

**Moira Planning Scheme Amendment C93moir  
Planning Framework for Cobram, Nathalia, Numurkah and  
Yarrawonga**

**Panel Report**

*Planning and Environment Act 1987*

**17 November 2022**

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### 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 or not 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 and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Moira Planning Scheme Amendment C93moir

Planning Framework for Cobram, Nathalia, Numurkah and Yarrawonga

**17 November 2022**



Michael Ballock, Chair



Alison McFarlane, Member

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## Glossary and abbreviations

AACC	Australian Agricultural Commodities Centre Pty Ltd
the Amendment	Moira Planning Scheme Amendment C93moir
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
Council	Moira Shire Council
DPO12	Development Plan Overlay Schedule 12
Echelon Report	<i>Planning Report 34 Ritchie Road, Cobram</i>
EPA	Environment Protection Authority Victoria
FZ	Farming Zone
GMW	Goulburn Murray Water
IN1Z	Industrial 1 Zone
Major Towns Review	<i>Major Towns Strategy Plan Review, 2018</i>
MPS	Municipal Planning Strategy
MUZ	Mixed Use Zone
the Numurkah rezonings	The proposal to rezone land at 20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone to Farming Zone and to rezone land at 2072 and 2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and CA1B Sec D Baulkamaugh Goulburn Valley Highway, Numurkah from Farming Zone to Industrial 1 Zone
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
Retail Policy Framework	<i>Retail Policy Framework for Cobram and Yarrawonga: Background analysis and options report, 2017</i>
Riverstown land	Lot 4 Murray Valley Highway, Yarrawonga
Yarrawonga Framework Plan	<i>Yarrawonga Framework Plan, 2020</i>

## Overview

### Amendment summary

The Amendment	Moir Planning Scheme Amendment C93moir
Common name	Planning Framework for Cobram, Nathalia, Numurkah and Yarrawonga
Brief description	<p>As exhibited, the Amendment:</p> <ul style="list-style-type: none"> <li>- updates the planning framework for Cobram, Nathalia, Numurkah and Yarrawonga at Clauses 21.03, 21.07 and 21.09 of the Municipal Strategic Statement</li> <li>- rezones land at 20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone to Farming Zone</li> <li>- rezones land at 2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah from Farming Zone to Industrial 1 Zone and applies the Development Plan Overlay Schedule 12 over this land</li> <li>- introduces <i>Yarrawonga Framework Plan, 2020</i>, <i>Yarrawonga Stormwater Drainage Strategy, 2019</i> and <i>Retail Policy Framework for Cobram and Yarrawonga: Background Analysis, 2017</i> as Background Documents</li> </ul>
Subject land	All land in Cobram, Nathalia, Numurkah and Yarrawonga
Planning Authority	Moir Shire Council
Authorisation	By letter dated 30 April 2021
Exhibition	7 September to 8 October 2021
Submissions	Number of Submissions: 14 Opposed or requested changes: 9

### Panel process

The Panel	Michael Ballock (Chair) and Alison McFarlane
Directions Hearing	By video conference, 7 April and 25 August 2022
Panel Hearing	Cobram Civic Centre and by video conference, 30 August and 4 October 2022
Site inspections	Unaccompanied, 9 May 2022 (Member McFarlane only), 29 August 2022 (Member Ballock only)
Parties to the Hearing	Refer Appendix B
Citation	Moir PSA C93moir [2022] PPV
Date of this report	17 November 2022

## Executive summary

Moir Planning Scheme Amendment C93moir (the Amendment) proposes to update the strategic plans for Cobram, Nathalia, Numurkah and Yarrawonga, informed by the *Retail Policy Framework for Cobram and Yarrawonga: Background analysis and options report, 2017, Major Towns Strategy Plan Review, 2018* and the *Yarrawonga Framework Plan, 2020*.

The Amendment also proposes to rezone land designated as ‘short term industrial expansion’ on the Numurkah Strategy Plan from Farming Zone to Industrial 1 Zone and the land designated as ‘long term industrial expansion’ from Industrial 1 Zone to Farming Zone (the Numurkah rezonings).

Council received 14 submissions and three late submissions following exhibition of the Amendment. The key issues raised in submissions were whether:

### *Cobram*

- the Cobram Strategy Plan reflects Cobram’s current and future land use needs, particularly for land at 34 Ritchie Road.

