as an impenetrable barrier to the north.

The Lascorp site is currently in the Commercial 2 Zone and has previously attempted to seek a permit for retail development. The relevant previous Panel and Advisory Committee both noted a Structure Plan should be prepared to provide for a long-term strategic framework for the Shepparton North area. This has now occurred through this process and given the strategic direction of the Structure Plan, the Panel considers that on balance, the Lascorp site should be retained as exhibited in the Activity Centre Zone.

Further, the Structure Plan area includes a well-developed residential area, currently in the General Residential Zone to its east. The Panel has concerns about this area being included in the Activity Centre Zone due to its relatively recent development period (with some land remaining vacant), the unlikelihood of change over the planning horizon and that medium to higher density residential opportunities should be encouraged and concentrated in Precinct 4. The Panel considers that if the residential area remains in the Structure Plan, it should not be included in the Activity Centre Zone.

The economic evidence built on the 2017 Panel and the 2020 Advisory Committee Reports. The evidence in this Hearing focused on whether the Lascorp land should be included in the northern core retail area and in the Activity Centre Zone; and the implications a potential third and/or fourth supermarket being developed in the SNAC.

The current catchment population of around 24,000 is deemed sufficient to support two full-line supermarkets in line with the findings in the previous Hearings. Shepparton Pty Ltd's permit, if built, will satisfy this demand. The demand for a third full-line supermarket is dependent on population growth in the trade area. This was optimistically forecast to be around 300 people each year.

Given this rate of population growth, there is unlikely to be demand for a third supermarket until at least 2036 and possibly into the 2040s or later.

The Structure Plan allows for 13,500 square metres of supermarket floorspace as-of-right across Precincts 1 and 2. There is no cap on retail shop floorspace in these two precincts. The current permit in Precinct 1 is for two supermarkets with a combined floorspace of 7,400 square metres. The Panel finds this outcome is appropriate. Council concentrated on the long term for the Structure Plan and has attempted to facilitate the development of a second full-line supermarket which it considers is well overdue. The Panel has concerns that although there should be a net community benefit from implementation of the Structure Plan in the long term, there may be some risk of disbenefit in the short to medium term.

The other key issue relates to rezoning former Industrial 1 Zone land where while current industry will have existing use right, opportunities for further industrial development or major change may well be limited. This is particularly relevant in existing industrial land directly to the east of the Shepparton Pty Ltd land.



In terms of pedestrian and road connections, development contributions and implementation, the Panel acknowledges there is significantly more work to be undertaken as the Structure Plan area evolves and continues to develop. Getting the Structure Plan approved is the first step and recognising this is potentially a 30-year plan, preparation of a detailed implementation plan is one of the next steps. However, approval of this Amendment should not be held up while that plan is considered and prepared.

The key Panel conclusions are:

- The Amendment is well founded and will provide a positive step in planning for an integrated Activity Centre that will grow with the Shepparton North community as it grows.
- Application of the Activity Centre Zone is appropriate for all sites as exhibited, except for the residential land to the east.
- There is unlikely to be demand for a third full-line supermarket before 2036 and possibly into the 2040s or later.
- There will be net community benefit in the long term by the implementation of the Structure Plan.
- The provision of 'as of right' allowance for supermarkets and no cap on retail floorspace in Precincts 1 and 2a means there may be a risk of some disbenefit in the short to medium term.
- The Day 1 version of Schedule 2 to the Activity Centre Zone should be adopted, subject to the Panel's recommendations in Appendix E.
- The Structure Plan should be included as a Background Document in the Planning Scheme.

Rather than the south and north nodes of Shepparton North being seen as two disparate nodes, these places have the opportunity to be recognised as the central pivot points in a thriving Activity Centre that is linked to provide for a range of facilities, including retail, residential, office and community services. It is now time for Council to implement its Structure Plan and to make good its Vision for the Shepparton North Activity Centre. In this way, population growth might project ahead of time if the proposed regeneration of Shepparton North is realised.

### Recommendations

Based on the reasons set out in this Report, the Panel recommends that Greater Shepparton Planning Scheme Amendment C245gshe be adopted as exhibited subject to the following:

1. **Revise the Shepparton North Sub-Regional Activity Centre Structure Plan as shown in Document 98, subject to the following:**
  - a) **rename the Shepparton North Sub-Regional Activity Centre Structure Plan to the Shepparton North Activity Centre Structure Plan.**
  - b) **review its content and structure, including most of Section 1 and part of Section 2 to ensure the final Structure Plan is a more concise and focussed document that can be clearly understood and addressed.**
2. **Amend Schedule 2 to the Activity Centre Zone as provided in Appendix E, including an additional clause at 6.0 Application requirements in Precinct 4b and 5 to read: "An assessment of all land to determine if contamination exists."**

3. **Delete the provision at Clause 72.04 for the Shepparton North Activity Centre Structure Plan to be included as an Incorporated Document.**
4. **Include the Shepparton North Activity Centre Structure Plan as a Background Document.**
5. **Remove the residential area to the east of the Structure Plan area from the Structure Plan and the Activity Centre Zone.**
6. **Review the table of permitted or permitted subject to permit uses, particularly in Precincts 2a, 2b and 4a to ensure they are less restrictive to enable more opportunities to locate in the Structure Plan area.**
7. **Consider the process for applying the Environmental Audit Overlay on land in Precincts 4b and 5 through a separate process.**

# 1 Introduction

## 1.1 The Amendment

### (i) Description

Amendment C245gshe seeks to change the Planning Scheme by introducing Schedule 2 to the Activity Centre Zone and include the Shepparton North Structure Plan (Structure Plan) as an Incorporated Document to Clause 72.04.

In summary, the Amendment proposes to:

- implement the land use and built form directions of the Shepparton North Sub-Regional Activity Centre Structure Plan, 2023
- support Shepparton North's transition into an integrated activity centre by rezoning land currently zoned Commercial 1, Commercial 2, Industrial 1, Urban Floodway and General Residential Zones to the Activity Centre Zone Schedule 2
- delete Design and Development Overlay (DDO) Schedules 14 and 19 but include the existing provisions and requirements of Schedule 9 to the Design and Development Overlay in the Activity Centre Zone
- make various other changes.

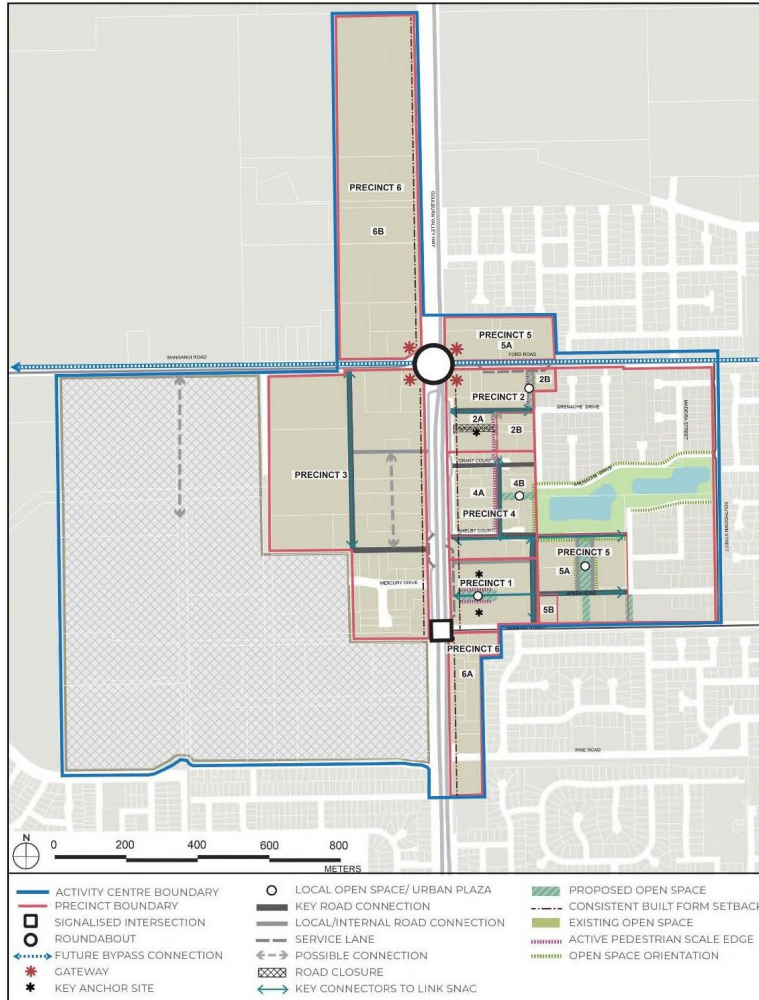
### (ii) The subject land

The Amendment applies to land within the Activity Centre Boundary, as identified in the Shepparton North Sub-Regional Activity Centre Structure Plan (Mesh Planning, 2023), as exhibited and shown in Figure 1.

The subject land is an irregularly shaped precinct located on the east and west side of Numurkah Road/Goulburn Valley Highway, generally to the north of Brauman Street on its west side, and Hawkins Street on its east side. The land includes the Shepparton Sports and Events Centre (SSEC) to the west and includes extensions along Numurkah Road/Goulburn Valley Highway, north of Wanganui Road and south of Hawkins Street.

Land to the east and south of the Structure Plan area is predominantly developed for residential purposes, while land further north is part of the Shepparton North East Precinct Structure Plan area. Land to the west and included in the Structure Plan includes the SSEC and the Munarra Centre for Regional Excellence, an Indigenous-led pathways-based education facility for indigenous and non-indigenous students. Land immediately south of Wanganui Road includes industrial development within the precinct boundary and further west is land that is flood prone and used for light agriculture. The Panel notes Precinct 6 to the north and south is set aside as an opportunity area for peripheral commercial development.

Figure 1 Shepparton North Framework Plan



The identified Precincts are:

- Precinct 1: Retail Core
- Precinct 2: Commercial Core
- Precinct 3: Industrial Core
- Precinct 4: Commercial Corridor
- Precinct 5: Peripheral Residential
- Precinct 6: Peripheral Commercial.

While included in the Structure Plan area, the large hatched area of land to the west is public land and is not proposed to be included in Schedule 2 to the Activity Centre Zone (ACZ2).

## 1.2 Background

### (i) Exhibition

The Amendment was exhibited from 14 November to 14 December 2023 and it attracted 17 submissions, eight of which were received after the exhibition period. Some submissions were in support of the Amendment, while others raised particular issues that require further consideration. It is understood that under officer delegation, Council resolved to refer all submissions and the Amendment to a planning panel on 2 January 2024. The Council Delegate report was provided to the Panel<sup>1</sup>.

### (ii) Chronology of events

Part of the Structure Plan area has a long history in contest since at least 2017, including through Planning Scheme Amendments C192 and C193 (the 2017 Panel), the Supreme Court of Victoria, the Shepparton North Activity Centre Advisory Committee (2020 Advisory Committee) and at the Victorian Civil and Administrative Tribunal (VCAT), as outlined in Table 1. The Panel adopts the chronology provided by Council in its Part A submission, but with some changes.

**Table 1** Chronology of key events

Date	Event
November 2015	Council prepared the CACS to review the retail hierarchy in the Planning Scheme and to provide guidance for future commercial growth.
February 2016	The CACS was adopted by Council at its Ordinary Council Meeting on 16 February 2016.
July 2017	Council prepared the Urban Design Framework (UDF) Addendum to provide updated guidance for the urban design for the Shepparton North and South Business Areas following the preparation of the UDF. The UDF Addendum was adopted by Council at its Ordinary Council Meeting on 18 July 2017.
June 2018	Amendment C192 updated the Planning Scheme including Activity Centre Zone Schedule 1 to implement the recommendations of the CACS, November 2015.
June 2018	Amendment C193 and planning permit application 2016-269 formed part of a combined planning scheme amendment and planning permit application (PPA 2016-269). Amendment C193 was split into Amendment C193 Part 1 and Amendment C193 Part 2. Amendment C193 Part 1 was ultimately adopted.
October 2018	Amendment C196 introduced the UDF Addendum to the Urban Design Framework: Shepparton North and South Business Areas, July 2017 into the Planning Scheme as a reference document and implemented its recommendations to introduce a new DDO Schedule 9 for land at Shepparton North.

<sup>1</sup> D3

Date	Event
August 2020	Amendment C193 and planning permit application 2016-269 formed part of a combined planning scheme amendment and planning permit application. Amendment C193 Part 2 was ultimately abandoned.
March 2021	Council adopted the Shepparton and Mooroopna 2050: Regional City Growth Plan at the Additional Council Meeting on 30 March 2021.
November 2021	Mesh Planning engaged to prepare a Structure Plan for Shepparton North.
February 2022	Pre-draft consultation with the community, landowners and stakeholders of the SNAC.
September 2022	Issues, Opportunities and Emerging Challenges Paper Council briefing.
September 2022	Issues, Opportunities and Emerging Challenges Paper finalised for community consultation.
September 2022	Community, landowner and key stakeholder consultation on the findings of the Issues, Opportunities and Emerging Challenges Paper.
March 2023	SNAC Structure Plan was adopted by Council at its Ordinary Council Meeting and resolved that Council (in summary): <ol style="list-style-type: none"> <li>1. Note the conclusion of the community engagement process associated with the Shepparton North Issues, Opportunities and Emerging Challenges Paper August 2022.</li> <li>2. Receive and note the Conversation Report – Shepparton North Issues, Opportunities and Emerging Challenges Paper, November 2022 summarising all submissions received or heard in relation to the Shepparton North Issues: Opportunities and Emerging Challenges Paper, August 2022.</li> <li>3. Adopt the Shepparton North Structure Plan March 2023.</li> <li>4. Prepare a planning scheme amendment to implement the Structure Plan by including it into the Planning Scheme.</li> </ol>
April 2023	Council requested assistance through the Regional Planning Hub portal for preparation of Amendment documentation to implement the SNAC Structure Plan.
September 2023	Council sought Authorisation from the Minister of Planning to prepare and exhibit the Amendment.
October 2023	Authorisation was granted under delegation from the Minister for Planning with one condition.
November 2023	Exhibition of Amendment commenced.
December 2023	Exhibition of Amendment concluded, resulting in 17 submissions.
January 2024	Panel appointed.
January 2024	Directions Hearing held for Amendment C245gshe.
February 2024	Panel Hearing commenced on 26 February for seven days.

## 1.3 Procedural issues

### (i) Declarations

At the Directions Hearing, the Chair advised:

- she chaired the Panel for Greater Shepparton Amendments C192 and C193 in 2017
- she chaired the Shepparton North East Precinct Structure Plan (Amendment C118) Panel in 2018
- she chaired the Shepparton North Activity Centre Advisory Committee in 2020
- a Senior Panel Member of Planning Panels Victoria is related to a submitter to this matter (who has not sought to be heard) and she has had no discussions about this or the previous matters at any time.

The Panel provided these declarations in writing to all parties seeking to be heard in its post Directions Hearing letter on 31 January 2024<sup>2</sup>.

At the Directions Hearing, the Chair advised parties the Panel would be reconstituted to include Dr Peter Marshall, an economist. The Panel was reconstituted on 13 February 2024.

No submitters raised any issues about these declarations or the reconstitution.

### (ii) Request for delay of pre-set Hearing dates

On 13 December 2023, Minter Ellison lawyers on behalf of Shepparton Pty Ltd and IGA Retail Services Pty Ltd (Shepparton Pty Ltd) wrote to the office of PPV seeking a delay to the pre-set Hearing dates, setting out several reasons<sup>3</sup>.

The office of PPV responded that the request would be a matter for the Panel (yet to be appointed) at the appropriate time.

Prior to the Directions Hearing and on 25 January 2024, Holding Redlich for Council provided a written response objecting to any delay to the Hearing<sup>4</sup>. The letter noted Council was ready to proceed, any delay would create uncertainties, awaiting the VCAT report was not relevant, and availability of Counsel was not an adequate reason to seek a delay (two of the request grounds).

The issue was raised at the Directions Hearing and Shepparton Pty Ltd was invited to speak to the request. In essence, Shepparton Pty Ltd noted most of its issues had been addressed, except that it was awaiting a VCAT decision for P864/2023. It considered its case would be prejudiced by not knowing the outcome of that decision.

Council and Lascorp did not support that position and advised it was inappropriate as the dates had been pre-set and relying on an outstanding VCAT decision was not a reason to delay.

The Panel agreed with Council and Lascorp and determined the Hearing would proceed accordingly with no delay.

<sup>2</sup> D5

<sup>3</sup> D1

<sup>4</sup> D3

**(iii) Drafting of Schedule 2 to the Activity Centre Zone**

At the Directions Hearing, the Panel raised several issues with the drafting of Schedule 2 to the Activity Centre Zone (ACZ2), noting it lacked clarity. The Panel directed that Council undertake an audit of the zone provisions. For example, the Activity Centre Framework Plan showed the boundary of the Activity Centre, but did not include the recreation and open space area in the legend. Further (and as noted in Document 5 – directions and timetable), the Panel sought advice on (amongst other matters):

- consistent language and expression
- ‘should’ and must’
- clarity about where a permit is required
- building heights being in text and in tables
- the table of uses, especially in Precinct 1
- superfluous words and non-parallel structures
- selection of the Activity Centre Zone
- the potential underlying zone(s) if the Activity Centre Zone was not used
- readable and clear legend that includes all relevant information.

Council undertook that work and provided a ‘Day 1’ version of ACZ2 that was used as the basis for discussion at the Hearing. The Panel records its appreciation to Council for the substantive work that went into those revisions, as it meant there was need for comparatively little discussion about the zone provisions at the Hearing.

**(iv) Evidence of Mr Barnes**

At the conclusion of Day 3 of the Hearing, Lascorp raised a procedural issue about some aspects of the planning evidence of Mr Barnes<sup>5</sup>. In essence, Lascorp was concerned about the wording of paragraphs 20 and 83 in that it considered it could be purported or read that the previous Panel and previous Advisory Committee had led Mr Barnes to believe that consideration of this Structure Plan meant the issue of the retail economics and supermarket location issues were not on the table. As this Chair was the chair of the 2017 Panel and 2020 Advisory Committee, Lascorp sought assurance from the Chair that was not the case.

Shepparton Pty Ltd responded to this and provided case notes on precedent and case law about bias.

The Chair responded by noting evidence and advocate submissions in this current case have quoted at length various comments from the two previous reports. The Chair noted she had deliberately not re-read those reports as part of preparation for this Hearing as she was keen to ensure ‘an open mind’ for consideration of the Structure Plan. The Chair noted the interpretation of various quotes was a matter for those authors.

In response to paragraph 20 of Mr Barnes’s evidence in particular, the Chair advised she would read relevant aspects of the previous reports to confirm there were no such comments made.

The Chair later confirmed there was no such commentary and recommendations in either the 2017 Panel or 2020 Advisory Committee reports that could assert what Lascorp asserted

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<sup>5</sup> D23



were the critical statements in the evidence of Mr Barnes. Lascorp was satisfied with that response.

## 1.4 Summary of submissions

Fifteen submissions were received during exhibition, with a further two received by Council after exhibition.

### (i) Summary

Council's Part A submission included a summary of all submissions as follows:

- Supermarket use outside of single 'core' retail area, general objection to two retail nodes and the inclusion of Precinct 2 as a retail area and development at Ford Road;
- Policy that allows up to four supermarkets in the short-term;
- Consultation process, including lack of public exhibition before adoption;
- Perceived conflict with expert direction and advice, including the Minister, Advisory Committee, Panels and economic experts;
- Siting and built form including siting and configuration of anchor sites and open space, built form requirements of Sub-precinct 2A;
- Prohibition or restriction of certain uses, including Industry, supermarket and retail premises in Sub-precinct 2B;
- Status of the Structure Plan in the Planning Scheme, Incorporated Document instead of Background Document;
- Flooding, drainage and stormwater concerns including request for application of flood overlay controls and new mapping, issues with adoption before release of Victoria's 2024 Flood Report;
- Other environmental risks, including potentially contaminated land, land use incompatibility, noise risks<sup>6</sup>.

### (ii) Council

Council prepared the Amendment in response to a recommendation from the Minister for Planning to prepare a structure plan for Shepparton North, including for the land now known as the Shepparton North Activity Centre (SNAC). It noted Shepparton North was experiencing strong population growth and significant investment in infrastructure, particularly arterial roads and stormwater drainage. As Proponent of the Amendment, Council considered the Amendment was strategically justified to guide future development of the SNAC into a predominantly retail/commercial precinct with appropriate connections to surrounding areas in Shepparton North.

Council considered a central point of contention in the Amendment concerned Shepparton Pty Ltd and Lascorp. Council's Part B submission acknowledged the previous comments by the 2017 Panel and the 2020 Advisory Committee in stating:

... In seeking to resolve the contention between those parties, net community benefit dictates that the wider interests of the Shepparton North community also be given proper consideration. In this regard, the Planning Authority strongly submits that the Amendment, in particular the requirements of the ACZ and the Structure Plan deliver a net community benefit to the precincts to which they apply in the Shepparton North Activity Centre.

...

<sup>6</sup> D11

To the extent that matters concern IGA and Lascorp, the Planning Authority's final position is to seek the Panel's recommendations to put in place a set of controls that would facilitate supermarket use and development at the Lascorp site<sup>7</sup>.

### (iii) Environment Protection Authority Victoria

Environment Protection Authority Victoria (EPA) noted the Amendment was not referred to it in accordance with *Ministerial Direction 19: Amendments that may result in impacts on environment, amenity and human health* (MD1). It lodged a submission to Council on 22 December 2023 and wrote to the Panel on 14 February 2024 documenting outstanding matters but confirming it would not be participating in the Hearing process<sup>8</sup>. The EPA anticipated many of the issues raised in its initial submission to Council would be addressed by Council in updated documentation. Other issues relevant to the Amendment included:

- Making a determination up-front by way of a statement in the Explanatory Report about the potential contamination of land in Precincts 4b and 5, and clearly stating steps taken by Council to address this.
- The proposed application requirements in ACZ2 to Precincts 4b and 5 duplicate requirements of the Environmental Audit Overlay. This duplication should be removed, and the Environmental Audit Overlay applied to these precincts instead.
- The requirement in ACZ2 for a preliminary soil assessment should be removed. The EPA noted in its initial submission that this approach was inconsistent with MD1 and *Planning Practice Note 30: Potentially Contaminated Land* (PPN30).
- The proposed wording for an acoustic assessment in ACZ2 should be replaced with preferred wording from the EPA's initial submission.
- The possible issue of land south of Ford Road having been used for residential development without requisite assessment for contamination in accordance with the requirements of the Environmental Audit Overlay. The EPA noted that Council was investigating this matter.

### (iv) Other government agencies

**Victorian Planning Authority (VPA)** – The VPA supported the Amendment on the basis it would support the progressive transformation of Shepparton North into a fully functioning, integrated activity centre. It noted the Amendment was consistent with recommendations of strategic policy prepared by the VPA and that it would complement planning for a network of activity centres through the Shepparton North East Precinct Structure Plan and draft Shepparton South East Precinct Structure Plan areas.