### *Nathalia*

- land in Scott Avenue should be recognised for future residential use
- land in Draper Street is suitable for future industrial use
- the Nathalia Strategy Plan should identify recommendations and policy requirements to address Clause 13.02-1S (Bushfire planning)
- areas earmarked for industrial development are adequately separated from residential development in Nathalia.

### *Numurkah*

- the Numurkah rezonings are appropriate and there is demand for additional industrial zone land
- the Numurkah Strategy Plan should identify recommendations and policy requirements to address Clause 13.02-1S (Bushfire planning)
- bushfire policy had been properly considered in relation to the Numurkah rezoning
- existing residential development are appropriately separated from the proposed industrial area in Numurkah.

### *Yarrawonga*

- the *Yarrawonga Framework Plan, 2020* should recognise land along Murray Valley Highway as a ‘potential commercial/industrial investigation’
- *Yarrawonga Framework Plan, 2020* should identify recommendations and policy requirements to address Clause 13.02-1S (Bushfire planning).

Before the Hearing commenced, Council discovered some property owners and occupiers affected by the Numurkah rezonings were not notified of the Amendment prompting it to resolve to advise the Panel that the Numurkah rezonings should not proceed. At the direction of the Panel, Council notified the ‘missed’ landowners and occupiers of the Amendment. This resulted in the receipt of an additional submission raising similar issues to others already referred to the Panel. The Panel has considered issues raised on this element of the Amendment to assist Council progress this matter in the future, however, the Panel’s conclusions and recommendations reflect the Council’s resolved position not to progress the rezonings further.

A common issue for the strategic plans proposed to be introduced by the Amendment is whether population projections and associated supply and demand estimates remain current and justify rezoning land or designating land for new uses. The strategy plans proposed to be introduced by

the Amendment all rely on 2016 census data and do not account for changes to population and migration patterns arising from the COVID-19 pandemic. The Panel has concluded a contemporary supply and demand assessment is needed before land is rezoned for housing, commerce or industry across the major towns.

Overall, the Panel is satisfied the strategic plans are consistent with the role of each settlement as set out in the Hume Regional Growth Plan and Municipal Planning Strategy. These plans provide a sound strategic basis for the Amendment and promote the orderly development.

On the specific issues raised by submitters for each town, the Panel has concluded:

*Cobram*

- The Cobram Strategy Plan reflects Cobram’s current and future land use needs, particularly for land at 34 Ritchie Road.

*Nathalia*

- Land in Scott Avenue should be recognised as a ‘future investigation area’ on the Nathalia Structure Plan
- Land in Draper Street should be recognised as a ‘future investigation area’ on the Nathalia Structure Plan.

*Numurkah*

- A contemporary supply and demand analysis is needed to determine if additional industrial land is needed in Numurkah and is it premature to rezone new land for industry without this assessment.

*Yarrawonga*

- The *Yarrawonga Framework Plan, 2020* commercial land estimates are appropriate.
- There is not a compelling case to support land along Murray Valley Highway as a ‘potential commercial/industrial investigation area’
- The *Yarrawonga Framework Plan, 2020* should recognise Belmore Street for large format retail land uses.

Over the course of the Hearing, Council identified the need to make various changes to the exhibited Amendment to take account of revisions to Planning Policy Framework made by Amendment C95moir and to avoid inconsistency between the exhibited Amendment and the approved Moira Planning Scheme. The Panel supports these changes and concludes:

- policy neutral translation of the exhibited Amendment into the current Planning Scheme format is necessary and appropriate
- all local provisions referring to the Cobram Framework Plan, Nathalia Framework Plan, Numurkah Framework Plan and *Yarrawonga Framework Plan, 2020* (or land identified on those plans) should be amended for consistency with the Cobram Strategy Plan, Nathalia Strategy Plan, Numurkah Strategy Plan and *Yarrawonga Framework Plan, 2020*.