**Goulburn Murray Water** – Goulburn Murray Water did not object to the Amendment and reiterated requirements related to buildings and works within proximity of their surface water infrastructure or that may impact drainage flows. It noted Council would take responsibility for drainage outfalls.

**Goulburn Broken Catchment Management Authority (CMA)** – The CMA did not object to the Amendment subject to a request for the Urban Floodway Zone to be replaced with overlay controls as proposed in Amendment C147gshe and a recommendation that new flood mapping be applied to the entire Activity Centre Zone area.

<sup>7</sup> D30

<sup>8</sup> D12

**Department of Transport and Planning (Transport) (DTP Transport)** – DTP Transport supported the Amendment subject to replacing references in the Structure Plan to the Ford Road/Numurkah Road roundabout and Hawkins Street/Numurkah Road signalised intersection with ‘Future intersection upgrade’. It recommended various corrections or amendments to ACZ2 regarding a movement and access objective and the requirement for a traffic and car parking assessment.

**(v) Other submitters**

**Southern Steel Properties Pty Ltd (Surdex)** – Surdex noted it generally supported Council’s preparation of a Structure Plan but submitted any new or altered planning provisions should not prejudice or affect the viability of existing uses. Surdex noted its intention for long term operations at its existing site at 27 and 29 Hawkins Street and submitted ‘Industry’ would be prohibited in the proposed ACZ2.

It considered the suite of uses in ACZ2 too narrow, effectively resulting in a ‘pseudo-residential zone’ that would prohibit industry and a range of other employment generating uses. The submission raised the ongoing need to carefully manage the interface with existing nearby sensitive uses in proximity to industrial land in Shepparton North. Surdex submitted the Amendment would undermine ongoing investment in its site and its ability to improve or expand operations.

**Lascorp** – Lascorp has an interest in landholdings at 221-229 Numurkah Road and 10 Ford Road, 219 Numurkah Road, 231-237 Numurkah Road and 38 Ford Road, Shepparton (the Lascorp land). This land extends from just north of Grant Court through to Grenache Drive and up to Ford Road.

Lascorp supported the Amendment and more particularly the identification of the Lascorp land as the ‘northern gateway’ to the activity centre and its designation as Precinct 2 or the ‘Commercial Core’ to allow for retail use including a potential anchor tenant (full-line supermarket). Lascorp submitted:

- The precinct boundary between sub-precincts 2A and 2B should be located further east to better reflect the commercial aspirations of the site, while encouraging residential uses adjacent to the existing residential area to the east to provide an appropriate buffer transition in built form and land uses.
- The built form requirements at Section 5.2.3, restrict the opportunity for a true ‘gateway’ response as the setback and building height requirements are too restrictive and do not contemplate or encourage a more robust built form to this corner.

Regarding the proposed linear open space area to the north-eastern corner of the site, Lascorp submitted:

We consider this an unnecessary requirement as it will sever connection between land to the north-east corner of the site and the balance of our site. As part of a commercial and mixed-use development, it should be up to future designs to determine the most appropriate location of open space areas having regard to access points, functional requirements and the likely needs of users in a commercial centre.

**Shepparton Pty Ltd** – Shepparton Pty Ltd intends to develop its land at 177-193 Numurkah Road, Shepparton North (the Shepparton Pty Ltd land) as a Sub-Regional Commercial Activity Centre with permits issued and contracts secured for two new full-line supermarkets operated by IGA and Coles. Shepparton Pty Ltd objected to the Amendment on the basis that Precinct 2 should not be identified as a ‘Commercial Core’ as there was no

need for a third or fourth supermarket in North Shepparton until 2035 or later. It considered there was a lack of economic justification and noted previous Panel and Advisory Committee recommendations that twin retail nodes were not preferred. Shepparton Pty Ltd submitted:

We strongly object to the provisions of Amendment C245 that would allow for shop and 13,500m<sup>2</sup> of supermarket uses on sites outside Precinct 1 – Retail Core, without full assessment of economic impacts and other use related matters. If implemented in its exhibition form, it will:

- undermine the ability of the Retail Core to properly develop;
- has the potential to create two retail nodes;
- allow for at least three full line supermarkets to establish in the Activity Centre immediately;
- could allow a fourth supermarket to be approved without any form of use assessment.

Shepparton Pty Ltd submitted on issues relating to:

- the proposed ACZ2 not reflecting its siting preferences or its current application to develop its land (that issue was before VCAT but is now resolved)
- the proposed inclusion of the Structure Plan as an Incorporated Document
- process and consultation issues.

Shepparton Pty Ltd supported the preparation of a Structure Plan which it considered long overdue to guide planning of Shepparton North and the designation of its land as the Precinct 1 ‘Retail Core’. It supported the use of the Activity Centre Zone as a planning tool, including the relevant precinct objectives and the general land use vision and development objectives, with some exceptions.

**Lorenz Group** – Lorenz Group operates the existing Fairleys IGA supermarket on the Shepparton Pty Ltd land in Precinct 1. It objected to the Amendment on grounds consistent with those of Shepparton Pty Ltd and submitted:

There is no strategic policy, population growth or economic evidence to support the Council adopted Plan. So, Precinct 2 should not be allowed to be developed as core retail.

Further, Panels and the Minister expressly said that a twin nodal configuration of the activity centre was not preferred.

Other submissions made comments in support of or against the Amendment and touched on issues similar to those summarised above.

## 1.5 The Panel’s approach

At the Directions Hearing, the Panel directed Council to undertake a review and audit of ACZ2 due to what the Panel identified as clarity, consistency, expression and other issues. Council did that work and tabled a revised schedule prior to commencement of the Hearing which was identified and referred to as the ‘Day 1’ version<sup>9</sup>.

All parties to the Hearing used the Day 1 version for their comments, except for the witnesses who provided their evidence based on the exhibited version. Mr Glossop for Lascorp undertook a detailed review of ACZ2 and he helpfully provided specific recommendations on many aspects of the schedule, many of which Council adopted.

<sup>9</sup> D32

Towards the end of the Hearing, Council provided a further update to ACZ2, which included those recommendations it accepted from various submissions and witnesses and most particularly, the evidence of Mr Glossop and Mr McPherson who also made significant recommendations for Council <sup>10</sup>. The Panel has adopted those changes and it uses Document 97, the most recent version of ACZ2 as the basis of its review and consideration, as included in Appendix E.

In addition, Council reviewed the Structure Plan and provided a revised version of that plan at the commencement of the Hearing, which was far more difficult to read and understand as tracked changes could not be shown due to the software upon which it was constructed. It then provided a final version at the conclusion of the Hearing, and again, it is that version Council should take forward in reconciling the recommendations of the Panel<sup>11</sup>.

The Panel has considered all written submissions made in response to exhibition of the Amendment, and submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report. In doing so, the Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

This Report deals with the substantive issues under the following headings:

- Strategic Planning Context
- The Structure Plan
- Economic issues
- Other matters:
  - Impacts on industrial uses
  - Connectivity and linkages
  - Environmental matters.

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<sup>10</sup> D97

<sup>11</sup> D98

## 2 Strategic planning context

### 2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix D highlights key imperatives of relevant provisions and policies.

**Table 2** Planning context

	Relevant references
<b>Victorian planning objectives</b>	<ul style="list-style-type: none"> <li>- section 4 of the PE Act</li> </ul>
<b>Municipal Planning Strategy</b>	<ul style="list-style-type: none"> <li>- Clause 02.02 (Vision)</li> <li>- Clause 02.03 (Strategic directions)</li> <li>- Clause 02.04 (Strategic Framework Plans)</li> </ul>
<b>Planning Policy Framework</b>	<ul style="list-style-type: none"> <li>- Clause 11 (Settlement)</li> <li>- Clause 13 (Environmental Risks and Amenity)</li> <li>- Clause 15 (Built Environment and Heritage)</li> <li>- Clause 16 (Housing)</li> <li>- Clause 17 (Economic Development)</li> <li>- Clause 18 (Transport)</li> <li>- Clause 19 (Infrastructure)</li> </ul>
<b>Other planning strategies and policies</b>	<ul style="list-style-type: none"> <li>- Plan Melbourne Direction 4, Policies 4.1, 4.2</li> <li>- Hume Regional Growth Plan</li> <li>- Urban Design Guidelines for Victoria, 2017</li> <li>- City of Greater Shepparton Commercial Activity Centre Strategy 2015</li> <li>- Urban Design Framework: Shepparton North and South Business Areas (Addendum) 2017</li> <li>- Draft Shepparton and Mooroopna 2050: Regional City Growth Plan (July 2020)</li> </ul>
<b>Planning scheme provisions</b>	<p>Zones in or adjacent to the subject land:</p> <ul style="list-style-type: none"> <li>- Activity Centre Zone</li> <li>- Commercial 1 Zone</li> <li>- Commercial 2 Zone</li> <li>- General Residential Zone</li> <li>- Industrial 1 Zone</li> <li>- Public Park and Recreation Zone</li> <li>- Public Use Zones 1, 2 and 6</li> <li>- Transport Zone</li> <li>- Urban Floodway Zone</li> </ul> <p>Overlays in or adjacent to the subject land:</p> <ul style="list-style-type: none"> <li>- Design and Development Overlay Schedule 9</li> <li>- Development Contributions Plan Overlay</li> </ul>

Relevant references	
	<ul style="list-style-type: none"> <li>- Development Plan Overlay Schedules 1 and 19</li> <li>- Environmental Audit Overlay</li> <li>- Flood Overlay</li> <li>- Land Subject to Inundation Overlay</li> <li>- Public Acquisition Overlay</li> </ul>
<b>Planning scheme amendments</b>	<ul style="list-style-type: none"> <li>- Greater Shepparton C118 – Shepparton North East Precinct Structure Plan and Development Contributions Plan (approved)</li> <li>- Greater Shepparton C162 – Implements the findings and recommendations of the Industrial Land Review, City of Greater Shepparton, 2011 (approved with changes)</li> <li>- Greater Shepparton C192 – Commercial Activity Centres Strategy, November 2015 (approved with changes)</li> <li>- Greater Shepparton C193 Part 1 – Public Acquisition Overlay to part of 221-229 Numurkah Road, part of 38-50 Ford Road and part of 25 Hawkins Road (approved)</li> <li>- Greater Shepparton C193 Part 2 – Combined amendment/ permit to rezone 221-229 Numurkah Road and 10 Ford Road, Shepparton from the Commercial 2 Zone to the Commercial 1 Zone (refused)</li> <li>- Greater Shepparton C196 – Implementation of recommendations in the addendum to the Urban Design Framework: Shepparton North and South Business Areas, July 2017 (approved)</li> <li>- Greater Shepparton C211 – Application of the Specific Controls Overlay to land in North Shepparton to facilitate the development of the Munarra Centre for Regional Excellence and Shepparton Sports and Events Centre (approved with changes)</li> </ul>
<b>Ministerial directions</b>	<ul style="list-style-type: none"> <li>- Ministerial Direction 1 – Potentially Contaminated Land</li> <li>- Ministerial Direction 11 – Strategic Assessment of Amendments</li> <li>- Ministerial Direction 15 – The Planning Scheme Amendment Process</li> </ul>
<b>Planning practice notes and advisory notes</b>	<ul style="list-style-type: none"> <li>- Planning Practice Note 13 – Reference and Incorporated Documents (inactive)</li> <li>- Planning Practice Note 17 – Urban Design Frameworks (review in progress)</li> <li>- Planning Practice Note 30 – Potentially Contaminated Land (current)</li> <li>- Planning Practice Note 46 – Strategic Assessment Guidelines (current)</li> <li>- Planning Practice Note 56 – Activity Centre Zone (review in progress) (PPN56)</li> <li>- Planning Practice Note 58 – Structure Planning for Activity Centres (review in progress) (PPN58)</li> </ul>

### Relevant references

- Planning Practice Note 60 – Height and Setback Controls for Activity Centres (review in progress)
- Advisory Note 48 – Ministerial Direction 15 – The Planning Scheme Amendment Process
- Advisory Note 73 – New requirements for a planning authority to consult Environment Protection Authority

## 2.2 Strategic justification

### (i) Evidence and submissions

Council tabled an agreed statement of issues on 22 February 2024 pursuant to the Panel's Directions<sup>12</sup>. Parties and experts generally agreed on the strategic need for the Structure Plan to reflect the identified role of Shepparton North in the activity centre hierarchy, and the use of the ACZ was not strongly disputed. While there were concerns around the extent of the area of the SNAC and the associated ACZ boundary extending to the west of Numurkah Road and into residential land to the east, the key strategic issue in dispute related to the twin nodal configuration of the Structure Plan that would enable the establishment of three full-line supermarkets on two sites in relatively close proximity.

Council submitted that the *City of Greater Shepparton Commercial Activity Centre Strategy 2015* (CACS) identified a strong need for a second full-line supermarket in Shepparton North. Its Part B submission stated:

... the Planning Authority strongly submits that the Amendment, in particular the requirements of the ACZ and the Structure Plan deliver a net community benefit to the precincts to which they apply in the Shepparton North Activity Centre.

To the extent that matters concern IGA and Lascorp, the Planning Authority's final position is to seek the Panel's recommendations to put in place a set of controls that would facilitate supermarket use and development at the Lascorp site<sup>13</sup>.

The CACS was adopted by Council in October 2015 and identified that Shepparton North must contain a broader range of retail and commercial functions to achieve its anticipated enhanced role as a Sub-regional Centre in the hierarchy.

Local policy at Clause 17.02-1L (Commercial activity centres) identifies the hierarchy of the various commercial activity centres in Shepparton. It includes a 'Business Framework Plan' as shown in Figure 2. Clause 17.02-1S encourages development that meets the community's needs for retail, entertainment, office and other commercial uses.

PPN58 provides strategic guidance for preparing Structure Plans and PPN56 provides similar guidance for application of the Activity Centre Zone. These two documents enable Councils to effectively plan for the long term in a considered manner to allow for change in established and/or emerging areas. It allows Council to set a vision and to allow relevant stakeholders to have input into achieving that vision. Realising the outcomes of a Structure Plan takes many years and it is important to recognise it is a long term plan, not an immediate outcome.

<sup>12</sup> D39

<sup>13</sup> D30



Shepparton Pty Ltd considered “*the preparation of a structure plan is, in principle, a positive*”, however considered the implementation raises several problems. It raised strategic issues relating to oversupply of supermarket (and retail) floorspace without economic justification and the establishment of disconnected retail nodes. It suggested the Structure Plan and proposed controls had not been properly considered, and pointed to the evidence of Mr Barnes who questioned the use of the ACZ outright.

Mr Barnes, while noting the proposed ACZ2 would work, considered the proposed zone was not necessarily the best fit for Shepparton North. While questioning the need for the ACZ boundary to be so large, he had no fundamental issue with the boundaries of the ACZ as exhibited provided it is was not used to justify a supermarket and associated shops on the Ford Street site (referred to in this report as the Lascorp land). Mr Barnes’ summary of opinion stated:

- There is no strategic justification for three full-line supermarkets in Shepparton North.
- A supermarket on the Ford Street site, and the potential for three supermarkets within the activity centre, is contrary to planning policy and to long established principles for good activity centre planning.
- The directions advanced in the Structure Plan are inconsistent with a supporting economic assessment prepared by Geografia.
- There are internal inconsistencies in the Structure Plan in terms of identifying a heart for the centre on the Hawkins Street site, and then supporting an additional supermarket on a disconnected site at Ford Road, that will undermine the critical mass and vitality of the heart<sup>14</sup>.

Lascorp submitted:

The Amendment will provide guidance in relation to precinct-based land use and development outcomes, supporting the intensification and concentration of additional retail and commercial facilities consistent with planning policy and where larger landholdings must be identified to support larger floorspace uses.

...

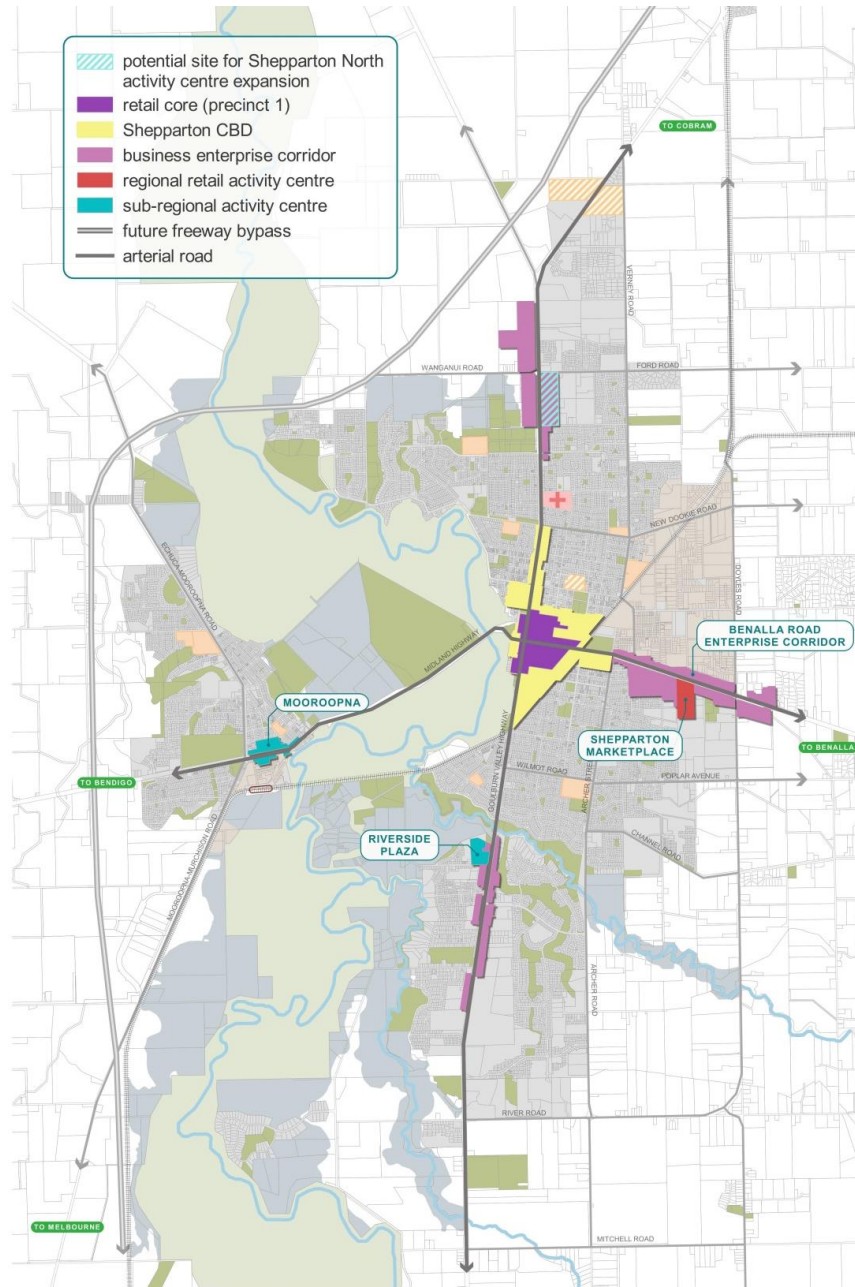
The evidence, taken as a whole, demonstrates that the Amendment is strategically justified and accords with principles of orderly planning<sup>15</sup>.

Mr Glossop’s evidence supported the strategic basis of the Amendment and rezoning of the SNAC to the ACZ. He considered the boundary of the SNAC was generally logical and the inclusion of the Lascorp land within the ACZ was appropriate and consistent with guidance in PPN56. He observed the expansion of the commercial offer in Shepparton North was already contemplated by the planning scheme by way of policy at Clause 17.02-1L and further, he noted the Business Framework Plan at Figure 2 shows the ‘potential site for Shepparton North activity centre expansion’ as including the Lascorp land.

<sup>14</sup> D23

<sup>15</sup> D63

**Figure 2 Shepparton Business Framework Plan showing the potential site for the Shepparton North Activity Centre expansion to the north**



Source: Greater Shepparton Planning Scheme, Clause 17.02-1L

Mr Glossop stated:

There is always an inherent challenge in structure planning for such areas where there is a mix of interests, ambitions and time frames. In this context, it is a positive feature that Lascorp has secured a supermarket tenant and has been ready to progress with its proposal for around 7 years.

If approved, the Structure Plan will provide much needed certainty and direction to the Shepparton North Activity Centre. That is an important planning benefit in an area that has been characterised by uncertainty<sup>16</sup>.

The submission from Lorenz Group equally raised extensive concerns around the strategic or economic justification for a full-line supermarket on the Lascorp land and a twin nodal configuration. Lorenz Group submitted:

In summary, there are net community benefits to actively promote the twin supermarket development at Hawkins Street, there are no policy or net community benefits to allow a third or fourth supermarket as proposed by this Structure Plan. Doing so would be to grossly distort the Council Activity Centre hierarchy<sup>17</sup>.

In closing, Council highlighted that *“it is not the role of planning to protect centres from competition or preserve their trading levels just as it is not the role of planning to protect individual traders”*, and emphasised that it supported supermarkets on both the Metcash and Lascorp land<sup>18</sup>.

## (ii) Discussion

The Structure Plan provides for a centre that will be multi-functional to serve a wide range of needs for the local and wider community. It will not be ‘just’ a shopping destination. Council has been visionary in its planning and this is to be commended.

The Panel supports the submissions of Lascorp that summarises the outcome of the Amendment:

Taken as a whole, the Amendment formalises a cogent vision for the Centre and will:

- (a) Provide opportunity for innovation and investment over the long term generating long anticipated catalytic change;
- (b) Prompt market action by supporting investment decisions made by the market in support of achieving the Sub Regional role of the centre at the earliest possible time;
- (c) Provide opportunities for a range of commercial, retail and other complementary uses;
- (d) Plan for a connected, integrated and consolidated Centre through the encouragement of new transport and pedestrian links, public realm amenity improvements, open space and other planning benefits;
- (e) Provide guidance in relation to precinct-based land use and development outcomes, supporting the intensification and concentration of additional retail and commercial facilities consistent with planning policy and where larger landholdings must be identified to support larger floorspace uses<sup>19</sup>.

These aspirations are relevant and justified for the whole of the centre, not just the core retail nodes. Approval of the Structure Plan will provide certainty for landholders and will enable Council to work with landholders and the community to realise the strategic vision for Shepparton North over time. It enables those with an interest in the area to commit to change and to work with Council to enable that change in a positive and proactive manner. The broader community will realise the net benefits of the Structure Plan outcomes which may hasten residential growth as the area becomes a preferred place to live due to the range of facilities on offer.

<sup>16</sup> D20

<sup>17</sup> D78

<sup>18</sup> D82

<sup>19</sup> D63, para 3

The Panel considers the Lascorp land being already in the Commercial 2 Zone is significant in the context of the Structure Plan in seeking to integrate the whole of the core area as defined by Clause 17.02-1L. It is not introducing a new commercial element, rather it is expanding the options for an existing commercial area.

It is clear the Structure Plan boundary follows the large expanse of existing land to the north and the south currently in the Commercial 2 Zone.

In addition to the existing provisions of the Planning Scheme, the Panel is guided by PPN56 and PPN58 which encourage structure planning for Activity Centres and application of the Activity Centre Zone is a preferred outcome. Both tools together enable a streamlined permit and implementation process.