## Recommendations

Based on the reasons set out in this Report, the Panel recommends that Moira Planning Scheme Amendment C93moir be adopted as exhibited subject to the following:

**1. Replace Clauses 21.03, 21.07 and 21.09 with:**

- **Clause 11.01-1L-02 (Cobram) as shown in Appendix D1**
- **Clause 11.01-1L-03 (Yarrawonga) as shown in Appendix D2**
- **Clause 11.01-1L-04 (Nathalia) as shown in Appendix D3**
- **Clause 11.01-1L-05 (Numurkah) as shown in Appendix D4**



- Clause 14.02-1L (Stormwater management in Yarrowonga) as shown in Appendix D5
  - Clause 15.01-2L (Building design in Moira) as shown in Appendix D6
  - Clause 15.01-3L (Subdivision design in Yarrowonga) as shown in Appendix D7
  - Clause 17.02-1L (Business in Moira) as shown in Appendix D8
  - Clause 17.02-1L-02 (Business in Yarrowonga) as shown in Appendix D9
  - Clause 17.03-1L (Industrial land supply in Moira) as shown in Appendix D10
  - Clause 17.03-1L-02 (Industrial land supply in Yarrowonga) as shown in Appendix D11
  - Clause 18.01-2L (Transport links in Yarrowonga) as shown in Appendix D12
  - Clause 18.02-5L (Freight in Yarrowonga) as shown in Appendix D13
  - Clause 19.02-2L (Education facilities in Moira) as shown in Appendix D14
  - Clause 19.03-2L (Infrastructure design and provision in Moira) as shown in Appendix D15
2. Amend the Nathalia Strategy Plan to revise the Nathalia Strategy Plan map, as shown in Appendix D3, to:
    - a) show land at the northern end of Scott Avenue as ‘future investigation’
    - b) show land west of Draper Street as ‘future investigation’
  3. Amend the Numurkah Strategy Plan to revise the Numurkah Strategy Plan map, as shown in Appendix D4 to:
    - a) show the area noted as ‘Short Term Industrial Expansion’ and ‘Medium Term Industrial Expansion’ as ‘Long Term Industrial’ consistent with the existing Numurkah Framework Plan
    - b) show the area noted as ‘Long Term Industrial Expansion’ as part ‘Existing Industrial’ and part ‘Medium Term Industrial 2 Zone’ consistent with the existing Numurkah Framework Plan.
  4. Delete rezoning of land at:
    - a) 20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone to Farming Zone.
    - b) 2123 Katamatite Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah from Farming Zone to Industrial 1 Zone.
  5. Delete application of Development Plan Overlay Schedule 12 to 2123 Katamatite Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah.

# 1 Introduction

## 1.1 The Amendment

### (i) Description of exhibited Amendment

The purpose of the Amendment is to implement recommendations of the *Retail Policy Framework for Cobram and Yarrawonga: Background analysis and options report, 2017* (Retail Policy Framework), *Major Towns Strategy Plan Review, 2018* (Major Towns Review) and *Yarrawonga Framework Plan, 2020* (Yarrawonga Framework Plan).

Specifically, the Amendment as exhibited proposes to:

- update the planning framework for Cobram, Nathalia, Numurkah and Yarrawonga at Clauses 21.03, 21.07 and 21.09 of the Municipal Strategic Statement
- rezone land at 20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone (IN1Z) to Farming Zone (FZ)
- rezone land at 2072 and 2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and CA1B Sec D Baulkamaugh Goulburn Valley Highway, Numurkah from FZ to IN1Z and applies the Development Plan Overlay Schedule 12 (DPO12) over this land
- amend the Schedule to Clause 72.08, by inserting the following documents:
  - Yarrawonga Framework Plan
  - *Yarrawonga Stormwater Drainage Strategy, 2019*
- *Yarrawonga: Background Analysis, 2017*
- amend the Schedule to Clause 74.02 (Further strategic work) to include “[Investigate] *Industrial expansion generally in accordance with the Nathalia Strategy Plan.*”

### (ii) Description of updated Amendment

In 2018, Amendment VC148 introduced widespread changes to the Victoria Planning Provisions as part of Stage 2 of the Smart Planning Program. Amendment VC148:

- introduced a new Planning Policy Framework (PPF)
- enabled the future introduction of a Municipal Planning Strategy (MPS)
- introduced a new state, regional and local integrated policy structure
- modified the schedules to some existing zones, overlays and provisions to accommodate additional local content
- created new operational provisions.