Approval of this Amendment will not finalise every strategic and/or statutory measure required. The Structure Plan itself recognises there will be other plans to be prepared and these may take some time, but it should not hold up potential development that is 'generally in accordance' with both the Structure Plan and the zone provisions.

**(iii) Findings**

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

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

### 3 The Structure Plan

From the outset, the 2017 Panel for Amendments C192 and C193 called for a Structure Plan to be prepared for the developing Shepparton North area. This was reiterated by the 2020 Advisory Committee. Council was ultimately directed by the (then) Minister for Planning to do so.

The Structure Plan was prepared by Mesh Liveable Urban Communities (Mesh) for Council and was completed and published in March 2023. ACZ2 was exhibited as the means to implement the Structure Plan in the Planning Scheme, initially as an Incorporated Document. A transport assessment by One Mile Grid and an economic assessment by Geografia were prepared to inform the Structure Plan. Both reports were made available, but no evidence was called from the relevant authors.

Council's Part A submission advised:

The Structure Plan was developed following the instructions and guidelines of the Planning Practice Note 56 Activity Centre Zone (PPN56), Structure Planning for Activity Centres Practice Note 58 (PPN58) and referring to the State Government's Activity Centres toolkit, alongside other relevant Planning Practice Notes listed and Advisory Notes ...<sup>20</sup>

The overarching Vision for the SNAC is:

The Shepparton North Activity Centre will play a sub-regional role to attract investment and renewal with a retail, commercial, civic and recreation offering that will create a lively urban environment.

In the short to medium term the centre will begin its transition from a collection of individual, disconnected land uses to become an integrated and connected activity centre.

The high-quality public realm, open space and the sustainable built environment, combined with convenient access to the centre will make it a desirable location for commercial development and medium density residential development in the medium to long term.

The key gateway sites at either end of the core of the activity centre will play a vital role in delivering much needed retail, entertainment and convenience uses and their redevelopment will lift the profile of the precinct.

Redevelopment of the two key gateway sites will facilitate the redevelopment of the land in between these sites.

New internal street connections will play a vital role in supporting land use redevelopment and intensification and ensure that the key sites are conveniently connected.

Existing and emerging residential communities to the east and north-east are connected to the core of the activity centre and beyond to recreation and community infrastructure in the south-west<sup>21</sup>.

The Structure Plan identifies five key elements that will work in combinations to enable the Vision, these being:

- Land use
- Movement and access
- Built form and interfaces
- Open space and public realm

<sup>20</sup> D11

<sup>21</sup> D 3s, page 43

- Land configuration and ownership.

Each of the above elements includes a strategic direction statement, land use and development objectives to be achieved and strategies to aim for to implement the Vision of the Structure Plan. This level of detail and aspiration provides a high level of guidance for existing and prospective landholders in understanding what is being sought for Shepparton North.

The exhibited Framework Plan at Figure 25 of the Structure Plan provides for six Precincts as noted below. Council's Part B submission recommended renaming some of the Precincts (as provided in Document 31, the revised Structure Plan), and these recommendations are noted in brackets:

- Precinct 1: Retail Core (Core Southern Anchor)
- Precinct 2: Commercial (Core Northern Anchor)
- Precinct 3: Core Industrial (Peripheral Commercial-Industrial)
- Precinct 4: Commercial Corridor (Core Mixed Use)
- Precinct 5: Peripheral Residential
- Precinct 6: Peripheral Commercial (Highway Enterprise Corridor)<sup>22</sup>.

The Panel accepts the introduction of a Structure Plan for Shepparton North is an overdue and necessary outcome to guide the continued development of this important precinct. In the main, this was not contested. However, the devil is in the detail and the detail of the Structure Plan is critically important. The key issues to be considered and resolved relate to:

- content and structure
- consultation
- planning provisions
- implementation.

The Panel had regard to the planning and urban design evidence noted in Table 3, as well as relevant submissions.

**Table 3** Planning and urban design evidence

Party	Expert	Firm	Area of expertise
Council	Simon McPherson	Global South	Urban design
Shepparton Pty Ltd	David Barnes	Hansen	Planning
Shepparton Pty Ltd	Mathew Furness	Ratio	Urban design
Lascorp	John Glossop	Glossop	Planning

The Panel was further assisted by Mr De Silva, the principal author of the Structure Plan who provided an overview of the Structure Plan as part of Council's submission.

<sup>22</sup> The Panel notes there was some inconsistency in the naming of these Precincts, and it has identified the descriptors as provided for each Precinct in Document 003s

### 3.1 Content and structure

#### (i) The issues

The issues are:

- preparation of the Structure Plan
- general content.

#### (ii) Evidences and submissions

Mr De Silva talked through the key elements of the Structure Plan and its preparation. He advised the boundary was influenced by the CACS, Clause 21.06-7 of the Planning Scheme, the 2020 Advisory Committee report, Council discussion with key landholders, Council owned land and the Shepparton North Opportunities and Emerging Challenges Paper (Opportunities Paper). It is proposed to rezone the whole of the Structure Plan area to Activity Centre Zone, which Mr De Silva advised was consistent with PPN56. He said the Activity Centre Zone:

- applies to the whole area (except for the public open space area)
- encourages a wide mix of land uses and development opportunities
- includes a Framework Plan
- contains land and development objectives
- avoid the need for any additional overlays
- has specific objectives and requirements for each Precinct and includes uses tailored to each Precinct.

Mr DeSilva noted previous Panel and Advisory Committees identified the need for a Structure Plan, and acknowledged *“There is no doubt the preparation of the Structure Plan has been influenced by the ‘competing proposals for the second and possibly third supermarket’* <sup>23</sup>. This was clearly evident in the submissions and evidence put before this Panel.

The Panel was impressed by the evidence of Mr McPherson who considered the Amendment in a positive light and who was frank in his opinion. He provided detailed evidence about the veracity and application of the Structure Plan and highlighted numerous issues from an urban design perspective. While supporting the Vision and intent of the Structure Plan, he considered the Structure Plan and ACZ2 required refinement to *“... enhance the clarity, useability and potential effectiveness ... in guiding development towards achieving the vision for the Amendment”*. Mr McPherson made 32 recommendations that he considered would provide clarity and purpose to the Structure Plan.

In this regard, Shepparton Pty Ltd observed:

It is unfortunate that Mr McPherson was not engaged to peer review the Structure Plan many months ago. Many of his recommendations, if taken up, will require significant work and revision. In order to ensure procedural fairness, additional notification of the Amendment may be required <sup>24</sup>.

Council provided a preliminary response to those recommendations in its Part A submission, all of which it supported and/or adopted in principle. Council’s readiness to support all

<sup>23</sup> D40, p3

<sup>24</sup> D44a, para 67

changes recommended was helpful but it agrees with the above comment from Shepparton Pty Ltd to the extent of why a comprehensive ‘peer’ review of the Structure Plan was not undertaken before it went on public exhibition. However, this Panel hearing has provided one such opportunity for this to occur.

While most submitters supported the general reason and intent of the Structure Plan, there was significant focus on the potential location of two retail nodes to the north and south of the Activity Centre by Shepparton Pty Ltd, Lascorp and the Lorenz Group.

Shepparton Pty Ltd noted the Structure Plan was, in principle, a positive outcome but considered its implementation posed several problems. It contended the Structure Plan layout would effectively split the Activity Centre, not book end it. Lascorp supported the Structure Plan and disagreed with Shepparton Pty Ltd that it would split the Activity Centre, noting the northern site would service the emerging residential areas to the north and northeast. The Lorenz Group generally agreed with the Shepparton Pty Ltd submissions but indicated the Structure Plan needed a lot of work.

In its primary submission, Shepparton Pty Ltd highlighted six key problems about the Structure Plan, these being:

- oversupply of supermarket (and retail) floorspace
- retail hierarchy
- disconnected retail nodes
- inappropriate roads
- southern site requirements
- incoherence.

Shepparton Pty Ltd submitted the Structure Plan be deferred “... to allow for appropriate strategic work and supporting studies to be prepared and allow for a substantia reworking of the Structure Plan in order to take it forward in the planning scheme<sup>25</sup>”.

While supporting the preparation of the Structure Plan, Mr Barnes did not support various outcomes of it, noting:

- the overarching focus should be on “... how to facilitate the establishment of a second supermarket on the Hawkins Street site, rather than on how to structure the activity centre to support an additional supermarket and associated retail and related uses, on the Ford Road site”<sup>26</sup>
- the Hawkins Street site is clearly the heart of the activity centre being the primary retail core, with permits issued for two full-line supermarkets
- there is only a need for two supermarkets in the core of the centre, with no support for a supermarket and associated shops on the Ford Road site, which should be removed from Precinct 2 and from ACZ2
- the objectives and land use mix recommended for Precinct 4 should potentially be reconsidered given that it is now intended to be a corridor that connects the two proposed retail nodes.

In noting the proposed boundaries for the retail core accorded with existing policy at Clause 17.02 1L in the Planning Scheme, Lascorp supported the Structure Plan and observed Council’s approach “... is to provide a northern and southern anchor to the identified retail

<sup>25</sup> D44a, para 83

<sup>26</sup> D23, para 27



*core as a catalyst for investment and urban renewal between the two. By definition the anchors are intended to have a strong presence at their intersections and draw activity both ways within the activity centre*<sup>27</sup>.

Lascorp submitted the Structure Plan and accompanying planning controls presented an opportunity to bring the Activity Centre into alignment with its sub-regional role to facilitate growth and development consistent with policy. It said preparing and introducing the Structure Plan was consistent with the findings of the 2017 Panel and 2020 Advisory Committee and provided for a holistic overarching vision for the whole centre.

The Lorenz Group supported a Structure Plan for the Activity Centre but considered the exhibited plan was inappropriate. It suggested there were multiple issues with the Structure Plan that required resolution and the work should be redone. It did not consider the Structure Plan to be workable or recoverable given the perceived lack of information about traffic and access and potential flooding implications. It considered there were long term strategic issues yet to be resolved.

In response to a request for clarification from the Committee about whether the Lorenz Group were involved with the 2023 VCAT matter, it replied that it was not. It added *“Frankly, we are experiencing ‘planning fatigue’ like many in the community over this matter. Since 2012, the Lorenz Group has sought a redevelopment at Hawkins Street*<sup>28</sup>.

Apart from economic and planning considerations, some of these issues related to traffic, flooding and contamination, which the Lorenz Group considered should be resolved before the Structure Plan is progressed any further. It recommended the Panel abandon the Amendment and that Council undertake further work *“... to create a new, well-advertised, relevant Structure Plan for North Shepparton ...”*<sup>29</sup>

The Panel queried Council whether the Structure Plan had too much information, a position which other parties generally concurred with, including Council, who advised it would take on board any recommendations to consolidate the document. With agreement, Council provided its final version of the Structure Plan after the Hearing concluded as Document 98.

The Panel questioned why the residential area in the General Residential Zone land was included in the Structure Plan, especially as it is reasonably recent development comprising single storey housing on reasonably sized lots, and that Precinct 4 in particular provided an opportunity area for locating higher density housing. Further, the Panel questioned the extent of the Structure Plan boundary to the west of Numurkah Road.

Council responded in closing to the Panel’s inquiry about the residential area to the east. It noted it would not oppose the land remaining in the General Residential Zone as:

... most or all of the properties residentially zoned ... contained single dwelling covenants anyway, therefore there are limited prospects of increased density. This contrasts with Pre 4A and B where there are strong locational attributes that favour medium density<sup>30</sup>.

<sup>27</sup> D81, p1

<sup>28</sup> D95, para 4

<sup>29</sup> D78, para 69

<sup>30</sup> D82, para 84

At the end of the Hearing, Council helpfully provided a table of issues/recommendations raised by the Panel and the parties, including the witnesses, and noted whether these had been resolved. Most of these issues related to the provisions of ACZ2<sup>31</sup>.

**(iii) Discussion**

The Panel finds the Structure Plan provides a good basis to provide guidance to Council, landowners and the community for the next 10 to 20, and up to 30 years. It is somewhat verbose in places and could be refined. By its very nature, the Structure Plan needs to be aspirational and visionary, while at the same time robust enough to be implemented and acted upon in order to be successful. It needs to stand the test of time and be a plan that has clarity of purpose.

However, the Panel recognises the Structure Plan is not perfect. It is rare that a strategic document of this nature, where it is planning for a long term horizon, is perfect. What must be acceptable is that it can deliver on the Vision, the strategic directions and the strategies to be achieved as embedded in the plan, and that the accompanying zone provisions support implementation of the Structure Plan in a manner that allows for permits to be issued relatively seamlessly.

Overall, the Panel considers the Structure Plan is a significant document that will provide the basis for consideration of planning permits as time goes by. It will be relied upon to support or not support various permit applications for change. It should stand the test of time for at least a 10-to-15-year period before it may be revised and/or updated, but must be robust enough to progress development opportunities in a timely and considered manner.

The Structure Plan recognises the long-standing tension about the two retail nodes, the southern site in the Commercial 1 Zone, and the northern site in the Commercial 2 Zone. The Panel has approached consideration of the two sites for potential retail purposes with an open mind. A key challenge is to functionally link these two key sites, where both may be used for retail and other purposes. The Panel notes that since the 2017 Panel, there has not been any new development on the southern site, despite the issue of permits, now for two supermarkets.

Shepparton Pty Ltd's submission called for the Panel to make an objective call on the fact that the permits exist for the two supermarkets on the southern site, stating "*It is appropriate for this Panel to acknowledge and give significant weight to the Permit which is clearly being actively progressed*"<sup>32</sup>. The Panel acknowledges the permits have been issued, but is not able to give them the weight Shepparton Pty Ltd is seeking. Certainly, the permits exist, but there have been permits for the site for some time. As the Panel understands, a further extension is now being sought for the commencement time for the permits.

The Panel acknowledges there is no doubt that emerging residential development to the north and north-east of the site will find the northern location advantageous and easy to access if it was developed for retail and/or commercial purposes. The Panel was advised that growth in Shepparton North has been steady, especially since the COVID-19 pandemic. New development around the Structure Plan area is generally consistent and comprises single storey houses on lots of around 700 square metres. Further, the North East Growth

<sup>31</sup> D93

<sup>32</sup> D44a, para 78

Area has commenced development, with Council advising approximately 100 lots are underway.

The Panel considered whether the land uses in each of the precincts are generally appropriate. For example, it questioned whether Precinct 2 could have been designated for medium or higher density development and whether the existing Precinct 1 could have been extended northwards to Shelby Court to accommodate further growth. Further, the Panel questioned whether there was enough variety in the permitted uses for Precinct 4 for it to be an enabling precinct that provides for complementary uses to Precincts 1 and 2.

However, the Panel notes that despite many years of Hearings, commitments and permits issued (including permit modifications and time extensions), the existing IGA remains the same and the proposed second supermarket on the IGA land has not eventuated. This is frustrating to all. Of further concern is that the recently approved permit by VCAT proposes a development scenario where the two supermarkets have their backs in a north facing position, meaning the layout and design has its back to the Structure Plan area. This will negate the opportunity for structural and visual integration and connectivity to the north, which is a poor outcome. While the Panel accepts the permits have been issued, it considers it is incumbent upon Council to work with Shepparton Pty Ltd to explore opportunities to better integrate the Precinct 1 site with the north.

The Panel recognises the Structure Plan is a long term plan for the future and it will require years for matters such as land assembly, land acquisition (if required), road and access path linkages and connectivity and development to occur. The Structure Plan will provide the opportunity for two retail nodes to connect through intervening uses that will enhance walkability and connectivity between these nodes. The success of the Structure Plan and the outcomes for the community will depend on a proactive Council, and engagement with landholders and businesses willing to redevelop and/or locate in Precincts 1, 2 and 4.

Additionally, the most vibrant activity centres are people oriented, including from residential populations in close proximity and a range of uses that have the ability to draw people from elsewhere. The location of this activity centre will draw on residents to the north and the east and it may result in population growth occurring at a faster rate than anticipated due to the availability of a cluster of retail, commercial and community facilities. The Structure Plan should be aspirational to allow the market to deliver for the Shepparton North community.

It provides an opportunity to introduce new residential form into Shepparton North in the form of medium and higher density options. New and innovative accommodation opportunities will be key elements in realising the Vision for the Activity Centre. Catalyst projects are important and financial incentives and business assistance might be needed to kickstart development of the Structure Plan area.

The Panel considers that part of the Structure Plan comprises background information that is superfluous to what is required. This would particularly be so if the document was to remain as in Incorporated Document. Notwithstanding, the Structure Plan should be closely reviewed and tidied up by Council prior to its adoption through this Amendment process. The Panel considers that once it is in the Planning Scheme, readers and users will want to focus on the actual Structure Plan, not how Council got there.

The Panel does not consider such work will change the Amendment to the extent that it requires further consultation, as the exercise is mainly about removing information, not adding to it. The Panel has determined not to do this review as part of its deliberations,

however, as a starting point it considers the final Structure Plan could commence from the Vision onwards. Most of the preceding chapters and sections are background information and could form a companion document to the actual Structure Plan.

If Council prefers all or part of the earlier chapters to remain, the Panel advises the following:

- delete most of the first page of the 'Introduction', particularly the first few paragraphs
- update the 'Purpose of the Structure Plan' to delete the history paragraph
- remove 'How the Structure Plan was Prepared'
- significantly modify the whole of Sections 1 and 2
- extend the discussion on 'Key Statutory Implementation Actions' and 'Further Strategic Work' by providing timeline indicators and sequencing (as discussed in Chapter 3.4 of this report)
- number all objectives and strategies.

The Panel agrees with Council and considers the existing residential area should remain in the General Residential Zone. Further, the Panel can see little value in retaining that residential area within the Structure Plan.

With regard to the area of land in the Commercial 2 Zone to the west of Numurkah Road, north of Ford Road, the Panel is satisfied that area presents 'highway' opportunities on larger land lots that will not conflict with the two retail nodes. ACZ2 precludes certain uses that could have rightfully been considered in the Commercial 2 Zone.

#### **(iv) Findings**

The Panel finds:

- The Structure Plan is bold and visionary in guiding the development and redevelopment of this important Shepparton North area for the next 20 to 30 years.
- It will take time for the Structure Plan to evolve and develop and there is significant work for Council to undertake to make it happen.
- The Structure Plan will provide significant opportunities for urban renewal and regeneration, as well as new ways of thinking about new infrastructure opportunities.
- Introduction of the Structure Plan into the Planning Scheme is appropriate and will provide guidance for continued development of land in this important Precinct.
- The allocation of key land uses for each Precinct is appropriate and the Panel supports Precincts 1 and 2 as being the core bookends for retail and commercial development.
- Precinct 4 will be the 'glue' that holds the Structure Plan area together and is critically important in ensuring there are usable linkages to connect Precincts 1 and 2.
- The residential area to the east should not be included in the Structure Plan nor in the Activity Centre Zone.

## 3.2 Consultation

### (i) The issue

The key issue is:

- whether pre-exhibition consultation for the Structure Plan was adequate.

### (ii) Evidence and submissions

Some submitters expressed concern about the consultation process leading up to public exhibition. At the Directions Hearing, the Panel directed Council to provide a summary of how it engaged with potentially impacted landholders.

Council set out the consultation process in Table 1, and paragraphs 5.1 and 5.2 of its Part A submission, and through Attachment 1 (Council Meeting Minutes 21 March 2023). In summary, the Panel notes there was:

- pre-draft consultation with the community, landholders and stakeholders
- preparation and delivery of an 'Issues, Opportunities, and Emerging Challenges' Paper
- further consultation with key stakeholders after the issue of the Paper
- preparation of the Opportunities Paper, which was adopted by Council 21 March 2023.

The Opportunities Paper provided five emerging challenges in planning for the SNAC, seeking to address:

- the heart of the Structure Plan
- how communities within and adjoining the Structure Plan area could be better connected
- how the appearance of the centre could be improved
- how clarity could be provided in relation to preferred land uses and the role of Shepparton North
- how direction could be provided to guide proposals for development of key sites within the centre.

Subsequent to that, the Structure Plan was part of the formal Planning Scheme Amendment exhibition process from which 17 submissions were received.

Council advised in its Part A submission that in addition to broad community consultation:

... additional key stakeholder meetings were held with representatives from IGA and Lascorp, as well as landowners of 190 Numurkah Road and 370 and 374 Goulburn Valley Highway regarding the Issues, Opportunities and Emerging Challenges Paper, as well as the Draft Structure Plan<sup>33</sup>.

The Lorenz Group contended it should have been provided with the draft Structure Plan prior to it going on exhibition as part of the Amendment.

### (iii) Discussion

The Panel considers the consultation process in preparation of the Structure Plan and Planning Scheme Amendment is adequate. It was undertaken over a reasonable time frame

<sup>33</sup> D11, para 50

in which interested landholders and parties had several opportunities to engage with both Council and its consultant. While some submitters contended they should have had the opportunity to review the 'final' product prior to the Amendment exhibition process, the Panel notes the normal Amendment process (exhibition, submissions, referral to a Panel if issues are unable to be resolved) is the vehicle for that final consultation.

**(iv) Finding**

The Panel finds:

- The consultation process for preparation of the Structure Plan leading to exhibition was adequate.

### 3.3 Planning provisions

**(i) The issues**

The key issues are:

- structure and provisions of the Activity Centre Zone
- whether the Structure Plan should be an Incorporated Document.

**(ii) Evidence and submissions**

At the Directions Hearing, the Panel directed Council to undertake a review and audit of the Activity Centre Zone, as follows:

- a) A revised schedule to the Activity Centre Zone that addresses (amongst other matters):
  - (i) consistent language and expression
  - (ii) 'should' and 'must'
  - (iii) clarity about where a permit is required
  - (iv) building heights being in text and in tables
  - (v) the table of uses, especially in Precinct 1
  - (vi) superfluous words and non-parallel structures
  - (vii) selection of the Activity Centre Zone
  - (viii) the potential underlying zone(s) if the Activity Centre Zone was not used
  - (ix) readable and clear legend that includes all relevant information<sup>34</sup>.

This 'Day 1' version undertaken and provided by Council in accordance with the Panel directions was tabled as Document 32. It was used as the basis of discussion at the Hearing and then Council provided a further updated version based on issues raised by advocates and witnesses as Document 97.

The Amendment proposed the Structure Plan be an Incorporated Document in the schedule to Clause 72.04 of the Planning Scheme, and a Reference Document (which should be changed to Background Document) in ACZ2. At the Directions Hearing, the Panel questioned Council about this. Early in the Hearing, Council agreed that the Structure Plan should not be an Incorporated Document, and further, the Structure Plan should be renamed from Shepparton North Sub-Regional Activity Centre Structure Plan to Shepparton North Activity Centre Structure Plan.

The key point of contention in relation to the planning provisions related to the proposed retail floorspace.

<sup>34</sup> D5, Direction 19

With regard to the statutory drafting, Mr Barnes recommended there should be a retail cap for as-of-right Shop and Supermarket uses in Precinct 1 to provide the opportunity for two full-line supermarkets and an appropriate quantum of other supportable retail and ancillary floor space. Additionally, development of shops and two supermarkets up to the agreed floor space on the Hawkins Street site should be as-of-right in ACZ2, in order to facilitate early redevelopment of the site. He favoured an east-west alignment as favoured by the owner of the site.

Mr Barnes did not consider it necessary or appropriate to incorporate the Structure Plan into the Planning Scheme. Mr Glossop agreed with Mr Barnes and others on that point, and in fact no witness or party supported the Structure Plan being an Incorporated Document.

Mr Glossop expressed confidence in application of the Activity Centre Zone to the whole of the site area and considered it to be an appropriate zone to guide development of the area. He contended it provided a benefit to an emerging area such as Shepparton North where a customised schedule provides for bespoke outcomes. He noted a typical complaint about the zone, however, was its complexity and that the requirements and guidelines can add layers of control. Notwithstanding, he expressed confidence the controls could deliver an acceptable outcome.

There was some discussion at the Hearing regarding the extent of uses subject to permit or not permitted in Precincts 2a and/or 2b. As these sub-precincts will act as a link between Precinct 2 through to the south, the Panel questioned whether the range of permitted uses was enough to provide for interest and diversity.

### **(iii) Discussion**

The Panel considers Council took on board many of the issues raised by the Panel and other parties about ACZ2 and the final version is a significant improvement on what was exhibited. It does not propose to detail the changes but acknowledges the work put in by Council to get the zone provisions in a much-improved form.

The implication of the Structure Plan being an Incorporated Document is significant. Council and all parties, including the planning witnesses, agreed the Structure Plan should be a Background Document only, and the Panel supports that position.

Further, in its Part A submission, Council noted the Structure Plan should be renamed to the 'Shepparton North Activity Centre Structure Plan'. The Panel supports that position.

The Panel agrees preparation of a UDF for the Structure Plan area will be important, but that can occur once this current process is resolved. However, the preparation of a UDF should be identified and added to 'Implementation' and under 'Further Strategic Work', either as part of the Urban Design Framework or separate to it.

The Panel considers there needs to be the opportunity for a higher range and diversity of businesses in Precincts 2a and 2b. Uses such as bars, food and drink premises and other facilities can be conditioned through permit to ensure adverse effects are well managed, particularly hours of operation. For example, boutique breweries and gin distilleries are locating in many regional centres and provide bespoke alcohol products as well as food options. These in the main can value add to an emerging Precinct and can be an excellent people attractor. Given these areas are already used for a range of Commercial 2 Zone uses, the Panel can find little reason for these Precincts to be so restrictive.

**(iv) Findings**

The Panel finds:

- Application of the Activity Centre Zone to the Structure Plan area is appropriate, subject to further changes and except for the residential land to the east.
- Council should progress an Implementation Plan as a matter of priority, but that is not necessary at this stage of the planning process.
- The Structure Plan should not be included in the Planning Scheme as an Incorporated Document, rather it should be included as a Background Document.
- The Structure Plan should be renamed the Shepparton North Activity Centre Structure Plan.
- The Structure Plan should be reviewed and edited prior to finalising the Amendment, and the items listed in Document 93 reviewed to ensure the zone provisions are amended accordingly.

**3.4 Implementation****(i) The issues**

The key issues are:

- the extent of further work that should be undertaken prior to finalising the Structure Plan
- clarity about the implementation process.

**(ii) Evidence and submissions**

Section 5 of the Structure Plan is Implementation. It discusses how the document might be used and acknowledges there will be ongoing strategic work. It identifies the key implementation actions in Section 2 where the emerging challenges are noted as well and the land use and development objectives to be achieved. The Vision and strategic direction are included in Section 3.

Mr McPherson, Shepparton Pty Ltd and the Lorenz Group all called for further detail about how the Structure Plan would be implemented. Mr McPherson and Mr Furness both expressed that a UDF should be considered to assist in the implementation process of the Structure Plan. Mr Glossip agreed a UDF could add value, but it should not hold up this stage of the Amendment.

In addressing potential further work, Lascorp observed:

Structure plans are frequently supplemented with urban design frameworks, outcomes of major development proposals, and facilitated outcomes with permit applicants over a period of time. They are working documents, supported by flexible planning controls, to facilitate development and change. This task is necessarily more complicated where land is already subdivided, in separate ownership, and under existing use, but these are factors to support Structure Planning not to dispense with it, or to limit a vision where transformative change is supported<sup>35</sup>.

<sup>35</sup> D63, para 16



**(iii) Discussion**

The Panel considers that significant work needs to be undertaken to re-focus the Structure Plan into a format that is clearer in its intent, delivery and implementation. It has too much unnecessary information at the front end that is not required going forward to inform applicants and decision makers on development or permit applications. The Panel is not able to undertake a detailed edit of the Structure Plan but it does observe that most of Section 1 can be removed or summarised.

In Section 2 of the Structure Plan in its 'response to emerging challenges', the Structure Plan includes a series of 'Implementation Actions' for several key areas including:

- the 'heart' of the Activity Centre, specifically referencing the Southern and Northern Gateway Sites
- communities and connectivity
- appearance of the centre
- clarity of preferred land uses
- direction for development of key sites.

Under Vision, it then provides a series of Strategies for each of the land use and development objectives to be achieved.

As a note, the land use and development objectives to be achieved and the strategies in Section 3 should be numbered for easy reference going forward.

Section 5 of the Structure Plan is 'Implementation' and acknowledges "*The Shepparton North Structure Plan sets out a high level vision for the growth and development of the centre for the next twenty years*"<sup>36</sup>. Implementation sets out three key actions, these being:

- Planning Scheme implementation
- key statutory implementation actions
- further strategic work.

The Structure Plan clearly recognises there is significantly more work to do and that it will take time, particularly with regard to strategic work that includes preparation of:

- a detailed footpath and shared path network and streetscape plan
- a streetscape master plan for Numurkah Road
- a streetscape improvement plan for Hawkins Street, Southdown Street and Grenache Drive
- landscape and Urban Design guidelines
- a Development Contributions Plan.

The Panel accepts that course of action and notes the urban design guidelines could also include an UDF. This work will take some time and will rely on the positive support of landholders.

**(iv) Finding**

The Panel finds:

- The Structure Plan has considered and includes an appropriate plan for implementation.

<sup>36</sup> D31, p70

### 3.5 Recommendations

The Panel recommends:

**Revise the Shepparton North Sub-Regional Activity Centre Structure Plan as shown in Document 98, subject to the following:**

- a) **rename the Shepparton North Sub-Regional Activity Centre Structure Plan to the Shepparton North Activity Centre Structure Plan.**
- b) **review most of Section 1 to ensure the final Structure Plan is a more concise and focussed document that can be clearly understood and addressed.**

**Amend Schedule 2 to the Activity Centre Zone as provided in Appendix E.**

**Review the content and structure of the Structure Plan, particularly Sections 1 and 2.**

**Delete the provision at Clause 72.04 for the Shepparton North Activity Centre Structure Plan to be included as an Incorporated Document.**

**Include the Shepparton North Activity Centre Structure Plan as a Background Document.**

**Remove the residential area to the east of the Structure Plan area from the Structure Plan and the Activity Centre Zone.**

**Review and audit the Structure Plan before submitting it for approval.**

**Review the table of permitted or permitted subject to permit uses, particularly in Precincts 2a, 2b and 4a to ensure they are less restrictive to enable more opportunities to locate in the Structure Plan area.**

## 4 Economic issues

The key issues to be considered and resolved relate to:

- background
- population and economic forecasting
- demand
- economic impacts.

The Panel had regard to the economic evidence noted in Table 4, as well as relevant submissions.

**Table 4** Economic evidence

Party	Expert	Firm	Area of expertise
Council	Sean Stephens	Ethos Urban	Urban economics
Shepparton Pty Ltd	Chris Abery	Deep End Services	Property and retail economics
Lascorp	Tony Dimasi Rhys Quick	Dimasi and Co. Urbis	Economics Economic impact and supply

### 4.1 Background

Even though this Hearing is concerned with the appropriateness of the Structure Plan as a whole, the economic evidence focused on whether the Lascorp land should be included in the northern core retail area and the Activity Centre Zone and the implications of a potential third and/or fourth supermarket being developed in the SNAC.

For these reasons, it is important to briefly document the economic history to this Amendment and the Structure Plan.

There have been two hearings that involved economic evidence in the past seven years. In 2017, a Panel considered Amendments C192 and C193 and permit 2016-269. Further, in 2020 an Advisory Committee considered C193 Part 2 and PPA 2016-269. Both Hearings had different foci, which are again different to this current matter.

#### (i) Economic issues raised in 2017 and 2020

Amongst other matters, the 2017 Panel hearing focussed firstly on the appropriateness of the CACS for introduction into the Planning Scheme. That Panel found the CACS to be a “*robust and comprehensive document*” and recommended it be adopted with minor changes<sup>37</sup>. A central issue to this Hearing arising from the adopted CACS is the designation of a total of 14,000 square metres of retail floorspace of within the timeframe of the strategy, which extends to 2036.

The Panel secondly considered the merits of a Lascorp proposal to locate a supermarket on its land. The economic experts largely agreed there would be sufficient demand for a second supermarket in the SNAC by late 2019, although the location of the second supermarket was hotly contested. The Panel did not support rezoning the Lascorp land

<sup>37</sup> Panel Report 2017, Executive Summary

from Commercial 2 Zone to Commercial 1 Zone for various reasons, one being the disparate location from the existing commercial core.

The 2020 Advisory Committee again considered whether the Lascorp proposal represented the opportunity for a second or third supermarket in the SNAC and the appropriateness of the Lascorp land for location of a supermarket. The separation between the two retail areas was considered by the economic experts.

## (ii) Evidence and submissions

The economic evidence in the 2017 Panel focussed on the proposed Lascorp rezoning. The economic experts broadly agreed there would be a need for a second, but not a third, supermarket in the SNAC by 2019:

The economic experts agreed that there is no market demand to support further large format major anchors such as a third supermarket or department store which would anchor a Shop floor area over 14,000 square metres<sup>38</sup>.

The Panel accepted that proposition and said:

The Panel accepts that there will be sufficient demand to support 14,000 square metres of Shop floor area at the SNAC, including a second full-line supermarket by late 2019<sup>39</sup>.

However, the Panel rejected the Lascorp proposal that there was adequate land in the Commercial 1 Zone to accommodate future retail requirements, and that the whole SNAC could benefit from a Structure Plan to assist in decision making.

The 2020 Advisory Committee report considered the key issues to be resolved:

- economic impact assumptions
- main trade area forecasts
- retail trade impact
- implementing the preferred outcome from the CACS.

Regarding economic impact assumptions, the Committee looked to resolve whether the Lascorp proposal was for a second or third supermarket within the SNAC, as at that stage, it was proposed a second supermarket would locate on the existing site of the IGA. Further, the issues relating to two potential retail nodes was discussed. The evidence of the economic experts varied based on the scenario that they assumed regarding future development of the supermarkets. Given the proposal for a second supermarket, the Committee resolved the Lascorp development represented a third supermarket.

In terms of population and forecasts, there was broad agreement about retail spend and population amongst the economic experts, as well as agreement on the main trade area.

The 2020 Advisory Committee concluded:

- there was a significant undersupply of retail floorspace in the SNAC's main trade area at that time when compared to Victoria's non-metropolitan retail floorspace ratio
- the current population of between 22,571 and 22,700 people in the main trade area would increase to between 24,040 and 24,656 in 2026/27 between 26,247 and 26,799 in 2036

<sup>38</sup> 2017 Panel Report p.60

<sup>39</sup> Ibid p. 62

- estimated retail spending in the main trade area could support approximately 4,245 square metres of supermarket floorspace at the time and about 6,940 square metres by 2031
- average supermarket trading levels in the main trade area were likely to decline from between \$9,000 and \$9,500 per square metre in 2019 to between \$6,900 and \$7,553 in 2023 for an interim period if a second supermarket commenced operation in 2023<sup>40</sup>.

The 2020 Advisory Committee considered how the Lascorp proposal would impact on existing retail trade in the SNAC.

The economic evidence found there would be a significant impact on the existing IGA by the introduction of a third supermarket within the SNAC. None of the economic experts found sufficient demand for a third supermarket, however:

Economic experts were confident that a third supermarket approval would result in only two full line supermarkets operating until there was demand for a third<sup>41</sup>.

It was at this Hearing the Advisory Committee was advised Coles indicated it was keen on entering the Shepparton market through a tabled letter expressing its interest in locating in Shepparton North if the main trade area population reached 25,000 people.

The 2020 Advisory Committee concluded:

- There is currently demand for the two full line supermarkets and specialty shops approved for the Shepparton land.
- There is insufficient demand for a third full line supermarket and specialty shops beyond the approximately 14,000 square metres approved for the Shepparton Land for at least 15 years<sup>42</sup>.

### (iii) Discussion

This current Amendment is not about recommending the issue of a permit for Lascorp, rather it is considering the broader issues relating to a Structure Plan for the growing Shepparton North community. Just because land can be rezoned that might provide the opportunity for a retail development, does not mean a permit and/or development will result. Likewise, just because Shepparton Pty Ltd has had permits issued for its land for several years, does not mean the permit will be acted upon.

The previous Panel and Advisory Committee Hearings had significant economic evidence and discussions that demonstrated a protracted contest for the location of one or two supermarkets within the SNAC. The 2020 Advisory Committee hearing resolved there was sufficient demand for a second supermarket within the SNAC, although Coles indicated its trigger point was a trade area population of 25,000. This suggests there is a 'first mover advantage' to be had in that the first operator to successfully operate the second supermarket will have an advantage, making it unlikely that a third supermarket, wherever located within the SNAC, would commence in the short to medium term.

Since the release of the 2020 Advisory Committee Report, Shepparton Pty Ltd has successfully gained a permit to build two supermarkets concurrently while the existing IGA continues to trade. It should be recognised that it is over four years since the release of the

<sup>40</sup> 2020 Report P. 35

<sup>41</sup> 2020 Committee Report p.36

<sup>42</sup> Ibid p.37

last report and there is still only one supermarket operating in the SNAC. This is a poor outcome for the residents of North Shepparton.

#### **(iv) Findings**

The Panel finds:

- The 2017 Panel and 2020 Advisory Committee provide useful background for reviewing the merits of the economic issues raised in this current Hearing.
- In the four years since, circumstances have changed, including that four more years of demand has passed and a new permit has been issued for the existing Commercial 1 zoned land for two supermarkets which can be built concurrently while keeping the existing IGA trading.
- Notwithstanding, the land remains as it was in 2017.

## **4.2 Population and economic forecasts**

### **(i) The issue**

The key issue is:

- population forecasts, trade areas and supply.

### **(ii) Evidence and submissions**

At the direction of the Panel, an economic conclave was held involving the four economic experts<sup>43</sup>. There was substantial agreement on key issues including:

- population: estimated to be at around 23,700 in 2023
- trade area: all generally agreed on the same trade area as used in the 2020 Advisory Committee matter, including similar demographic profiles
- population forecasts: these varied slightly but it was agreed the variations were immaterial, with forecasts ranging from 290 to 318 people growth per annum
- methodologies: the methodologies were broadly consistent, although it was noted that the outcomes and interpretations were slightly different
- supply: there was general agreement with regard to the total quantum of operating supermarket floorspace.

The experts disagreed on:

- third supermarket timing: while agreeing a second supermarket was overdue or required within a short time frame, there was significant disagreement on the timing of a potential third full-line supermarket
- location of supermarkets: disagreement on the location of the second and third supermarkets in regard to their location across the two gateway sites
- floorspace controls: disagreement about the suitability of the provision of 13,500 square metres of floorspace for supermarkets across Precinct 1 and Precinct 2a and the lack of a floorspace cap for total retail floorspace across the two precincts
- economic impacts: dispute about the effects of the trading impacts on the Shepparton Central Activity District (CAD)

<sup>43</sup> Doc 36

- net community benefits: agreed the addition of extra retail facilities will contribute to net community benefit, but disputed the way these facilities being delivered might negatively impact those extra benefits.

### (iii) Discussion

The economic conclave provided an excellent reference to consider the economic issues outstanding in this Hearing. In the main, Mr Abery was the dissenting voice in the conclave.

For population forecasts, which are central to the economic conclusions in this Hearing, there was a broad consensus that a growth rate of 300 people each year is a simple and reasonable benchmark. It should be noted that Mr Abery, although following this growth rate, believed an increase at this rate was on the high side of estimates and provides an *“optimistic analysis of future supermarket demand levels”*<sup>44</sup>.

The Lorenz Group raised the issue of flooding in the North Shepparton area, which it considered may affect the ability to build residential dwellings. It concluded: *“Attaining a population growth of 290 may at be at best ‘conceivable’”*<sup>45</sup>.

For ease of understanding, there was general acceptance during the Hearing that an existing population of 24,000 as of 2024 within the main trade area was a reasonable and simple starting point for forecasts and scenarios.

### (iv) Findings

The Panel finds:

- The existing population can be estimated in 2024 to be 24,000 people within the main trade area.
- A growth rate of 300 people each year is a simple and reasonable benchmark, though on the optimistic side of forecasts.

## 4.3 Demand

### (i) The issue

The key issue is:

- whether there is sufficient demand for a third supermarket in the SNAC and if so, in what timeframe.

### (ii) Evidence and submissions

The demand required to locate a third full-line supermarket was central to the economic evidence presented to the Panel. There were three methodologies used:

- floorspace (square metre per person)
- spend per person
- population.

As noted, the 2020 Advisory Committee found there was sufficient demand for a second supermarket in 2019. Only Mr Abery disputed this and opined the second supermarket could be viable in 2026/27.

<sup>44</sup> Doc 17 Para 147

<sup>45</sup> Doc 78, Para 31

All economic experts assumed there would be two existing supermarkets in their analyses. Both Mr Stephens and Mr Dimasi relied heavily on their evidence to the 2020 Advisory Committee, while Mr Abery and Mr Quick produced new analyses. All methodologies were highly correlated and the strategic outcomes from each were easily comparable.

The methodology of using the square metre per person to determine the amount of supermarket floorspace required was based on the non-metro (i.e. excluding metropolitan Melbourne) statewide average of supermarket floorspace per capita. The Panel observed Mr Quick used square metres per 100 residents, whereas Mr Dimasi used square metres per 1,000 residents and Mr Abery used square metres per capita. Mr Quick advised the Panel these measures were equivalent.

Mr Abery used an average of 0.43 square metres per person while Mr Quick used 41 square metres per 100 people. Mr Quick's 2020 Advisory Committee evidence noted the figure was 43.5 square metres per 100 people in 2019, with a constant rate forecast for 2023.

The second methodology utilised by the economic experts was the calculated retail spend per capita. In 2023, Mr Quick found retail spend per capita was \$4,580 per person across the main trade area. Mr Dimasi arrived at \$4,518 per person spent on supermarkets.

This was multiplied by population numbers in the trade area to arrive at a nominal retail spend on supermarkets. Mr Quick, for instance, found that in 2023 there would be an available spend of \$108 million to share amongst the supermarkets.

The third methodology was the simplest, cited by Mr Stephens. He stated there would need to be a population of 22,000 people to allow for two full-line supermarkets and over 30,000 for three full-line supermarkets.

Where the economic experts diverged was in the use of the methodologies. Mr Quick and Mr Dimasi relied on scenario testing to illustrate what might be possible. Mr Abery and Mr Stephens took a more orthodox approach and applied conventional benchmarks to determine the underlying demand for supermarkets.

Both Mr Quick and Mr Dimasi used case studies where there were multiple supermarkets operating well below the non-metro average. Further, Mr Quick used the distribution of supermarkets within Statistical Area 2 (SA2) across regional Victoria to illustrate the large variation of outcomes. Mr Dimasi used case studies, which in some instances corresponded to the same broad areas that Mr Quick referenced.

Mr Quick outlined a scenario where three full-line supermarkets operated at less than 75 per cent of the average level. He put the average level at \$12,000 plus per square metres trading levels. He stated "*For the purposes of analysis, say the sustainable trading level for all supermarkets in the Shepparton*"<sup>46</sup>. He used the word 'sustainable' to reflect the range of outcomes observed using the SA2 analysis.

Using this method, Mr Quick found that at 75 per cent of the average trading levels per square metre, then three supermarkets would be viable in 2027.

Similarly, Mr Dimasi outlined a 'what if' analysis based on case studies that have lower than average levels of trading per square metres of supermarket floorspace and supermarket spending per square metre. Mr Dimasi showed that if both a Coles and a Woolworths were

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<sup>46</sup> Doc 22 para 98



added by 2027, then all three supermarkets would be viable in relation to the seven case studies.

Mr Abery and Mr Stephens used conventional benchmarks. Mr Abery used floorspace per capita per supermarket and Mr Stephens used population levels. They both used averages to ascertain trigger levels for when a third supermarket might be required.

The conclusions of Mr Stephens and Mr Abery were consistent and indicated no need for a third supermarket until beyond 2036. How far beyond was only broached by Mr Abery who indicated there would not be a third full-line supermarket required until beyond 2050, noting:

A third full line supermarket is not justified on my analysis until well after 2036. In fact, if I extend my analysis to 2050, there is still a 10% oversupply of supermarket space in that year relative to demand<sup>47</sup>.

Shepparton Pty Ltd stated:

Mr Stephens' evidence is that, on a needs basis "it would be useful to consider a full-line supermarket per 11,000 persons." Accordingly, a third supermarket would ideally be delivered when the population reaches 33,000. Mr Abery calculates that a population of 30,000 will not be met until about 2046.

In oral evidence, Mr Stephens appeared to confirm his written evidence (at paragraph 3.27) that it is useful to consider the question of need on the basis of the provision of a full line supermarket per 11,000 persons. A population of 30,000 will not be reached by 2036 (when Mr Stephens' forecast is for 27,420 persons). On Mr Stephens' evidence, it is highly unlikely that the 30,000 benchmark will be reached until the mid 2040's, with 33,000 achieved in the 2050's<sup>48</sup>.

### (iii) Discussion

The Panel considers these methodologies are easily comparable and are all outcome based. The way each methodology was used highlighted the only significant variable was population, hence why the rate of growth of population becomes central to the considerations of the Panel.

Mr Quick and Mr Dimasi both present theoretical possibilities to justify the sustainability of a third supermarket located within the SNAC. Mr Quick developed a line of thought that a supermarket would be sustainable if it was above the lowest trading stores in Victoria. He based his analysis on SA2s (statistical areas governed by the Australian Bureau of Statistics), not on supermarket catchment areas.

Both these examples, although providing some evidence for the possible early provision of a third supermarket in the SNAC, do not indicate the likelihood that this would happen. Given the graph of SA2s provided by Mr Quick, it could be argued that the opposite is just as likely to happen, that is, the area could sustainably continue with one supermarket.

Sound retail planning has consistently used averages from outcomes (albeit within a certain tolerance) to plan future retail requirements. Mr Stephens and Mr Abery stayed with this conventional methodology while Mr Quick and Mr Dimasi selected outliers to prove the norm. For these reasons, the Committee prefers the approach and evidence of Mr Abery and Mr Stephens.