Moirra Planning Scheme Amendment C95moir introduced the new PPF to the Planning Scheme in accordance with the requirements of VC148. Amendment C95moir was gazetted on 3 March 2022 after Council referred the Amendment to a Panel. Consequently, the exhibited Amendment documents and submissions referred to an out-of-date format of the Planning Scheme.

At the direction of the Panel, Moirra Shire Council (Council) prepared updated documents that translated the exhibited Amendment C93moir into the VC148 format (Document 43(a)(ii)).

The updated Amendment proposes make the following changes to the PPF:

#### *Cobram*

- at Clause 11.01-1L-02 (Cobram)

- replace the existing 2007 Framework Plan with the Cobram Strategy Plan
- update references to the new Cobram Strategy Plan and include a strategy to:
  - “Direct commercial development at 2-6 Colgan Street, Cobram as indicated by the Cobram Strategy Plan to this Clause.”
- list the Major Towns Review and Retail Policy Framework as policy documents

#### *Nathalia*

- at Clause 11.01-1L-04 (Nathalia)
  - replace the existing 2010 Framework Plan with the Nathalia Strategy Plan
  - update references to the new Nathalia Strategy Plan and include a new strategy to:
    - “Support new industrial development and facilitate employment opportunities within the industrial areas identified on the Nathalia Strategy Plan to this Clause.”
  - list the Major Towns Review as a policy document
- amend the Schedule to Clause 74.02 to include the further investigation of:
  - “Industrial expansion generally in accordance with the Nathalia Strategy Plan.”

#### *Numurkah*

- at Clause 11.01-1L-05 (Numurkah)
  - replace the existing 2010 Framework Plan with the Numurkah Strategy Plan
  - update references to the new Numurkah Strategy Plan
  - list the Major Towns Review as a policy document

#### *Yarrawonga*

- at Clause 11.01-1L-03 (Yarrawonga)
  - make policy changes that align with objectives and strategies within the Yarrawonga Framework Plan
  - replace the existing 2004 Framework Plan with the Yarrawonga Framework Plan
  - list the Major Towns Review and Retail Policy Framework as policy documents
- insert Clauses 14.02-1L, 15.01-3L, 17.02-1L-02, 17.03-1L-03, 18.01-2L and 18.02-5L to align with objectives and strategies within the Yarrawonga Framework Plan
- at Clause 17.02-1L-02 insert the Yarrawonga Commercial and Retail Framework Plan and the Yarrawonga Industry Framework Plan

#### *All*

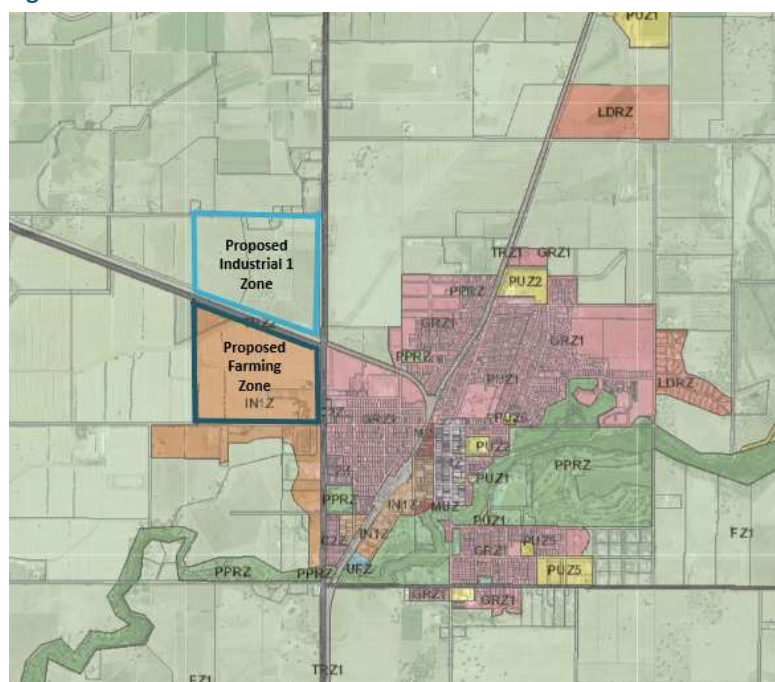
- amend the Schedule to Clause 72.08 to list the following as background documents:
  - the Major Towns Review
  - Yarrawonga Framework Plan
  - Yarrawonga Stormwater Drainage Strategy
  - Retail Policy Framework.