<sup>47</sup> Doc 17 para 159

<sup>48</sup> Doc 44, para 32

The Committee believes there is the immediate need for a second supermarket within the SNAC, which could be satisfied by the existing permit held by Shepparton Pty Ltd, if it is built. Then future population growth will dictate demand for a third supermarket. Following the submission of Shepparton Pty Ltd with a current population of around 24,000 it could take 20 years to reach the benchmark of 30,000 plus at a growth rate of 300 each year. This would mean there would not be a third supermarket required until the mid-2040s. With both the benchmark of 30,000 plus and 300 each year on the optimistic side, it is possible that this timeline could extend well past 2050.

#### **(iv) Findings**

This Panel finds:

- There is unlikely to be demand for a third full-line supermarket before 2036 and possibly into the 2040s or later.
- It is likely a third full-line supermarket will eventually be built in the SNAC, but the timing is highly uncertain.

### **4.4 Economic impacts**

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

The key issues are:

- whether the provision of 13,500 square metres of retail floorspace is appropriate
- the likely economic impacts of two retail nodes on the retail hierarchy
- whether the Structure Plan results in a net community benefit.

#### **(ii) Evidence and submission**

The Structure Plan nominates that there will be 13,500 square metres of supermarket floorspace allowed in Precinct 1 and Precinct 2a. The Structure Plan limits any supermarket to a size of 3,500 square metres. Currently the permit held by Shepparton Pty Ltd allows for two supermarkets with a combined total of 7,400 square metre floorspace. This leaves 6,100 square metres of supermarket floorspace that can be taken up elsewhere.

Lascorp requested the limit of 3,500 square metres be increased to 3,800 square metres which is the size of the proposed IGA supermarket 1 in the existing permit. The CACS notes:

Discourage new shop tenancies above 4,000m<sup>2</sup> in size in order to provide greater certainty to Council in terms of potential impacts on CBD associated with re-location of retail anchors<sup>49</sup>.

The CACS recommended an increase from 8,000 to 14,000 square metres of retail floorspace as indicative level of total retail floorspace for the SNAC. The CACS was finalised through the 2017 Panel process and used a forecast period to 2036. The exhibited ACZ2 allows for unlimited shop floorspace within Precinct 1 and Precinct 2a.

Based on the ratio of floorspace to land in Precinct 1, Mr Abery calculated that Precinct 2a would be able to accommodate at least 10,500 square metres of retail floorspace (including supermarkets). Combined with the 12,693 square metres of floorspace approved for the existing permit for Precinct 1, this means there would be potential for 23,000 square metres

<sup>49</sup> CACS para 118

of retail floorspace within the SNAC core. Mr Abery stated this provision is larger than the provision for Shepparton Marketplace. Shepparton Pty Ltd observed *“The Amendment proposes a level of retail floorspace that is inconsistent with the CACS and the Shepparton retail hierarchy”*<sup>50</sup>.

In this regard, Mr Abery stated: *“Whatever the eventual floor area on Precinct 2A, there is no use permit required nor any justification required on need or impact grounds”*<sup>51</sup>.

The Structure Plan has placed restrictions on office size to 250 square metres in Precincts 1 and 2. Cinemas and department stores are prohibited in the SNAC.

Council highlighted the long term nature of the Structure Plan while emphasising the fact that there is still only one supermarket operating in the SNAC. Mr Stephens stated:

The substantial delay in delivering a second full-line supermarket, along with other supporting retail and commercial facilities, represents what I consider a policy failure<sup>52</sup>.

Council cited Mr Quick who stated *“a second full line supermarket is well overdue”*<sup>53</sup>. He further emphasised over the long term:

It is clear that Mr Quick also gives weight, like Mr Stephens, to the longer-term market considerations which the Planning Authority submits is the correct approach in the context of a Structure Plan which operates over the long term<sup>54</sup>.

Council noted Mr Stephens opinion that:

At some time in the future the need for a third supermarket will exist, and says that the need for a third is determined by market demand not policy constraints<sup>55</sup>.

Lascorp considered the impact on individual stores and separated the concept from the vitality of the centre in stating:

The relevant effects are effects on the community in terms of the extent and quality of the overall retail provision rather than the effect on individual businesses<sup>56</sup>.

Lascorp emphasised over the long term in observing:

The demand analysis undertaken by Mr Quick, Mr Dimasi and Mr Stephens supports the proposed retail provision over the long term<sup>57</sup>.

Lascorp stated there was little evidence to suggest *“... that the Amendment will have any implication for the ability of the CBD to perform its highest order role...”*<sup>58</sup>.

Choice and competition were raised as important elements by Mr Stephens, Mr Quick and Mr Dimasi, although there was little quantification of those effects.

In contrast, Shepparton Pty Ltd stated *“Issues around competition and choice are at best peripheral in this case”*<sup>59</sup>. Lascorp countered with:

Competition is vitally important to strategic planning decisions, particularly long-term decisions that seek to facilitate investment certainty and benefits for the local community<sup>60</sup>.

<sup>50</sup> D44, para 47

<sup>51</sup> D17, para 111

<sup>52</sup> D10, para 4.4

<sup>53</sup> D30, para 89

<sup>54</sup> D30, para 89

<sup>55</sup> D30, para 90

<sup>56</sup> D63, para 57

<sup>57</sup> D63, para 63

<sup>58</sup> D63, para 67

<sup>59</sup> D44, para 39

All economic experts agreed that additional retail facilities located within the SNAC would contribute to an increase in community benefit. Mr Dimasi offered four significant economic benefits to the community from implementation of the Structure Plan.

- i. greater choice and convenience for food and groceries shopping for the community
- ii. increased competition (especially localised competition) for food and groceries shopping and therefore the strong likelihood that the community will pay lower grocery prices than would otherwise be the case;
- iii. construction employment and related supplier businesses employment generated during the construction period of the developments; and
- iv. ongoing jobs in the local area that will result from the long-term operation of the completed developments<sup>61</sup>.

Mr Abery had a different view:

... the measurement of community benefit is not simply a linear function of more floorspace, without regard to its location, structure or timing. CA (Mr Abery) says the community may not be well served by the establishment of a rival activity centre site with no established need, 750 metres north of a permit-approved centre on the preferred and recognised core retail site for the SNAC. The considerable risk with the Amendment is that the Precinct 1 development does not proceed with the threat of significantly lower supermarket sales and higher leasing risk. This would be a poor outcome for the SNAC if an obsolete vision and controls are left on Precinct 1 and the community is left with whatever can be delivered on Precinct 2A<sup>62</sup>.

### (iii) Discussion

From an economic perspective, Council is taking the approach of allowing up to 13,500 square metres of supermarket floorspace and no cap on total retail floorspace in Precinct 1 and Precinct 2a, emphasising the long term over the short to medium term.

The Panel believes there is unlikely to be demand for a third supermarket until at least 2036 and possibly into the 2040s or beyond. This lack of demand also applies to total floorspace provision.

This creates considerable risk in the short to medium term for Council and the outcomes in the SNAC in terms of what might be delivered in Precinct 1 and Precinct 2a. There is currently a permit for two new supermarkets with 7,400 square metres of floorspace approved. Council noted several times there is still only one supermarket operating on this site.

By allowing the exhibited controls to proceed, there is the possibility that the existing permit is not acted upon and conversely, as stated in the 2020 Advisory Committee report, there is no assurance that a third supermarket will not be built within the SNAC in the short term. Council emphasised that the market should determine the outcome.

By taking this path, Council is taking on substantial short to medium term risk that the retail outcomes are sub-optimal. Council has contended the retail outcomes in the SNAC have been sub-optimal for years and it now requires a resolution.

The risk extends to affecting the retail hierarchy within Greater Shepparton. If a third supermarket was to open in the SNAC in the short term, there could be significant impact on the CAD. However, no quantification of these effects was provided during the Hearing, so it

<sup>60</sup> D63, para 83

<sup>61</sup> D36, para 54

<sup>62</sup> Ibid, para 55

is difficult to ascertain the importance of these impacts. As it stands, it is clear there is currently no demand within the trade area to support three supermarkets. If this did occur, demand could be dragged from other supermarkets, most likely from the CAD and Marketplace centres.

The conventional approach is to facilitate the development of a third supermarket when there is demonstrated demand. As the new planning controls stand, there will be no need to conduct an economic impact study to develop a third supermarket. By concentrating on the long term and trying to facilitate an outcome in Precinct 1, the Council may lose considerable control over the process of ensuring a fair amount of retail floorspace is provided over time in the SNAC.

However, the Panel supports the Structure Plan and the proposed ACZ2 controls, subject to changes. It is up to Shepparton Pty Ltd to act on its permit, and then the market will determine the likelihood of a potential third supermarket and shops at sometime in the future. However, if Shepparton Pty Ltd does not act on its permit, the door is open for Lascorp to lodge an application for a supermarket and shops in Precinct 2A.

The changes recommended by the Panel relate to the maximum size of the supermarket. Currently this upper limit is 3,500 square metres per supermarket. Lascorp requested an increase to 3,800 and the Panel notes this is appropriate, given the increased size of full-line supermarkets more broadly. The Panel believes the 4,000 square metres already included in the CACS provides a consistent and workable level across Greater Shepparton.

The restriction of large format retail, the restriction on cinemas and department stores and the limiting of office space to 250 square metres will help to strengthen the primacy of the Shepparton CAD.

On the issues of competition, choice and net community benefit, Lascorp emphasised the importance of competition and choice. It is hard to argue these factors are not clearly desirable, but the scale of the effects should also be considered. As it stands, all parties agreed a second supermarket and associated retail will considerably increase competition and choice in the region. It was not demonstrated the introduction of a third supermarket in the short term would materially enhance competition and that it may create significant disbenefits.

The establishment of a second supermarket and possibly a third will increase the market share of the SNAC in relation to the remainder of Greater Shepparton.

There is no planning reason to restrict the turnover of the full-line supermarkets from competition. The existing supermarkets within the Shepparton CAD serve local shoppers and workers. It is expected, that as suburbs grow further away from the city centre, the share of trade that the Shepparton CAD supermarkets generate will fall.

#### **(iv) Findings**

The Panel finds:

- The long term factors of competition and choice are desirable, but in the short term, disbenefits from oversupply can be real and significant.
- Including an upper limit of 13,500 square metres of supermarket floorspace is appropriate and the upper limit on individual supermarkets should be increased to 4,000 square metres.

- Net community benefit will be enhanced in the long term by the implementation of the Structure Plan.
- The provision of 'as of right' allowance for supermarkets and no cap on retail floorspace in Precincts 1 and 2a means there is a risk in the short to medium term of a net disbenefit to the community.

## 5 Other matters

Other matters raised that warrant some discussion relate to:

- impacts on industrial uses
- connectivity and access
- environmental matters.

### 5.1 Impacts on industrial uses

#### (i) The issue

The key issue is:

- the impact of the Structure Plan and the Activity Centre Zone on the ongoing operations and viability of existing industrial uses.

#### (ii) Evidence and submissions

Surdex is located in Precinct 5b, it provided a written submission and indicated it would attend the Hearing and call planning evidence. The Panel summarised the issues raised by Surdex in Chapter 1.4(v). Just prior to the Hearing commencing, the Panel was advised by Surdex that it no longer sought to be heard, and as far as the Panel could determine, it did not engage in the Hearing (for example by listening in online).

In opening, Council provided the Panel with an overview on how existing industrial uses would be considered if the Amendment proceeded. In essence, existing use rights would apply and Council indicated it would support those industries remaining in the area until such time as they chose to relocate.

Council provided a plan showing the extent of industry in the Industrial 1 Zone in Precinct 5 and advised while some land was vacant and/or used as a Council owned drainage reserve, Shepparton Pre-Cast Concrete occupied one area in Precinct 5a and Surdex occupied another in Precinct 5b, both of which are immediately adjacent to the residential area to the east.

Council further addressed issues relating to existing industrial uses in Precincts 4b and 5 in closing. In particular, Council advised there was significant vacant industrial land and the only existing use that might be impacted by the Amendment related to industry, particularly Surdex. Council indicated higher and better uses will be available to industrial landholders should they choose not to remain in the precinct, but it confirmed that current operations would be protected by existing use rights.

Council further advised the *Shepparton and Mooroopna 2050: Regional City Growth Plan* adopted March 2021, identified four key areas for industrial growth, including a substantial area north of the Structure Plan area for which Precinct plans are being prepared. Council indicated the industrial precinct plans would be completed later in 2024.

The Panel questioned whether rezoning all land in the Structure Plan area to Activity Centre Zone might result in squeezing industry out of the area.

While not advocating for Surdex, Shepparton Pty Ltd's submission observed:

The suggestion these uses will enjoy existing use rights doesn't resolve the clear potential for land use conflict if residential development is allowed to occur on the immediate boundaries of these sites<sup>63</sup>.

The Panel did not have the benefit of hearing from any of the industrial owners or operators.

### (iii) Discussion

While the Panel acknowledges the issues raised by Surdex, it accepts the long term vision for Shepparton North is to be a dynamic retail, commercial and residential precinct where industry (and especially heavy industry) would not be a good fit. As it stands, Precinct 5 is abutted by residential areas to its north and east and commercial areas to its west. It would appear that, gradually and over time, industry has moved away from this area. Council made a comment in closing that Surdex is already seeking further land for its industry. While that could not be fully verified, it would appear that might be a logical outcome.

Industry in Precinct 5 is not part of the Vision for Shepparton North. It is apparent to the Panel that Council is cognisant of the needs and requirements of existing and new industry and has strategies in place to deal with this.

With regard to proximity to residential areas and the issue raised by Shepparton Pty Ltd, that is already occurring in the residential land to the east.

### (iv) Findings

The Panel finds:

- While industry is important to Shepparton, there has been a shift away from the Structure Plan area for industrial development to more defined precincts and areas away from areas of existing and emerging population.
- The existing industry in Precinct 5 is abutted by residential and commercial zones and uses and it would be a logical outcome that such industry may relocate elsewhere due to amenity impacts.
- The strategic intent of Precinct 5 is supported.

## 5.2 Connectivity and linkages

### (i) The issues

The key issues are:

- whether the Structure Plan is sufficiently advanced to provide clarity on transport accessibility and linking option.
- how the proposed linkages shown in the Structure Plan will be realised.

The Panel had regard to the traffic evidence provided by Shepparton Pty Ltd as well as relevant submissions.

Table 5 Traffic evidence

Party	Expert	Firm	Area of expertise
Shepparton Pty Ltd	Hilary Marshall	Ratio	traffic

<sup>63</sup> D44a, para 70



The Panel notes the report of One Mile Grid that provided an overview of access and traffic issues as part of preparation of the Structure Plan.

**(ii) Evidence and submissions**

DTP Transport made a submission which was summarised in Chapter 1.4(iv). Council advised all DTP Transport recommendations had been adopted into the Amendment and it considered there were no outstanding matters.

One Mile Grid prepared a report for Mesh Planning to inform the preparation of the Structure Plan. That report provided an overview of the existing situation regarding traffic and access. Key issues included:

- in noting the overall site location and road network, both Numurkah Road and Ford Road are designated as B-double routes
- while there is a proposed bypass, there has been no work on progressing this
- there is poor access to public transport, and especially to the sports Precinct
- a school bus service operates but it does not provide access to the general public
- the SNAC site is accessible to the Shepparton North-East Precinct Structure Plan area.

The report observed the Movement and Place Framework, which:

“... recognises streets perform multiple roles and functions beyond moving people from A to B. It recognises the role of streets as places and destinations in their own right, and allows the organisation and classification of transport links by their place and movement roles as well as allowing for the development of performance measures and interventions”<sup>64</sup>.

In noting issues and opportunities for Shepparton North, the report observed:

The existing uses and precincts within the study area have been developed in an ad-hoc and fragmented manner, with discontinuous roads, and poor permeability for all transport modes. The Structure Plan should identify opportunities for improved connectivity, including alternative north-south connections to Numurkah Road<sup>65</sup>.

Figure 20 of the Structure Plan provides a movement and access plan, and notates the core north-south spine. This is followed by a series of detailed strategies and some indicative diagrams on how these linkages might be realised in a reasonable level of detail.

Ms Marshall was critical there had been no traffic analysis for this Activity Centre, especially in the core Precincts where there is likely to be a more complex mix of uses. She considered there would be significant traffic implications for the Structure Plan area and a detailed traffic analysis would have helped to inform the extent of those issues. She was concerned about access to Numurkah Road, as well as access from the adjacent service road, which she indicated should have been set back further. Further, the lack of clarity about potential public transport opportunities was a key concern. While Ms Marshall did not undertake data collection herself, she indicated she would have preferred to see more technical information to assist in her forming a view.

Ms Marshall did not support the road network as it is portrayed in the Structure Plan, and her opinion was that major traffic work needs to be undertaken, similar to the extent undertaken in Precinct Structure Plans. Lascorp sought to dissuade her and questioned

<sup>64</sup> D15

<sup>65</sup> D15

whether the two were comparable. Ms Marshall considered they were, especially due to the size of this Activity Centre and the nature of the uses proposed.

Lascorp likened Ms Marshall's approach to what might be required for a Precinct Structure Plan, not an activity centre Structure Plan, which was 'unfair and over the top'. In noting this proposal did not require that level of planning, Lascorp indicated *"This is not necessary here where the land is already identified as a proposed SRC, within an identified growth area, and is in commercial zones adjacent to major arterials"*<sup>66</sup>.

Upon questioning from Council, Mr Glossop did not agree with Ms Marshall that connectivity would be an issue, noting it would be a matter for detailed design as the area developed. He supported the indicative roads, accessways and linkages and noted for these to be successful, there would need to be negotiations with landholders on how these might be realised, which he recognised could be a challenge.

Mr Lorenz supported the evidence of Ms Marshall and noted there was no traffic assessment for vehicles, pedestrians and cyclists, nor of the Hawkins Street/Numurkah Road intersection, nor the intersection of Wanganui Road/Ford Road/Numurkah Highway. He observed *"The hands-off approach by TfV does not imply that there are no issues with traffic management"*.

In closing, Council commented that Shepparton Pty Ltd sought to challenge the two-node concept by focusing on the feasibility of the interconnecting spine or link through submissions and evidence. Council referred to the evidence of Mr Glossop who confirmed in cross examination:

- it was appropriate for the planning system to intervene to ensure an integrated centre
- the Planning Authority could seek to create public linkages in redevelopment areas such as this
- creating public roads is part of integrated development and planning
- the Structure Plan shows how built form can be arranged to preserve opportunities for linkages
- public acquisition is contemplated.

Council acknowledged the proposed links may present some challenges, but indicated these can be overcome through negotiation and statutory processes. Council gave some examples of other sites and areas where it has secured land for public purposes. In addition, Council tabled four drawings of various options that could be explored in relation to connections and links north to south, and east to west for Precincts 1, 4 and 2.

### **(iii) Discussion**

The Panel can understand the position of Ms Marshall in that more work could have been undertaken to highlight potential key road and pedestrian linkages through the centre and to and from it. However, the absence of this work is not a reason to reject the clear intent of the Structure Plan and what it is seeking to achieve. The Panel recognises that work can and will be undertaken as part of future planning, in conjunction with key landowners as the detail of each precinct is unknown at this stage.

<sup>66</sup> D81, p4

The horse has not bolted, and approval of this Structure Plan is the first of many stages in the evolution of the SNAC. Public transport will grow as the area grows in population and activity. Major road upgrades will continue to be important but that is determinant on State funding.

Public transport will be important, but as in any area experiencing growth, bus routes and bus stops can only be considered when the more detailed land uses are better defined, noting in response to Council that it would be a question of scale. It is not up to the collective group of landowners to determine the optimum route for buses and bus stops. That is a matter for the State and local road authorities at the appropriate time. The evolving plan will need to take this into consideration, especially if there is to be any internal bus routes where road width and turning areas must be prioritised.

The two gateway nodes within the overall core of the Activity Centre are key to the land use outcomes for the Structure Plan and the SNAC in the medium to long term and built form activity will generate infrastructure improvements and public realm outcomes as appropriate. Connectivity opportunities will emerge accordingly.

#### **(iv) Findings**

The Panel finds:

- Integration and connectivity of the Precincts 1, 2, and 4 is key to the successful implementation of the Structure Plan. This can be through pedestrian and vehicular opportunities.
- Some land may be voluntarily, or compulsorily acquired to realise connectivity opportunities.
- A detailed traffic access and management plan (as well as an implementation plan) should be prepared to realise these opportunities once this current Amendment process is resolved.

### **5.3 Environmental matters**

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

The key issues are:

- whether environmental controls need to be put in place in the case of potentially contaminated land in Precincts 4b and 5
- whether further work needs to be undertaken to consider flooding.

#### **(ii) Potential contaminated land**

The key issues raised by the EPA in its original submission to Council included:

- it was not provided the opportunity to comment on the Amendment under Ministerial Direction No 19 prior to exhibition, even though it had previously provided high level advice to Council in the pre-exhibition phase
- the Explanatory Report did not appear to make a determination about whether any part of the subject land is potentially contaminated, noting part of the subject land has been and is still used for industry, so Council should have made that determination
- it does not support leaving such a determination to be considered under the provisions of ACZ2

- land already developed for sensitive uses does not appear to have been subject to an environmental audit or preliminary risk screen assessment.

The EPA then provided a letter to the Panel (before the Directions Hearing) and made further comments about:

- how potentially contaminated land should be dealt with
- inclusion of the Environmental Audit Overlay in the schedule to the Activity Centre Zone
- whether the requirement for a preliminary soil assessment in the Precinct 5 should be removed
- whether the requirement for an acoustic assessment should be removed
- issues relating to land already developed for residential purposes<sup>67</sup>.

The EPA did not seek to be heard to speak to those submissions.

Council advised that, following the original submission, it discussed the submission with the EPA to see if it could resolve its concerns. Apparently, there was no further contact and the EPA chose to write to the Panel instead. The Panel finds this to be unhelpful.

In its Part B submission, Council noted the issues raised by the EPA were discrete to Precincts 4b and 5, and it set out three options it considered the Panel could take to respond to those issues. These included recommending an Environmental Audit Overlay be applied to those precincts as part of this Amendment or as a separate process, or including a schedule in the Activity Centre Zone “*effectively incorporating the normal requirements of the EAO into specific requirements for precincts 4b and 5*”<sup>68</sup>. Further, the Explanatory Report could be amended to highlight the issue.

Shepparton Pty Ltd submitted the issues raised by the EPA compromised the Amendment, while the Lorenz Group submitted the issues need to be addressed.

The Panel agrees with Council the issues raised are discrete and can be resolved either through this current process or separately.

The Panel did not have the benefit of hearing from the EPA and agrees with Council’s observations about the EPA attending the Hearing. The Panel has found it difficult to understand exactly what the EPA was seeking. Its original submission was confusing as it also made submissions about developed land that appeared to have little to do with this Amendment.

The Panel does not have any technical information before it to determine the validity of the issues raised; however due to the long term existing use of that land, work will need to be undertaken as potential redevelopment occurs to determine if contamination is present and is an issue. It considers the Environmental Audit Overlay could be applied to Precincts 4b and 5 so that contamination issues can be properly explored and resolved.

As Council noted in closing, “*had the EPA participated in this Panel hearing, this would have provided a forum to clarify its support or otherwise of the options put forward by the Planning Authority and also Mr Glossop’s specific observations in regard to the customisability of the ACZ*”<sup>69</sup>.

<sup>67</sup> D12

<sup>68</sup> D30, para 29

<sup>69</sup> D82, para 80

The Panel does not consider this issue need hold up this current Amendment process. Approval of the Structure Plan is not contingent on this issue being resolved. As implementation of the Structure Plan is a long term outcome, and as industry remains in the Structure Plan area, redevelopment of Precincts 4b and 5 is not likely to be undertaken any time soon.

How application of an Environmental Audit Overlay is to be applied is a matter for Council; that is, whether it is part of this Amendment or as a technical Amendment after this process, including whether the Explanatory Report should be amended. However, the Panel is clear that use of the Environmental Audit Overlay is the most transparent method to ensure potential contamination is dealt with through a proper and transparent process.

The Panel finds:

- There is merit in considering the application of an Environmental Audit Overlay on land designated as Precincts 4b and 5.
- How that is to be undertaken is a matter for Council.
- The Structure Plan can proceed without this application being applied until further work is reconciled.

The Panel recommends:

**Consider the process for applying the Environmental Audit Overlay on land in Precincts 4b and 5.**

**Include an additional clause at 6.0 Application requirements in Precinct 4b and 5 to read: “An assessment of all land to determine if contamination exists.”**

**(iii) Potential flooding**

The Lorenz Group raised flooding as a potential site issue in its paragraphs 27 to 32 and noted:

The Structure Plan needs absolute clarity about which flooding data set is preferred and that should be independently ruled upon, and then consequently, the population modelling ruled upon ... None of those things have been factored into the Structure Plan, both are long term issues and are strategic issues unresolved<sup>70</sup>.

In closing, Council advised it is undertaking flood mapping work, but DTP (Planning) is considering another process to deal with this, and the current process has been put on hold.

The Panel is confident that Council is dealing with potential flooding issues more broadly across its municipality as a separate issue and has processes in place to ensure there are appropriate flood controls if required.

The Panel makes no finding or recommendation in this regard.

<sup>70</sup> D78, para 32

## Appendix A Submitters to the Amendment

No	Submitter
1	Goulburn Valley Water
2	McCamish Properties Pty Ltd
3	Shepparton Pty Ltd and IGA Retail Services Pty Ltd (Metcash)
4	Goulburn Broken CMA
5	Department of Transport and Planning (Head, Transport for Victoria)
6	Surdex Steel Shepparton
7	Lorenz Group Pty Ltd (Fairleys Supermarket IGA)
8	Lascorp Investment Group Pty Ltd
9	Environment Protection Authority Victoria
10	Jonathan Tedesco
11	Belinda Moreno
12	Bianca McDowall
13	Linda Williams
14	Goulburn Murray Water
15	Victorian Planning Authority
16	Abbie Jackson
17	Ian Mintern

## Appendix B Parties to the Panel Hearing

Submitter	Represented by
Greater Shepparton City Council	Joseph Monaghan of Holding Redlich with Colin Kalms from Council, who called the following expert evidence: <ul style="list-style-type: none"> <li>- Sean Stephens of Ethos Urban in economics</li> <li>- Simon McPherson of Global South in urban design</li> </ul>
Shepparton Pty Ltd and IGA Retail Services Pty Ltd	Paul Connor KC and Sean McArdle of Counsel, instructed Minter Ellison, who called the following expert evidence: <ul style="list-style-type: none"> <li>- David Barnes of Hansen Partnership in town planning</li> <li>- Chris Abery of Deep End Services in economics</li> <li>- Mathew Furness of Ratio in urban design</li> <li>- Hilary Marshall of Ratio in traffic engineering</li> </ul>
Lascorp Investment Group Pty Ltd	Chris Townshend KC and Nicola Collingwood of Counsel, instructed by Lascorp Investment Group, who called the following expert evidence: <ul style="list-style-type: none"> <li>- John Glossop of Glossop Town Planning in planning</li> <li>- Tony Dimasi of Dimasi &amp; Co in economics</li> <li>- Rhys Quick of Urbis in economics</li> </ul>
Lorenz Group	Dom D'Agostino

## Appendix C Document list

No.	Date	Description	Provided by
1	13 Dec 2023	Letter requesting later hearing dates	Shepparton Pty Ltd and IGA Retail Services Pty Ltd (Shepparton Pty Ltd)
2	8 Jan 2024	Directions Hearing notice letter	Planning Panels Victoria (PPV)
3	22 Jan 2024	Referred materials, including: a) Exhibited amendment documents (Documents 3a – 3r) b) Background reports (Documents 3s – 3t) c) Council and delegate reports (Documents 3u – 3x)	Greater Shepparton City Council (Council)
4	25 Jan 2024	Letter regarding proposed adjournment of hearing	Council
5	31 Jan 2024	Panel Directions and Timetable	PPV
6	6 Feb 2024	Issues & Opportunities Report – Transport (One Mile Grid, 19 May 2022) - Draft	Council
7	6 Feb 2024	Shepparton North Activity Centre Economics Analysis (Geografia, 24 June 2022)	Council
8	12 Feb 2024	Letter filing evidence	Council
9	12 Feb 2024	Expert witness statement of Simon McPherson	Council
10	12 Feb 2024	Expert witness statement of Sean Stephens	Council
11	12 Feb 2024	Part A Submission	Council
12	14 Feb 2024	Letter to the Panel, enclosing EPA submission 22 Dec 2023	EPA Victoria
13	14 Feb 2024	Panel letter, enclosing Timetable version 2	PPV
14	16 Feb 2024	Panel direction to Council regarding brief to Mesh	PPV
15	16 Feb 2024	Issues & Opportunities Report – Transport (One Mile Grid, 19 May 2022) – Final	Council
16	19 Feb 2024	Response to EPA letter	Council
17	19 Feb 2024	Expert witness statement of Chris Abery	Shepparton Pty Ltd
18	19 Feb 2024	Expert witness statement of Mathew Furness	Shepparton Pty Ltd
19	19 Feb 2024	Expert witness statement of Hilary Marshall	Shepparton Pty Ltd
20	19 Feb 2024	Expert witness statement of John Glossop	Lascorp Investment Group (Lascorp)
21	19 Feb 2024	Expert witness statement of Anthony Dimasi	Lascorp
22	19 Feb 2024	Expert witness statement of Rhys Quick	Lascorp
23	19 Feb 2024	Expert witness statement of David Barnes	Shepparton Pty Ltd
24	19 Feb 2024	Shepparton Pty Ltd v Greater Shepparton CC [2024] VCAT 133 (16 February 2024)	PPV



No.	Date	Description	Provided by
25	20 Feb 2024	Email inviting responses to VCAT decision	PPV
26	20 Feb 2024	Brief to Mesh to prepare structure plan	Council
27	22 Feb 2024	Addendum to evidence statement of John Glossop	Lascorp
28	22 Feb 2024	Addendum to evidence statement of Rhys Quick	Lascorp
29	22 Feb 2024	Addendum to evidence statement of Tony Dimasi	Lascorp
30	23 Feb 2024	Part B submission	Council
31	23 Feb 2024	Day 1 version of the Structure Plan	Council
32	23 Feb 2024	Day 1 version of the ACZ Schedule	Council
33	23 Feb 2024	Addendum to evidence statement of Simon McPherson	Council
34	23 Feb 2024	Drone footage images and links	Council
35	23 Feb 2024	Panel letter, enclosing Timetable version 3	PPV
36	23 Feb 2024	Economics expert conclave statement	Council
37	23 Feb 2024	Day 1 version of the Structure Plan (tracked changes)	Council
38	23 Feb 2024	Day 1 version of the ACZ Schedule (tracked changes)	Council
39	22 Feb 2024	Agreed statement of issues	Council
40	25 Feb 2024	Presentation slideshow	Council
41	25 Feb 2024	Shepparton North Issues, Opportunities and Emerging Challenges Paper (August 2022)	Council
42	26 Feb 2024	Brief to Sean Stephens	Council
43	26 Feb 2024	Brief to Simon McPherson	Council
44	27 Feb 2024	Submission, enclosing attachments: a) Shepparton Pty Ltd v Greater Shepparton CC [2023] VCAT 150 b) Amended plans approved by VCAT in its decision dated 16.02.24 c) C193 Part 2 Advisory Committee Report d) ALH Group Pty Ltd v Kingston CC [2021] VCAT 459 [105]	Shepparton Pty Ltd
45	27 Feb 2024	Maps: a) SNAC SP industrial landholdings b) SNAC SP industrial landholdings - aerial c) SNAC SP zone precincts	Council
46	28 Feb 2024	Affidavit of John Di Natale, enclosing Exhibits 1-10 (Documents 46a – 46j)	Shepparton Pty Ltd
47	28 Feb 2024	Endorsed Condition 1 Plan	Council
48	28 Feb 2024	Endorsed Plan of Proposed Subdivision	Council
49	28 Feb 2024	Endorsed Planning Permit 2020-387	Council
50	28 Feb 2024	Endorsed Planning Permit 2020-411	Council

No.	Date	Description	Provided by
51	28 Feb 2024	Kentucky Fried Chicken Pty Ltd v Gantidis (1979)	Council
52	28 Feb 2024	Brief to John Glossop	Lascorp
53	28 Feb 2024	Brief to Rhys Quick	Lascorp
54	28 Feb 2024	Brief to Tony Dimasi	Lascorp
55	28 Feb 2024	Herald Sun article 5.4.22	Lascorp
56	28 Feb 2024	The Age article 27.2.24	Lascorp
57	28 Feb 2024	Instructions to Chris Abery	Shepparton Pty Ltd
58	28 Feb 2024	Instructions to David Barnes	Shepparton Pty Ltd
59	28 Feb 2024	Instructions to Mathew Furness	Shepparton Pty Ltd
60	28 Feb 2024	Instructions to Hilary Marshall	Shepparton Pty Ltd
61	29 Feb 2024	Simon McPherson pre-hearing notes	Council
62	29 Feb 2024	Mathew Furness comments in response to like evidence	Shepparton Pty Ltd
63	29 Feb 2024	Submission	Lascorp
64	29 Feb 2024	Tony Dimasi presentation	Lascorp
65	29 Feb 2024	Rhys Quick presentation	Lascorp
66	28 Feb 2024	Folder of planning permits and related materials	Council
67	29 Feb 2024	Greater Shepparton Planning Scheme Public Acquisition Overlay email	Council
68	29 Feb 2024	Amendment C180 Explanatory Report	Council
69	29 Feb 2024	Road Option 1	Council
70	29 Feb 2024	Road Option 1 Open	Council
71	29 Feb 2024	Road Option 2	Council
72	29 Feb 2024	Road Option 2 Open	Council
73	1 Mar 2024	Hume L44 (PSA) [2000] PPV 9 (15 February 2000) Panel Report	Shepparton Pty Ltd
74	1 Mar 2024	Shepparton supermarkets and SA2s	Shepparton Pty Ltd
75	3 Mar 2024	John Glossop presentation	Lascorp
76	4 Mar 2024	Reference recommended changes and source (version 2)	Council
77	4 Mar 2024	Day 1 version of ACZ schedule with tracked changes and recommendation reference	Council
78	4 Mar 2024	Submission	Lorenz Group
79	4 Mar 2024	Woolworths Group 2023 Annual Report	Shepparton Pty Ltd
80	4 Mar 2024	Lascorp site plan	Lascorp
81	4 Mar 2024	Closing notes	Lascorp
82	4 Mar 2024	Part C closing submissions	Council

No.	Date	Description	Provided by
83	4 Mar 2024	Part C submission material	Council
84	4 Mar 2024	Hawkins Street and Goulburn Valley Highway Application	Council
85	4 Mar 2024	Amendment C162 Panel Report (29 June 2015)	Council
86	4 Mar 2024	Industrial Land Review, City of Greater Shepparton, 2011	Council
87	4 Mar 2024	Shepparton Mooroopna 2050: Regional City Growth Plan	Council
88	4 Mar 2024	Victoria's Housing Statement	Council
89	5 Mar 2024	Concise closing on economics evidence	Shepparton Pty Ltd
90	5 Mar 2024	Tony Dimasi cross examination spreadsheet	Shepparton Pty Ltd
91	5 Mar 2024	Extracts of cross examination spreadsheet with scenarios put to Mr Dimasi	Shepparton Pty Ltd
92	5 Mar 2024	John Glossop recommendations table	Lascorp
93	5 Mar 2024	John Glossop mark-up of Council Day 1 ACZ Schedule	Lascorp
94	5 Mar 2024	Email to Holding Redlich regarding Day 1 ACZ Schedule	Shepparton Pty Ltd
95	5 Mar 2024	Responses to Panel questions	Lorenz Group
96	5 Mar 2024	Updated reference list of recommended changes and source	Council
97	5 Mar 2024	Final day version of ACZ Schedule with tracked changes and recommendation reference	Council

## Appendix D Planning context

The Amendment is assessed by various clauses in the Municipal Planning Strategy and Planning Policy Framework, summarised in Table 6 and Table 7.

**Table 6** Municipal Planning Strategy and local policies

Relevant clauses
<p><b>02.02 Vision</b></p> <p>The 2017-2021 Council Plan contains the following vision:</p> <p><i>Greater Shepparton, Greater Future.</i></p> <p><i>A thriving economy in the food bowl of Victoria with excellent lifestyles, innovative agriculture, a diverse community and abundant opportunities.</i></p> <p>The 2017-2021 Council Plan includes the following themes to support its vision:</p> <p><b>Social</b></p> <p>Develop resilient, inclusive, healthy communities that make Greater Shepparton a safe and harmonious place to live, work, learn and play.</p> <p><b>Economic</b></p> <p>Build a thriving, resilient economy where Greater Shepparton is recognised as a competitive place to invest and grow business.</p> <p><b>Built</b></p> <p>Provide and support appealing relevant infrastructure that makes Greater Shepparton an attractive, liveable regional city.</p> <p><b>Environment</b></p> <p>Enhance and protect the clean, green environment that makes Greater Shepparton the unique place it is.</p>
<p><b>02.03 Strategic directions</b></p> <p><b>02.03-1 Settlement</b></p> <p>...</p> <p>It is expected that the urban areas of Shepparton, Mooroopna and Kialla will accommodate the majority of new residential development, with new growth located to the south, south east of Shepparton and Kialla, north of Shepparton and to the west of Mooroopna, with remaining growth distributed throughout the outlying townships of Tatura, Murchison, Merrigum, Dookie, Congupna, Katandra West, Tallygaroopna, Toolamba, and Undera.</p> <p>In facilitating the future growth and development of its towns, Council is committed to achieving urban consolidation, thereby promoting walking, the use of bicycles and reducing the dependence on car use. In proximity to the Shepparton CBD and other key activity centres, people will be encouraged to live at higher densities in environments that offer individual, lifestyle and community benefits. Council encourages the provision of additional medium density and apartment style accommodation including shop-top housing within the Shepparton, Mooroopna and Kialla urban areas.</p>

## Relevant clauses

### 02.03-6 Economic development

...

The commercial and retailing centres fulfil both local shopping and discretionary shopping needs, with Shepparton CBD positioned as the principal retail centre in the region. The primary issue confronting the CBD's retail sector is competition from sub-regional centres outside the traditional retail core.

...

Council is committed to:

- Reinforcing the Shepparton CBD as the principal retail centre in the region.
- Facilitating subregional retail facilities to serve local communities.
- Sustaining a growing and diverse industrial base, while protecting the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.
- Providing for the continued growth of the Shepparton CBD as a multi-purpose retail, business, commercial, community, entertainment and tourism centre.

### 02.04 Strategic Framework Plans

*Panel note – This clause contains framework plans that are to be read in conjunction with the strategic directions in Clause 02.03.*

#### 15.01-1L-01 Urban design

Strategies:

Avoid building frontages with long expanses of solid walls by incorporating design elements and a variety of materials that create articulation and visual interest.

Encourage landscaping in new developments to mitigate the impact of buildings on the surrounds and provide additional vegetation in the canopy.

Encourage retention of existing vegetation where practical.

Encourage the use of indigenous and low maintenance plant species.

#### 17.02-1L Commercial activity centres

Strategies:

Support a hierarchy of commercial activity centres that promotes the primacy of the Shepparton CBD as a multi-function centre complemented by local centres for convenience shopping..

*Panel note: Policy identifies Shepparton North as a Sub-regional Centre*

Facilitate and support the expansion and concentration of additional retail and commercial facilities for the SNAC, between Ford Road and Hawkins Street on the eastern side of Numurkah Road, to reflect the designated sub-regional role and function of the centre.

Encourage the location of peripheral sales, bulky goods and restricted retail in Business Enterprise Corridors identified in the Shepparton Business Framework Plan to this clause.

Discourage development that facilitate cinema, supermarket, shop (other than restricted retail) and office uses outside of designated activity centres in the Shepparton South and North Enterprise Corridors.

Discourage uses such as display yards or service stations that disrupt pedestrian connections in shopping streets.

### Relevant clauses

#### 19.03-2L-01 Infrastructure design and provision

Strategies:

Encourage a consistent approach to the design and construction of infrastructure across the municipality using standardised infrastructure guidelines.

Encourage the provision of infrastructure that is responsive to township and local character.

Coordinate developer funded delivery of development infrastructure including the extension of water and sewerage services.

Table 7 Planning Policy Framework: State and Regional Policies

### Relevant clauses

#### 11 Settlement

##### 11.02 Managing growth

###### 11.01-1S Settlement

To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

###### 11.01-1R Settlement – Hume

Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta, Wodonga and Benalla.

###### 11.02-1S Supply of urban land

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

###### 11.02-2S Structure planning

To facilitate the orderly development of urban areas.

###### 11.02-3S Sequencing of development

To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

##### 11.03 Planning for places

###### 11.03-1S Activity centres

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

###### 11.03-2S Growth areas

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

###### 11.03-6S Regional and local places

To facilitate integrated place-based planning.

#### 15 Built environment and heritage

##### 15.01 Built environment

###### 15.01-1S Urban design

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity

## Relevant clauses

### 15.01-2S Building design

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

### 15.01-4S Healthy neighbourhoods

To achieve neighbourhoods that foster healthy and active living and community wellbeing

## 15.02 Sustainable Development

### 15.02-1S Energy and resource efficiency

To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

## 16 Housing

### 16.01 Residential Development

#### 16.01-2S Location of residential development

To locate new housing in designated locations that offer good access to jobs, services and transport.

## 17 Economic development

### 17.01 Employment

#### 17.01-1S Diversified economy

To strengthen and diversify the economy.

#### 17.01-1R Diversified economy - Hume

Encourage appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.

### 17.02 Commercial

#### 17.02-1S Business

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Strategy: Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.

#### 17.02-2S Out-of-centre development

To manage out-of-centre development.

## 18 Transport

### 18.01 Integrated transport

#### 18.01-1S Land use and transport planning

To create a safe and sustainable transport system by integrating land use and transport.

#### 18.01-2S Transport system

To coordinate development of all transport modes to provide a comprehensive transport system.

#### 18.01-2R Transport links - Hume

Support improved east-west transport links including those into Gippsland.

## Relevant clauses

### 18.02 Movement Networks

#### 18.02-1S Sustainable personal transport

To promote the use of sustainable personal transport.

#### 18.02-2S Public transport

To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.

#### 18.02-3S Road system

To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

#### 18.02-4S Car parking

To ensure an adequate supply of car parking that is appropriately designed and located.

## 19 Infrastructure

### 19.02 Community Infrastructure

#### 19.02-1S Health facilities

To assist the integration of health facilities with local and regional communities.

#### 19.02-4S Social and Cultural Infrastructure

To provide fairer distribution of and access to, social and cultural infrastructure.

### 19.03 Development Infrastructure

#### 19.03-1S Development and infrastructure contributions plans

To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.

#### 19.03-2S Infrastructure design and provision

To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

#### 19.03-3S Integrated water management

To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.



## Appendix E Panel preferred version of Schedule 2 to Clause 37.08 Activity Centre Zone

**Based on Document 97, all changes accepted**

Tracked Added

~~Tracked Deleted~~

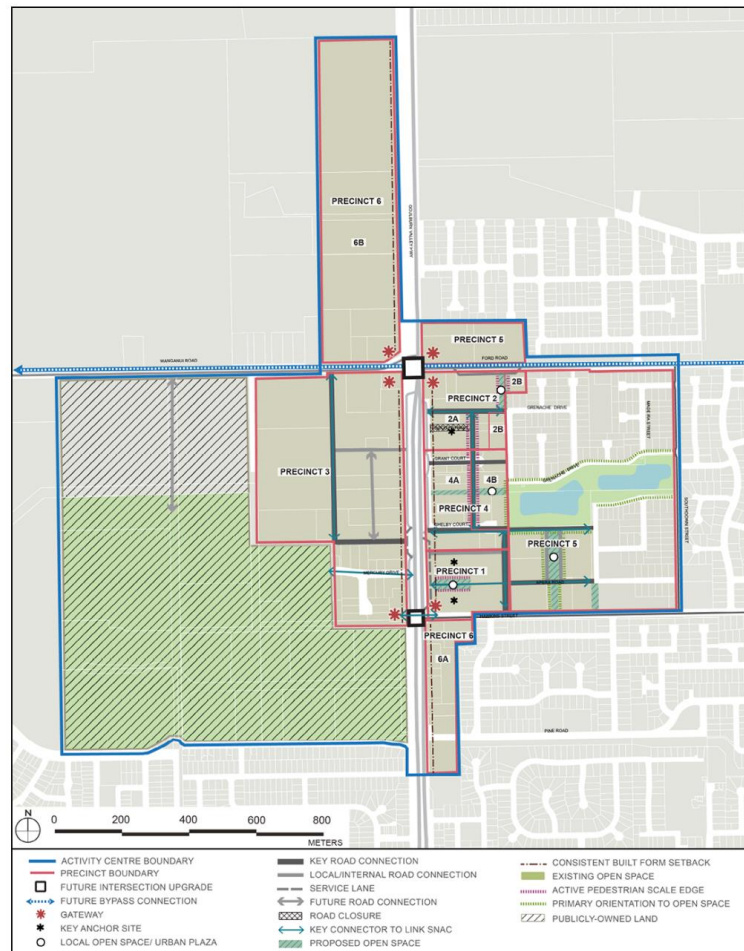
### SCHEDULE 2 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE

Shown on the planning scheme map as **ACZ2**.

#### SHEPPARTON NORTH ACTIVITY CENTRE

#### 1.0 Shepparton North Activity Centre framework plan

Shepparton North Activity Centre Framework Plan



## 2.0 Land use and development objectives to be achieved

30/07/2018

### Land use

- **☞** Develop the Shepparton North Activity Centre with a focus on mixed-use outcomes accommodating a mix of complementary retail, commercial, employment and community uses and medium-density residential development.
- **☞** Promote a vibrant mixed-use activity centre which is a regional destination with a strong sense of place and civic identity which serves the local and wider community.
- **☞** Ensure land use and development facilitates a range of sustainable local employment and business opportunities.
- **☞** Provide a high level of activity to attract people, provide a focal point for the community, create an attractive and safe urban environment and increase opportunities for social interaction.
- **☞** Increase the provision, density and diversity of housing types by offering the community a wider range of housing opportunities.