Changes were not required to the exhibited Amendment maps to align them with the C95moir/VC148 format of the Planning Scheme.

### **(iii) The subject land**

The Amendment applies to all land in the townships of Cobram, Nathalia, Numurkah and Yarrawonga.

Land proposed to be rezoned in Numurkah is identified in Figure 1.

**Figure 1** Land to be rezoned in Numurkah

## 1.2 Background

The background to the Amendment is summarised in Table 1

**Table 1: Summary of background to the Amendment**

Date	Event
26 July 2017	Retail Policy Framework adopted by Council. Makes recommendations about future floor space requirements and preferred locations to grow Cobram and Yarrawonga's employment base.
2017	Victorian Planning Authority commissioned the Yarrawonga Growth Management Strategy Stage 1 (Background and Analysis) and Stage 2 (Forecast Report).
December 2017	Moir Planning Scheme Amendment C77 approved and introduced a further work provision into Municipal Strategic Statement Clause 21.03 requiring a review of strategy plans for the four major towns of Cobram, Yarrawonga, Nathalia and Numurkah.
27 June 2018	Major Towns Review adopted by Council.
2019	Yarrawonga Framework Plan prepared.
26 August 2020	Yarrawonga Framework Plan adopted by Council. Sets out the direction and necessary steps to achieve the vision for the town over the next 30 years. Prepared in partnership with the Victorian Planning Authority.
16 December 2020	Council resolved to prepare and exhibit the Amendment, subject to Ministerial authorisation.
30 April 2021	Authorisation to prepare the Amendment granted.
September – October 2021	Amendment exhibited.

## 1.3 Procedural issues

### (i) Submissions referred to the Panel

Council resolved on 15 December, 2021 to:

1. Note the receipt of 13 submissions to Amendment C93.
2. Request the Minister for Planning to appoint an Independent Planning Panel to consider all submissions.
3. Refer all submissions to an Independent Planning Panel.

The Panel was provided with copies of 14 submissions. A supporting submission from Submitter 7 was included in the supplied submissions.

The Panel sought confirmation from Council on this matter. On 1 April 2022, Council confirmed the submission from Submitter 7 was not referred to the Panel.

A further three late submissions (Submissions 15, 16 and 17) were accepted by Council and referred to the Panel in August 2022, after the Panel was appointed, but prior to the commencement of the Hearing.

Only the submissions referred to the Panel have been considered. The Panel notes that the Council resolution on the Submitter 7 submission is unclear in its published resolution however, it is not its role to make legal rulings about the validity or otherwise of an amendment or procedure.

### (ii) First request to reschedule Hearing

On 2 May 2022, Council requested the Panel reschedule the Hearing from 10 May 2022 to 6 June 2022 or later. This would enable Council to properly consider and accurately draft the Amendment in the current Planning Scheme format in accordance with Panel Direction 8 of 13 April 2022.

The Panel sought the views of parties on Council's request. After considering these views, the Panel agreed to reschedule the Hearing because the availability of documents in accordance with its directions was necessary for the orderly progress of the Hearing.

### (iii) Second request to reschedule Hearing

On 1 June 2022, Council again requested the Panel reschedule the Hearing until at least February 2023 due to internal resourcing constraints. The Panel considered this delay would be unreasonable and decided to reschedule the Hearing to 30 August 2022.

### (iv) Public notice and further changes to the Amendment.

By letter dated 25 August 2022 (Document 43), Council informed the Panel that not all landowners potentially affected by the proposed rezoning proposals for Numurkah had been notified of the proposal. The letter advised that Council resolved at its meeting of 24 August 2022 to:

- Advise the Independent Planning Panel that part of the amendment which seeks to rezone land in Numurkah from Farming Zone to Industrial 1 Zone and from Industrial 1 Zone to Farming Zone should not proceed.
- Refer the late submission, and any others received in relation to the rezoning between now and the Panel Hearing, to the Independent Planning Panel.
- Refer the submission from the Goulburn Broken Catchment Management Authority to the Independent Planning Panel.

Despite its resolved position, Council confirmed that it sought the Panel's consideration of the strategic merits of the Numurkah rezonings. To assist the Panel appreciate the range of views on the proposed rezonings, the Panel directed Council to notify the 'missed' landowners and occupiers of the Amendment and to invite their participation in the Panel Hearing. Council received Submission 18 through this further notice process and referred it to the Panel.

The Goulburn Broken Catchment Management Authority submission referred to in the 24 August 2022 resolution was originally referred to the Panel in March 2022 as Submission 8.

## 1.4 Summary of issues raised in submissions

### (i) Relevant agencies

The key issues for the Country Fire Authority were whether:

- the Nathalia Strategy Plan, Numurkah Strategy Plan and Yarrawonga Framework Plan should identify recommendations and policy requirements to address Clause 13.02-1S (Bushfire planning)
- further changes to Clause 21.03 and 21.07 were needed
- bushfire policy had been properly considered in relation to the Numurkah rezoning.

The key issues for the Environment Protection Authority Victoria (EPA) were whether:

- areas earmarked for industrial development are adequately separated from residential development in Nathalia
- the proximity of existing residential development to the proposed industrial area in Numurkah
- whether *Ministerial Direction 1 Potentially contaminated land* had been properly considered.

Goulburn Broken Catchment Management Authority did not object to the Amendment however, requested the following documents be listed in the Schedule to Clause 72.08 (Background documents):

- *Numurkah Floodplain Management Study and Plan, 2017*
- *Goulburn Broken Regional Catchment Management Strategy 2021-2027* to replace the existing *Goulburn Broken Regional Catchment Strategy 2013-2019*
- *Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire, August 2015.*

The key issues for Goulburn Murray Water (GMW) were whether:

- rezoning of land in Numurkah that would result in the redundancy of these assets or impact on downstream system users/customers
- buffers were needed to protect GMW assets from wastewater associated with future industrial uses.

North East Water and Goulburn Valley Water did not object to the Amendment.

### (ii) Individual submitters

The key issues by submitters were whether:

- the Cobram Structure Plan reflects Cobram's current and future land use needs, particularly for land at 34 Ritchie Road
- land in Scott Avenue, Nathalia should be recognised for future residential use

- existing industrial land in Numurkah should be back-zoned
- population and demographic trends included in the Yarrawonga Framework Plan should be updated
- commercial land estimates for Yarrawonga are appropriate
- the Yarrawonga Framework Plan should recognise land along Murray Valley Highway as ‘potential commercial/industrial investigation’
- the Yarrawonga Framework Plan should recognise Belmore Street for large format retail land uses.

## 1.5 The Panel’s approach

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.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Cobram
- Nathalia
- Numurkah
- Yarrawonga
- Form and content of the Amendment.

## 2 Planning context

### 2.1 Planning policy framework

#### (i) Victorian planning objectives

The objectives for planning in Victoria as set out in the *Planning and Environment Act 1987* (PE Act), relevant to the Amendment are:

- (a) To provide for the fair, orderly, economic and suitable use and development of the land.
- (c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- (f) To facilitate development in accordance with the objectives of planning in Victoria.
- (g) To balance the present and future interests of all Victorians.

#### (ii) Planning Policy Framework

Table 2 summarises state, regional and local planning policies relevant to the Amendment.

**Table 2** Relevant planning policy clauses

Clause	Objectives
11.01-1R	(Strategy) Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.
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.
11.02-1S Supply of urban land	To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
11.01-1R	(Strategy) Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.
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.
11.02-3S 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.
11.03-6S Regional and local places	To facilitate integrated place-based planning.
13.02-1S Bushfire planning	To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
13.07-1S Land use compatibility	To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
17.01-1S Diversified economy	To strengthen and diversify the economy.
17.02-1S Business	To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.



Clause	Objectives
17.03-1S Industrial land supply	To ensure availability of land for industry.
17.03-2S Sustainable Industry	To facilitate the sustainable operation of industry.

**(iii) Municipal Planning Strategy**

The vision for Moira in the MPS is:

Moira on the Murray; with an environmentally, economically and socially sustainable community: the best place to be.

Cobram, Yarrawonga, Numurkah and Nathalia are identified as the four principal towns in the Moira Strategic Framework Plan (Figure 2) where residential development is encouraged to support population growth, and in turn stimulate the economic and social development.