### Movement & access

- Ensure safe and convenient vehicle, public transport, pedestrian and bicycle networks that facilitates safe and efficient movement to and through the activity centre.
- Prioritise active transport along streets, within car parking areas and in open space, including local open space as well as the Shepparton Sports and Recreation Precinct.
- Strengthen the role of Numurkah Road as a major arterial road with clear points of access to the activity centre 'core', east-west connections between the activity centre 'core' and areas west of Numurkah Road and opportunities for north-south active movement.
- Support the role of the local street network as an active, pedestrian-oriented environment, that supports walking and local cycling access.
- Provide a clear, efficient and logical vehicle network and ensure access to convenient car parking in the activity centre.
- **☞** Promote linkages to Shepparton Sports and Recreation Precinct as a modern, high-standard, regional sporting and recreational facility with integrated uses and community services.

### Built form & interfaces

- **☞** Facilitate development that provides appropriate articulation, architectural rhythm and massing, with direct sightlines to key gateway buildings from major roads (Numurkah Road/Goulburn Valley Highway, Ford Road and Wanganui Road) and support sightlines from within developments to local streets to encourage passive surveillance.
- **☞** Create highly transparent, active and visually engaging building façades at ground floor level, where practicable, particularly fronting local streets and public open spaces.
- **☞** Deliver precincts that provide distinctive built form and public realm treatments that are legible and encourage a sense of place.
- **☞** Encourage the integration of business identification signage into the design of buildings that is appropriate in scale and reduces visual clutter in the street.
- **☞** Deliver buildings that include sustainable development principles that reduce energy, water and waste impacts and particularly manage stormwater runoff so that existing flood risks are not exacerbated.

### Open space & public realm

- **☞** Deliver a variety of high quality public realm spaces that are human-scaled, flexible and cater for a range of social interactions.
- **☞** Facilitate the enjoyment of public urban spaces/plazas, streetscapes, pedestrian and bicycle paths by encouraging consistent street tree planting and ensuring that these areas are not excessively overshadowed by built form.
- **☞** Achieve development that provides accessible, safe, attractive and functional private and public open space opportunities, which are well connected and integrated with the urban environment, and maximise opportunities for landscaping
- **☞** Encourage active street frontages and pedestrian generating activities to be located along connector streets parallel to major arterial roads.
- **☞** Create a healthy and consistently landscaped environment that is dominated by native and indigenous planting.
- **☞** Ensure each precinct has access to well-designed public open space.

### Land configuration & ownership

- **☞** Encourage the reconfiguration and consolidation of land where necessary to create viable development sites that optimises development of the centre, and avoids fragmentation of land that does not achieve the outcomes of the Structure Plan.

## 3.0 Table of uses

### Section 1 - Permit not required

Use	Condition
<b>Accommodation (other than Community Care accommodation, Camping and caravan park, Corrective institution, Group Accommodation, Host Farm, Residential building, Residential hotel, Retirement Village)</b>	Must not be at ground floor level, except for entry foyers in Precincts 1 and Sub-precinct 2A and 4A. Must not be located in Precinct 3.
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5 The gross floor area of all buildings must not exceed 50 square metres
<b>Bed and breakfast</b>	Must be in Precinct 5 or Sub-precinct 2B or 4B. In Precinct 5, at least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence
<b>Child care centre</b>	If located in Precincts 1, 2 and Sub-precinct 4A, any frontage at ground level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house). Must not be located in Precinct 3.
<b>Convenience restaurant</b>	Must be in Precinct 1 or Sub-precinct 2A
<b>Community care accommodation</b>	If located in Precincts 1, 2 and Sub-precinct 4A, any frontage at ground level must not exceed 2 metres. Must meet the requirements of Clause 52.22-2. Must not be located in Precinct 3.
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	Must be no more than 2 animals

<b>Education centre (other than Child care centre)</b>	Must be in Precincts 1, 2 and Sub-precinct 4A.
<b>Exhibition centre</b>	Must be in Precincts 1, 2 and Sub-precinct 4A.
<b>Home based business</b>	
<b>Indoor Recreation Facility</b>	Must be in Precinct 1, 2 or Sub-precinct 4A
<b>Informal Outdoor Recreation</b>	
<b>Landscaping gardening supplies</b>	Must be in Precinct 3 or Sub-precinct 6B
<b>Leisure and recreation (other than Indoor Recreation Facility, Informal outdoor recreation, Open sports ground, Restricted recreation facility, Major sports and recreation facility and Motor racing track)</b>	Must be in Precinct 3 or 4
<b>Motor vehicle, boat, or caravan sales</b>	Must be in Precinct 3 or Sub-precinct 4A or 6B
<b>Office</b>	Must be in Precincts 1 or 2. Must not exceed a leasable floor area of 250sqm
<b>Place of Assembly (other than Cinema, Cinema-based entertainment facility and Place of worship)</b>	Must be in Precinct 1 or Sub-precinct 4A
<b>Place of worship</b>	Must be in Precinct 1, 2, 4, 5 or 6. The gross floor area of all buildings must not exceed 250 square metres. If in Precinct 5, the site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Railway</b>	
<b>Residential aged care facility</b>	Must be in Precinct 1, 2, 4 and 5.
<b>Retail premises (other than Food and drink premises, Gambling premises, Motor vehicle, boat, or caravan sales, Shop, Trade supplies, Landscape gardening supplies)</b>	Must be in Precinct 1, 2, 4, 5 or 6.
<b>Retirement village</b>	Must be in Precinct 5
<b>Restricted retail premises</b>	Must be in Precinct 1, 2, 3 or Sub-Precinct 4A or 6B
<b>Restricted recreation facility</b>	Must be in Precinct 1 or sub-precincts 2B or 4A Must not be at ground floor level, except for entry foyers
<b>Service station</b>	Must be in Precinct 3 or 6 and the site must adjoin or have access to a road in TR22 or TR23
<b>Service Industry</b>	Must be in Precinct 3 or 6. Must not be for a purpose listed in the table to Clause 53.10 with no threshold distance specified.
<b>Shop (other than Adult sex product shop, Convenience Shop, Department store, Restricted retail premises, sex services premises and Supermarket)</b>	Must be in Precinct 1 or Sub-precinct 2A
<b>Supermarket</b>	Must be in Precinct 1 or Sub-precinct 2A The leasable floor area of a <a href="#">single</a> supermarket must not exceed <del>3500</del> 4000sqm A maximum gross leasable floor area across Precinct 1 and Sub-precinct 2A must not exceed a total of 13,500sqm

<b>Trade Supplies</b>	Must be in Precinct 3 or Sub-Precinct 4A or 6B
<b>Any use listed in Clause 62.01</b> See Section 1 of 37.08-2 for relevant provisions	Must meet requirements of Clause 62.01
<b>Section 2 - Permit required</b>	
<b>Use</b>	<b>Condition</b>
<b>Adult sex product shop</b>	Must not be in Precinct 1, 2, 4 or 5.
<b>Bar</b>	Must not be in Precinct 3, 4, 5, 6 or Sub-precinct 2B
<b>Bus terminal</b>	Must not be in Precinct 5 or Sub-precinct 2B or 4B
<b>Convenience restaurant</b>	Must be in in Precincts 1, 2, 3 and Sub-precinct 4A.
<b>Convenience shop</b>	Must be in in Precincts 1, 2, 3 and Sub-precinct 4A.
<b>Community care accommodation – if the Section 1 condition is not met</b>	Must not be located in Precinct 3.
<b>Domestic animal boarding</b>	Must not be located in Precinct 5.
<b>Education centre (other than Child care centre) – if the Section 1 condition is not met)</b>	If in Precinct 3, must not be a primary or secondary school.
<b>Food and drink premises (other than Convenience restaurant, and Take away food premises)</b>	Must not be in Precinct 3, 5, 6 or Sub-precinct 2B
<b>Hotel</b>	Must not be in Precinct 3, 5, 6 or Sub-precinct 2B and 4B.
<b>Indoor Recreation Facility (other than Dance studio)</b>	Must not be in Precinct 3, 6 or Sub-precinct 4B
<b>Industry (other than Transfer station, Service industry, Research and development centre)</b>	Must not be in Precinct 1, 2, 4 or 5 or Sub-precinct 6A. Must not be a purpose listed in the table to Clause 53.10.
<b>Landscaping gardening supplies</b>	Must not be in Precinct 1, 2, 4, 5 or Sub-precinct 6A
<b>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)</b>	
<b>Mail centre</b>	Must not be in Precinct 1, 2, 4, 5 or Sub-precinct 6A.
<b>Major sports and recreation facility</b>	Must not be in Precincts, 1, 2, 3, 4 and 6
<b>Medical centre</b>	Must not be in Precinct 3, 5, 6
<b>Motor vehicle, boat, or caravan sales</b>	Must not be in Precinct 1, 5 or Sub-precinct 2B, 4B
<b>Office (other than Medical centre)</b>	Must not be in Precinct 3, 4, 5 or 6
<b>Place of assembly (other than Cinema, Cinema based entertainment facility, Nightclub and Place of worship)</b>	Must not be in Precinct 4, 5 or 6
<b>Place or Worship</b>	Must not be in Precinct 4, 5 or 6
<b>Research and development centre</b>	Must not be in Precinct 1, 2, 4, 5 or Sub-precinct 6A.

<b>Use</b>	<b>Condition</b>
<b>Restricted retail premises</b>	Must not be in Precinct 5, or Sub-precinct 4B
<b>Restricted recreation facility</b>	Must not be in Precinct 3, 5, 6 or sub-precincts 2A or 4B Must not be at ground floor level, except for entry foyers.
<b>Retail premises (other than Food and drink premises, Landscape gardening supplies, Motor vehicle, boat, or caravan sales, Shop, and Trade supplies)</b>	Must not be in Precinct 3, 4, 5 or 6
<b>Service station – if the Section 1 condition is not met</b>	Must not be in Precinct 5 or Sub-precinct 2B or 4B
<b>Service industry – if the Section 1 condition is not met</b>	Must not be in Precinct 5 or Sub-precinct 2B or 4B. Must not be for a purpose listed in the table to Clause 53.10 with no threshold distance specified.
<b>Sex services premises</b>	Must not be in Precincts 1, 3, 4, 5 or Sub-precinct 6A
<b>Shop (other than Adult sex product shop, Convenience shop, Sex services premises and Restricted retail premises)</b>	Must not be in Precinct 3, 4, 5 or 6
<b>Supermarket</b>	Must not be in Precinct 3, 4, 5 or 6
<b>Take away food premises</b>	Must not be in Precinct 5
<b>Trade supplies</b>	Must not be in Precinct 5 or Sub-precinct 2B, 4B or 6A
<b>Warehouse (other than Fuel depot, Mail centre, Shipping container storage)</b>	Must not be in Precinct 1, 2, 4, 5 or Sub-precinct 6A Must not be for a purpose listed in the table to Clause 53.10
<b>Any other use not in Section 1 or 3</b>	

**Section 3 – Prohibited****Use**

**Agriculture (other than Apiculture, Domestic animal husbandry)**  
**Camping and caravan park**  
**Cemetery**  
**Cinema**  
**Cinema-based entertainment facility**  
**Corrective institution**  
**Crematorium**  
**Department store**  
**Earth and energy resources industry**  
**Freeway service centre**  
**Fuel depot**  
**Host farm**  
**Motor racing track**  
**Nightclub**  
**Saleyard**  
**Shipping container storage**  
**Transport Terminal (other than a Bus terminal)**  
**Transfer station (other than an Automated collection point)**

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**4.0 Centre-wide provisions****4.1 Use of land**

A permit is not required to use land for the public purpose of Health and Community, Local Government, Service and Utility, Transport or Education providing the use is carried out by, or on behalf of, the relevant public land manager.

**4.2 Subdivision**

Application for subdivision should support the consolidation of land to facilitate the creation of viable development sites.

Applications for subdivision should support the [land use and development](#) objectives [at Clause 2.0](#) of this schedule.

**4.3 Buildings and works**

A permit is not required to construct a building or construct or carry out works for the following:

- Install an automatic teller machine.
- Alter an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing
- Construct an awning that projects over a road if it is authorised by the relevant public land manager.
- Construct a building or to construct or carry out works for the public purpose of Health and Community, Local Government, Service and utility, Transport or Education providing the building or works is carried out by, or on behalf of, the relevant public land manager.

A permit is required to:

- Construct a fence that exceeds 1.2 metres in height above natural ground level, where the fence is located along a boundary that has a street frontage and is:
  - Visually impermeable.
  - Constructed of unpainted or galvanised steel or uncoated wire.

#### **Dwelling**

A permit is not required to construct a building or construct or carry out works for the following:

- Construct or extend a dwelling on a lot of more than 300 square metres. This exemption does not apply to:
  - Construction of a dwelling if there is at least one dwelling existing on the lot.
  - Extension of a dwelling if there are two or more dwellings on the lot.
  - Construction or extension of a dwelling if it is on common property.
  - Construction or extension of a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building, and the fence exceeds the maximum height specified in Clause 55.06-2.
  - The development of a Caretaker’s house or a Bed and breakfast.
- Construct or carry out works normal to a dwelling.
- Construct or extend an outbuilding (other than a garage or carport) on a lot provided the gross floor area of the outbuilding does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Construct one dependent person’s unit on a lot.

#### **4.4 Design and development**

The following design and development requirements apply to an application to construct a building or construct or carry out works:

#### **Dwelling**

- On a lot of less than 300 square metres, an application must meet the requirements of Clause 54 if it proposes to:
  - Construct or extend one dwelling.
  - Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling.
- An application must meet the requirements of Clause 55 if it proposes to:
  - Construct a dwelling if there is at least one dwelling existing on the lot.
  - Construct two or more dwellings on a lot.
  - Extend a dwelling if there are two or more dwellings on the lot.
  - Construct or extend a dwelling if it is on common property.
  - Construct or extend a residential building.
  - Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building, and the fence exceeds the maximum height specified in Clause 55.06-2.

This does not apply to a development of four or more storeys, excluding a basement.

#### **Building Design**

- The size of new buildings should be in keeping with the large format scale of surrounding development.
- Built form should be articulated and maximise glazing 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.



- 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.
- Materials for external surfaces of new developments should consider use of 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.

#### **Building Height**

- Buildings should not exceed three storeys or 11m above natural ground level (except in Precinct 1 and Sub-precinct 2A and 4A), plus any applicable flood level determined by a relevant referral authority pursuant to this scheme.
- Offices or building areas open to the public should be located at the front of the building massing.

#### **Building setback**

- For interfaces between residential and non-residential properties, the overshadowing and overlooking provisions of the Greater Shepparton Planning Scheme must be considered to limit impacts of commercial development on residential amenity.
- For lots that abut a Transport Zone 2, loading and unloading areas should be set back a maximum distance of 20 metres from the front lot boundary.
- Street setbacks must incorporate significant landscaping and sealed car parking and be utilised to provide clear sightlines and legibility to Numurkah Road.
- A minimum 3m landscape buffer must be established along rear boundaries of commercial/ industrial lots abutting residential properties.
- A minimum 3m landscape buffer should be provided alongside/ rear boundaries abutting any other zone to soften and screen interfaces.
- The provisions of Clause 55 must be considered with regard to overshadowing and overlooking for residential development.

#### **Fences**

- Fencing should be constructed from materials that complement the building and surrounding area and should be painted in muted colours/toning, avoiding galvanised steel mesh and 'Colourbond' style fencing.
- Front fences should have a minimum 50 per cent visual permeability.
- Where possible, fencing should be softened and screened by vegetation planting.

#### **Parking and Access**

- 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.
- 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 points and limit double crossover widths to large sites to minimise opportunities for vehicle conflict between service roads and a Transport Zone 2.
- For corner sites, encourage vehicle access to a side road rather than the Goulburn Valley Highway service roads.
- For the purpose of providing an active street frontage, not more than 7.5 metres on any site frontage should be utilised for vehicular access purposes.

#### Landscaping

- For interfaces between residential and non-residential properties, a minimum 3 metres landscape buffer should be established to limit impacts of commercial development on residential amenity.
- A minimum of 30 per cent of the lot frontage must be landscaped to include a variety of shrubs and at least one significant tree (mature height 10 metres) for every 20m length of street frontage within the property frontage. Plant species must be appropriate and suitable to this area, and to Council's satisfaction.
- Provide large canopy trees and under-storey planting to minimise loss of views 5m from the Goulburn Valley Highway corridor to the surrounding landscape.
- Minimise areas of paving, particularly in the front setback.

#### Signage

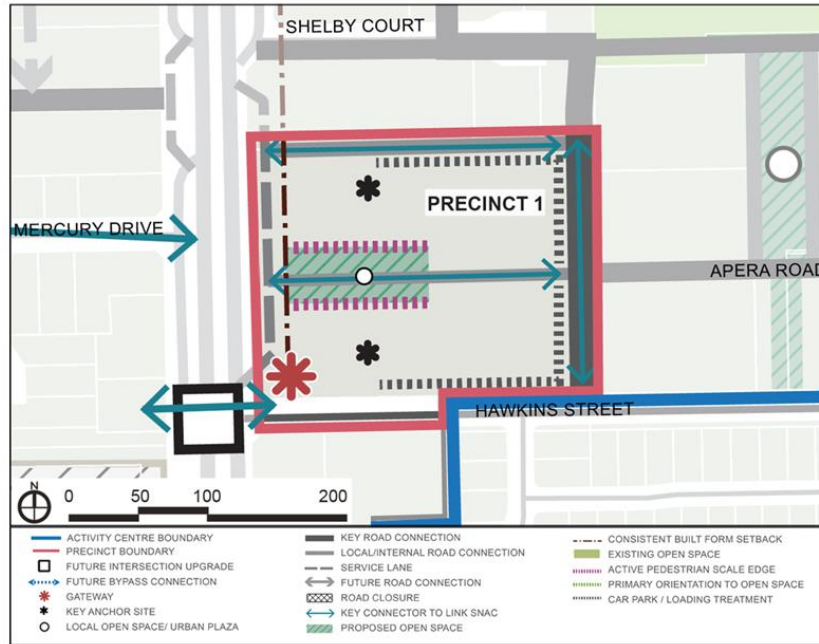
- Business identification information can be incorporated into one way-finding oriented sign at the entrance to each section of service road to reduce visual clutter.
- Major promotion signs should be attached to and integrated into the front building façade.
- Panel and promotion, and major promotion signs that project outside the perimeter of the building, or are free-standing, are discouraged.
- High wall and sky signs are discouraged.
- Free-standing signage (e.g. pole signs) must be set back a minimum distance of 1 metre from the front property boundary.
- Signage, including painted signs, located on a side wall should not occupy more than 50 per cent of the area of the wall.
- Freestanding business identification signs are to fit in an envelope that is a maximum height of 2 metres and maximum width of 1.5 metres. This envelope includes the height of any supporting structure.
- Business identification signage should form an integral part of the front building façade, be appropriately proportioned to sit within the parapet or gable end, and not protrude above or beyond the building façade.
- Signs attached to a building are encouraged and should be a maximum height of 1 metre and a maximum width of 3 metres. Exemptions may be made for signs composed of individual letters that form an integral part of the building façade.
- Internally illuminated signs should be located below the main roofline and integrated into the building form/facade. Where floodlit signs are proposed, consideration should be given to the impact of glare, light spill and shadow cast.
- Signs that are electronic, animated, bunting, reflective, contain moving parts or have flashing elements 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 Numurkah Road/Goulburn Valley Highway as a major thoroughfare and Transport Zone 2 (TRZ2) must be avoided.

- The design of new buildings should consider the likely need for signage by future occupants and incorporate sign panels that meet these guidelines.

**5.0 Precinct provisions**

**5.1 Precinct 1 – Core Southern Anchor**

**5.1-1 Precinct map**



**5.1-2 Precinct objectives**

30/07/2018

- **+** Retain and develop the southern gateway site as the core retail precinct, with an intensity of land use and built form and a major retail area established by two anchor tenants.
- **+** Encourage a wide range of uses, including supermarkets, specialty retail, food and drink, medical uses and convenience shops.
- **+** Create an urban gateway at the precinct entry from Numurkah Road/Goulburn Valley Highway northbound.

**5.1-3 Precinct requirements**

30/07/2018

**Built form requirements**

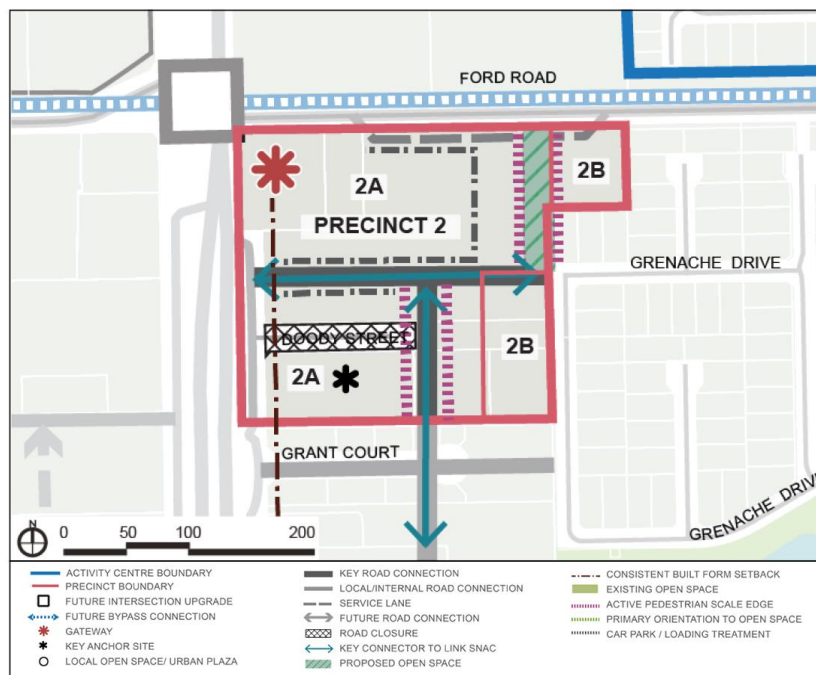
Preferred setbacks	Preferred maximum building height	Preferred maximum street wall height	Parking and access
Maximum 20m front setback from the front property on Numurkah Road	Not specified.	Two storeys or 6.9m above natural ground level, plus any applicable flood level.	Not more than 7.5m on any site frontage should be utilised for vehicular access purposes
Maximum 3m any other street frontage			

**5.1-4 Precinct guidelines**

- Built form establishes and reinforces a consistent built form edge to Numurkah Road/Goulburn Valley Highway to enhance the presence of the activity centre.
- Focus development internally to activate gathering spaces and ensure pedestrian scale built form outcomes with additional storeys above the street wall height visually recessed.
- Integrate and provide connection with adjoining precincts (Core Mixed Use, Peripheral Residential and Core Northern Anchor) through appropriate built form outcomes and the creation north-south and east-west road connections.
- Provide pedestrian links between key retail tenants and through car parks, including links to networks that connect to open spaces (with particular regard to Yakka and Hawkins Basins, the Shepparton Sports and Recreation Precinct).

**5.2 Precinct 2 – Core Northern Anchor**

**5.2-1 Precinct map**



**5.2-2 Precinct objectives**

30/07/2018

- ~~To~~ Create an urban gateway at the precinct entry from Numurkah Road/Goulburn Valley Highway southbound.
- ~~To~~ Improve visual and physical amenity, particularly to internal and external street frontages.
- ~~To~~ Create a public realm that promotes a pedestrian atmosphere.
- ~~To~~ Promote uses that complement the precinct’s gateway location and the adjoining Peripheral Residential Precinct, including an anchor tenant (full-line supermarket), child care, community uses, restaurants, residential and convenience retail.

**5.2-3 Precinct requirements****Built form requirements**

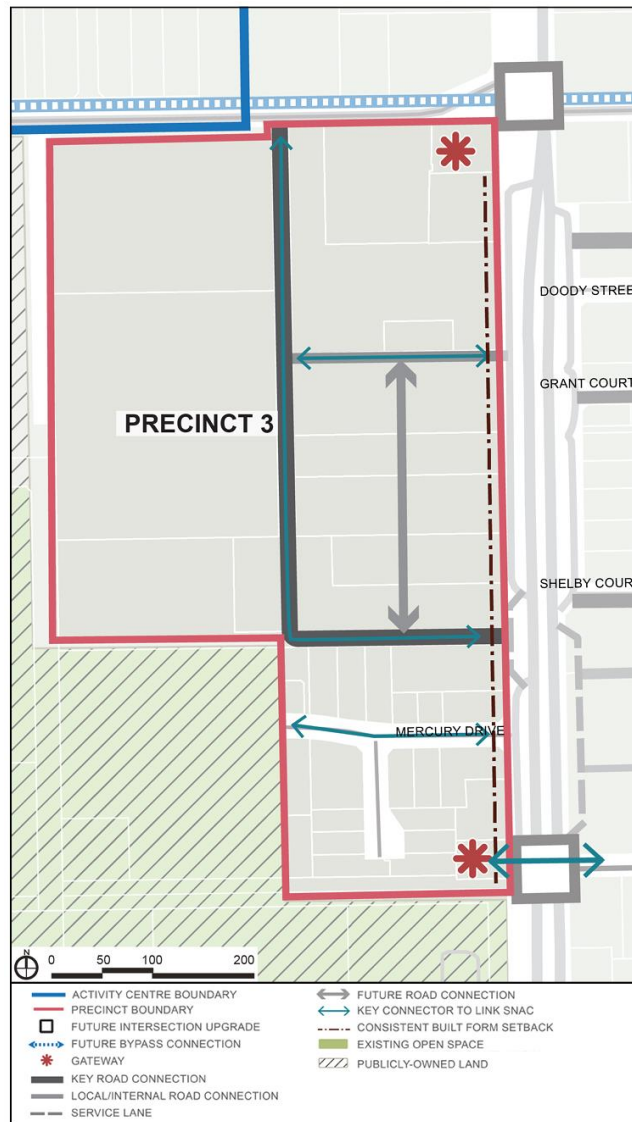
Sub-precinct	Preferred setbacks	Preferred maximum building height	Preferred maximum street wall height	Parking and access
2A	Maximum 20m front setback from the front property on Numurkah Road Maximum 3m setback from any other street frontage	Not specified	Two storeys or 6.9m above natural ground level, plus any applicable flood level	Not more than 7.5m on any site frontage should be utilised for vehicular access purposes
2B	Maximum 3m setback to street frontage.	Three storeys or 11m above natural ground level, plus any applicable flood level	Two storeys or 6.9m above natural ground level, plus any applicable flood level	Not specified

**5.2-4 Precinct guidelines**

- Integrate retail and commercial uses with the adjacent Peripheral Residential Precinct through mixed use and/or medium density residential development, local open space, sensitive land uses and activated edges.
- Built form establishes and reinforces a consistent built form edge to Numurkah Road/Goulburn Valley Highway to enhance the presence of the activity centre.
- Develop an effective car parking system throughout the Precinct, with definition between public roads and car parking areas.
- Design should include active frontages at ground floor.

**5.3 Precinct 3 – Peripheral Commercial-Industrial**

**5.3-1 Precinct map**



**5.3-2 Precinct objectives**

30/07/2018

- **Te** Support the transition and/or expansion of existing businesses from industrial uses and warehousing to light industrial and mixed commercial uses.
- **Te** Ensure development that abuts the Shepparton Sports and Recreation Precinct provides a level of integration with this space.
- **Te** Improve the amenity of the area through public realm improvements, including street tree planting and landscaping.

**5.3-3 Precinct requirements****Built form requirements**

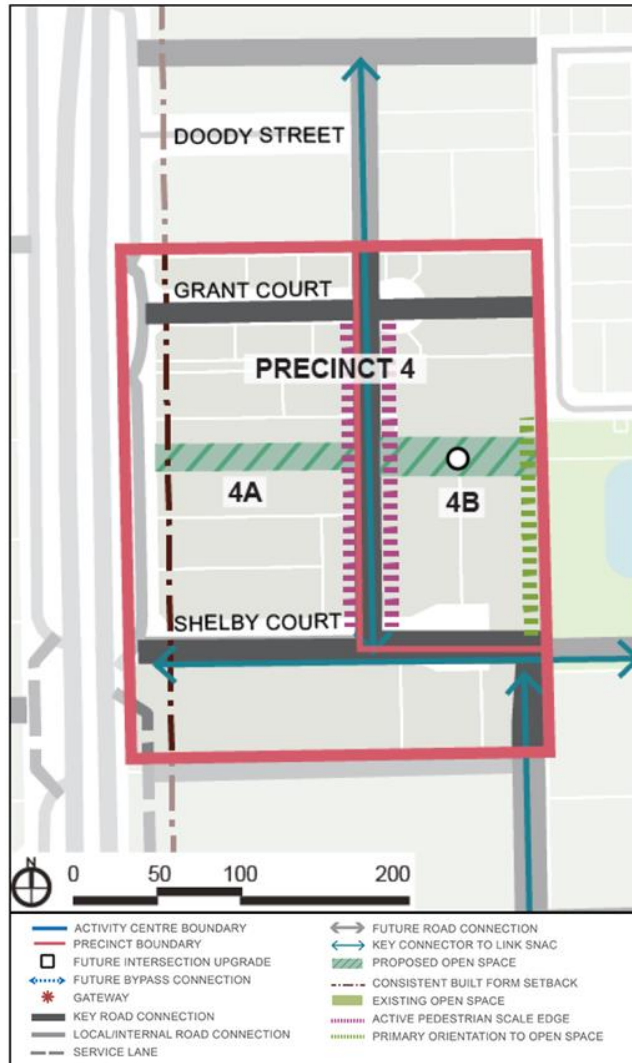
Preferred setbacks	Preferred maximum building height	Preferred maximum street wall height	Parking and access
Maximum 20m front setback from the front of property to Numurkah Road Maximum 3m setback from any other street frontage	No preferred building height for gateway site, otherwise 3 storeys or 11m above natural ground level, plus any applicable flood level	Two storeys or 6.9m above natural ground level, plus any applicable flood level.	Not more than 7.5m on any site frontage should be utilised for vehicular access purposes

**5.3-4 Precinct guidelines**

- Large sites should have regard to new and existing north-south and east-west connections throughout the precinct.
- Large sites should contribute to a finer grain permeability of the precinct.
- Provide pedestrian and bicycle connections between this Precinct and the Core Southern Anchor Precinct and Hawkins and Yakka Basins.

## 5.4 Precinct 4 – Core Mixed Use

### 5.4-1 Precinct map



### 5.4-2 Precinct objectives

- Support the transition of the precinct from light industrial and commercial land uses to complementary commercial and residential land uses with activated frontages at the ground floor.
- Ensure built form establishes and reinforces a consistent built form edge to Numurkah Road/Goulburn Valley Highway.
- Create a north-south 'spine' connection as a key link that connects the Core Southern Anchor and Core Northern Anchor precincts and reinforces public realm and built form outcomes.
- Encourage well-designed medium density residential development on the eastern portion of the precinct.



- ~~+~~ Improve the amenity of the area through public open space and public realm improvements, including street tree planting and landscaping.

#### 5.4-3 Precinct requirements

##### Built form requirements

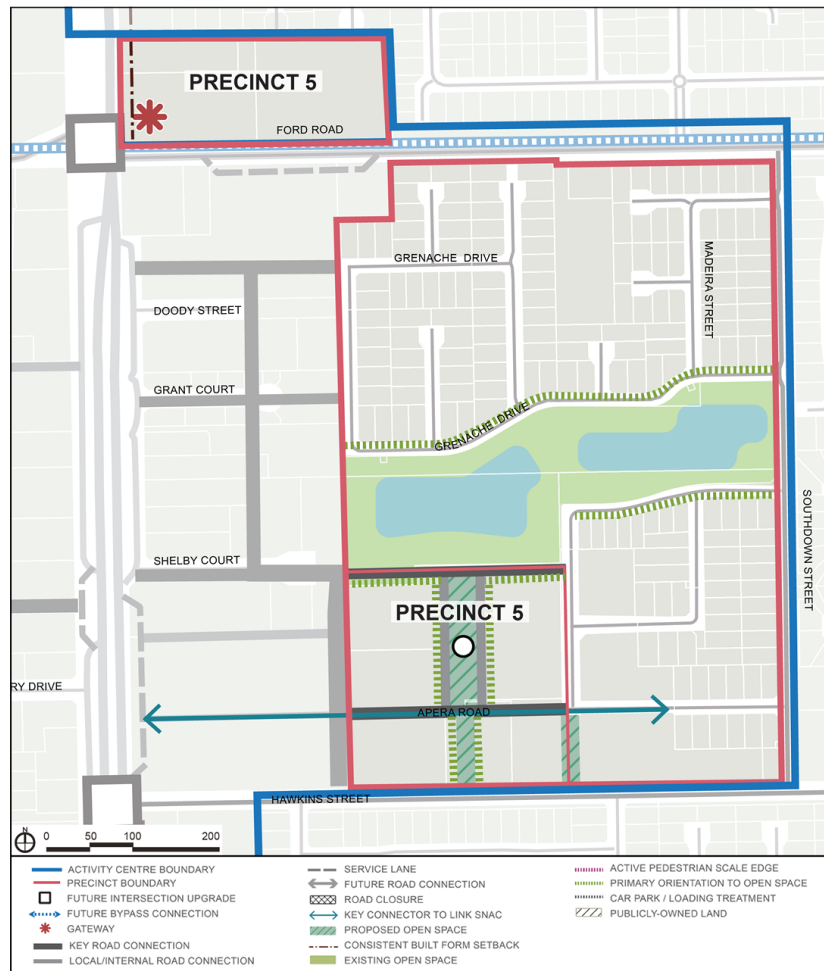
Sub-precinct	Preferred setbacks	Preferred maximum building height	Preferred maximum street wall height	Parking and access
4A	Minimum 9m and maximum 20m from to front of property to Numurkah Road Maximum 3m to any other street frontage	Not specified	Two storeys or 6.9m above natural ground level, plus any applicable flood level.	Not more than 7.5m on any site frontage should be utilised for vehicular access purposes
4B	Minimum 3m front setback from the front of property to street frontage.	Three storeys or 11m above natural ground level, plus any applicable flood level	Two storeys or 6.9m above natural ground level, plus any applicable flood level.	Not specified

#### 5.4-4 Precinct guidelines

- Commercial uses in this precinct should not undermine the Core Southern Anchor and Core Northern Anchor precincts.
- Provide an appropriate built form transition to residential land uses within the precinct and to the Peripheral Residential Precinct to the east.
- Large sites should contribute to a finer grain permeability of the precinct.
- Orient dwellings toward open space, where possible.

5.5 Precinct 5 – Peripheral Residential

5.5-1 Precinct map



5.5-2 Precinct objectives

- ~~To~~ Create a well-connected, pedestrian- and bicycle-oriented residential precinct that connects residents to the adjoining retail and commercial areas to the west.
- ~~To~~ Create a residential gateway at the precinct entry at the northeast corner of Numurkah Road/Goulburn Valley Highway and Ford Road.
- ~~To~~ Support the creation of local open spaces in the form of extensions of the drainage reserve into the existing residential area.
- ~~To~~ Improve the amenity of the area through public open space and public realm improvements, including street tree planting and landscaping.

**5.5-3 Precinct requirements****Built form requirements**

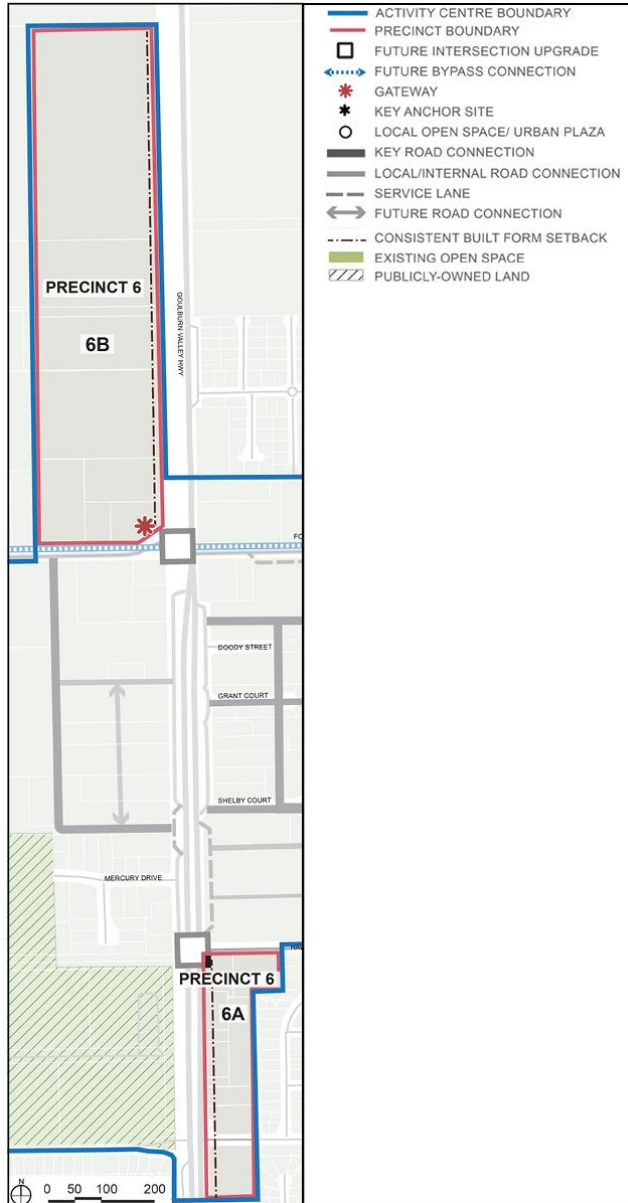
Precinct	Preferred setbacks	Preferred maximum building height	Preferred maximum street wall height	Parking and access
5	Minimum 3m front setback from the front of property to street frontage	Three storeys or 11m above natural ground level	Two storeys or 6.9m above natural ground level	No direct vehicle access from Hawkins Street

**5.5-4 Precinct guidelines**

- Future residential development should frame the Hawkins and Yakka Basins open drainage reserve.
- Medium density/mixed-use development, including potential affordable housing outcomes, should be located adjoining Core Southern Anchor, to the south-west corner of Peripheral Residential to provide a land use and built form transition along Hawkins Street.

**5.6 Precinct 6 – Highway Enterprise Corridor**

**5.6-1 Precinct map**



**5.6-2 Precinct objectives**

- **☞** Support highway-enterprise land uses with larger format floorplates within the precinct to encourage commercial consolidation and intensification in the activity centre ‘core’ being Precincts 1, 2 and 4.
- **☞** Encourage visually interesting built form and ensure land uses with extensive hardscaping are appropriately sleeved with tree planting and landscaping.

- ~~+~~ Ensure signage is carefully designed and treated to avoid visual clutter and integrate appropriately with the existing landscape.
- ~~+~~ Support built form that establishes and reinforces a consistent built form edge to Numurkah Road/Goulburn Valley Highway.

### 5.6-3 Precinct requirements

#### Built form requirements

Sub-precinct	Preferred setbacks	Preferred maximum building height	Preferred maximum street wall height	Parking and access
6	Minimum 9m, and maximum 20m front setback from the front of property to Numurkah Road  Maximum 3m setback to any other street frontage	Three storeys or 11m above natural ground level, plus any applicable flood level	Two storeys or 6.9m above natural ground level	Not more than 7.5m on any site frontage should be utilised for vehicular access purposes

### 5.6-4 Precinct guidelines

- Discourage restricted retail uses within this precinct.
- Discourage large format, freestanding electronic and major promotional signs. If permitted, should be attached to or form part of the building.

### 6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 37.08, in addition to those specified in Clause 37.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- In Precinct 1 and 2:
  - The location and design layout of publicly accessible spaces, including proposed furniture locations, artwork, gates, lighting, signage, levels and steps, rubbish bins, and materials and finishes for all surfaces.
  - Sections of the proposed building at appropriate intervals.
  - The location and details of commercial and domestic garbage and recycling bin enclosures, and cleaning and management arrangements.
  - The location and type of acoustic materials and treatments to floors, ceilings, walls and windows of all proposed dwellings, and any noise attenuation measures proposed for retail and commercial buildings or parts of buildings.
  - Details of environmentally sustainable design principles incorporated into the building design and materials.
  - Disabled access arrangements for internal and external spaces.
  - A transport impact assessment that includes existing traffic details, parking allocation, traffic generation and distribution, impact of generated traffic on the existing road network, parking generation rates and traffic management from the development construction phase onwards
  - Proposed traffic management works and signage within the site, and outside the site.
  - A Sustainability Management Plan ~~(SMP)~~.

- Details of the design and layout of all internal roads, vehicle crossings and road connections to the adjoining street network.
- Access arrangements, including opening hours, for vehicle and pedestrian accessways, loading and unloading facilities and management arrangements such as times, cleaning and access.
- Details of any proposed measures to restrict access to publicly accessible areas.
- The location and screening of existing and proposed services, including plant equipment, air conditioning and lighting.
- An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:
  - To the application for permit being made,
  - To the application for permit being made and to the proposed use or development.
- In Precinct 4B and 5:
  - A land capability assessment unless the development will be connected to a reticulated sewerage network.
  - [An assessment of all land to determine if contamination exists.](#)
  - A landscape and open space master plan outlining street tree plantings, areas of open space, stormwater management areas and areas of water sensitive urban design.
  - Indicative design guidelines that identify:
    - How the current industrial uses will transition.
    - How land use conflicts between the current industrial uses and proposed sensitive uses will be managed and/or mitigated.
    - Any noise attenuation measures that may be required during the transition period between the current industrial uses and proposed uses.
  - A traffic impact assessment and management plan that identifies:
    - Existing traffic details, parking allocation, traffic generation and distribution, impact of generated traffic on the existing road and transport network, parking generation rates and traffic management from the development construction phase onwards.
    - Appropriate access and circulation of vehicles on the existing and future road network, which minimises cul-de-sac.
    - The identification of existing and proposed public transport routes, bus stops and associated infrastructure with appropriately dimensioned roads.
    - The identification of existing and proposed pedestrian and cycling networks including provision for safe and convenient access to public transport infrastructure.
    - The works necessary to accommodate traffic generated by the development and to mitigate any adverse impacts of the development.
  - An infrastructure plan approved by the responsible authority, which identifies the anticipated staging and timing of the provision of infrastructure. The infrastructure plan should address, as appropriate:
    - The provision, staging and timing of stormwater drainage works.
    - The provision, staging and timing of roadworks (including bus stops and associated works), both internal and external in accordance with the approved traffic management plan.

- The provision, staging and timing of landscaping works for local parks, stormwater drainage reserves and regional landscaping works.
  - The securing of the infrastructure and utility services as may be necessary by way of an agreement pursuant to Section 173 of the Act. The cost of preparing this Section 173 Agreement is to be borne by the developer.
  - Identification of any agency or person responsible for provision of particular items of infrastructure.
  - Any other infrastructure related matter reasonably requested by the responsible authority associated with the subdivision of land.
- In Precinct 1, 2, 4 and 5:
    - An amenity impact assessment prepared by a suitably qualified professional which provides for an assessment of the proposed use against the potential for odour, dust and noise impacts, to the satisfaction of the responsible authority. The amenity impact assessment must make recommendations on a suitable design response to ensure that land uses within the precinct experience an appropriate level of amenity.
  - Sustainability Management Plan:
    - Address matters of building energy management, water sensitive urban design, construction materials, indoor environment quality, waste management, and transport.
    - Demonstrate the application of Australian best practice rating tools and design principles.
    - Identify statutory obligations and documented sustainability performance standards from Government and other authorities.
    - Specify key performance indicators, to an agreed level, to measure the achievement of objectives and initiatives identified in the Plan.

## 7.0 Notice and review

An application in respect of land in this schedule for the use of a Gambling Premises under Clause 37.08-2 and for an application under Clause 37.08-5 for building and works that exceeds the maximum preferred building height in Precinct 3, 4, 5, 6 or Sub-Precinct 2B, is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

An application in respect of land in this schedule under Clause 52.05, Clause 52.06, Clause 52.17, Clause 52.19, Clause 52.27 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

## 8.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 65 in addition to those specified in Clause 37.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

### Use

- Whether the proposal achieves an appropriate mix of uses within the site to complement and support the strategic role of Shepparton North Activity Centre.
- Whether the proposal provides for flexible retail or commercial floor spaces that can be adapted in the future to a variety of alternative retail or commercial uses.
- Whether the proposal provides for housing diversity.
- Whether the proposal will create a mix of active uses and pedestrian generating activities, particularly at street level, that contribute to a vibrant public realm.

- Whether the proposal creates employment opportunities.
- Whether the proposal provides for an appropriate scale of development in order to accommodate the mix and intensity of uses envisaged for each precinct.

#### **Design and Built Form**

- The environmental, ecological, landscape, archaeological, cultural heritage, and historical values and features of the site.
- The need for any agreement to be made pursuant to the provisions of Section 173 of the Act with respect to matters arising from the proposed use and development.
- Any requirements and/or views of the responsible authority and referral authorities regarding urban design and landscaping, traffic works, stormwater disposal, engineering works, environmental protections and enhancement, sewerage, drainage, or flood mitigation works required to properly service the proposed use and development of the land.
- Any findings and/or recommendations of an amenity impact assessment are considered by the responsible authority.
- The design and development guidelines set out in the Addendum to the Urban Design Framework - Shepparton North & South Business Areas (Planisphere, 2017).

#### **9.0 Signs**

Signs requirements are at Clause 52.05. All land located within Precinct 1 and 2 is in Category 1. All land within Precinct 3, 4 and 6 is in Category 3. All land within Precinct 5 is in Category 4.

#### **10.0 Other provisions of the scheme**

None specified

#### **11.0 Reference documents**

*Shepparton North Activity Centre Structure Plan (Mesh Planning, 2023)*

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