**Figure 2 Moira Strategic Framework Plan**



Council submitted that the Amendment supports the MPS because updating strategic plans for its key four towns promotes their orderly development.

**2.2 Other relevant planning strategies and policies**

**(i) Hume Regional Growth Plan**

The Hume Regional Growth Plan provides broad direction for land use and development across the Hume region, as well as more detailed planning frameworks for the key regional centres of Shepparton, Wangaratta, Wodonga and Benalla. Cobram, Nathalia, Numurkah and Yarrawonga are all recognised as key urban settlement supported for growth and lifestyle opportunities (refer Figure 3).

Figure 3 Hume Regional Growth Plan



**SETTLEMENT NETWORK**

- Major growth location
- Medium to high growth location
- Significant change location
- Designated identified growth centre in Plan Melbourne<sup>(1)</sup>
- Locations identified as 'Regional Cities' in a statewide context

<sup>(1)</sup>Plan Melbourne (Chapter 6 – State of Cities) identifies Broadford, Kimora and Seymour as peri-urban towns with potential to attract housing and population growth out of Melbourne

**OTHER KEY URBAN SETTLEMENTS**

- Cross-border settlements
- Support growth in these urban locations, and lifestyle opportunities
- Towns and areas in the Hume Region within Melbourne's Urban Growth Boundary
- Settlements external to the region

## 2.3 Planning Scheme provisions

A common zone and overlay purpose is to implement the MPS and the PPF.

### (i) Zones

The purposes of zones relevant to the Amendment are included in Table 3.

Table 3 Zone purposes

Zone	Purpose
C1Z	To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. To provide for residential uses at densities complementary to the role and scale of the commercial centre.
C2Z	To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses and associated business and commercial services. To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

FZ	<p>To provide for the use of land for agriculture.</p> <p>To encourage the retention of productive agricultural land.</p> <p>To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.</p> <p>To encourage the retention of employment and population to support rural communities.</p> <p>To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</p> <p>To provide for the use and development of land for the specific purposes identified in a schedule to this zone.</p>
GRZ	<p>To encourage development that respects the neighbourhood character of the area.</p> <p>To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p>
IN1Z	<p>To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.</p>
MUZ	<p>To provide for a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality.</p> <p>To provide for housing at higher densities.</p> <p>To encourage development that responds to the existing or preferred neighbourhood character of the area.</p> <p>To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.</p>

## (ii) Overlays

The purposes of zones relevant to the Amendment are included in Table 4.

**Table 4** Overlay purposes

Overlay	Purpose
DPO	<p>To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.</p> <p>To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.</p>
DPO1	<p><i>Land north of Murray Valley Highway, Cobram, Land west of Weir Road, Nathalia, Land adjoining Goulburn Valley Highway and Trengrove Street, Numurkah, land south of Pine Street, Numurkah and land north of Elliots Road, Bundalong</i></p> <p>No objectives specified.</p>

## 2.4 Ministerial Directions and Practice Notes

### Ministerial Directions and Planning Practice Notes

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Other Ministerial Directions relevant to the Amendment are:

- *Ministerial Direction The form and content of Planning Schemes*
- *Ministerial Direction 1 Potentially contaminated land*
- *Ministerial Direction 18 Victorian Planning Authority Advice on Planning Scheme Amendments*
- *Ministerial Direction 19 and information requirements for amendments that may result in impacts on the environment, amenity and human health.*

## 3 Strategic justification

### 3.1 Background

#### 3.1.1 Retail Policy Framework for Cobram and Yarrawonga: Options Report

The Retail Policy Report was prepared to guide retail development, particularly town centre development, in the two towns. Recommendations relevant to the Amendment include:

##### *Cobram*

- Adopt the strategic per capita retail floor space allocation of 2.2 square metres for Cobram to guide retail floor space provision and development.
- Discourage retail development outside zoned C1Z and C2Z areas.
- Facilitate the expansion and diversification of retail use and development to improve choice, range and diversity of offer consistent with existing demand, guided by the adopted decision-making framework for retail development.
- Encourage the use of vacant sites and the redevelopment of existing sites in the C1Z area for retail uses to support the compact town centre structure.
- Seek the relocation of inappropriate, non-core uses in the town centre to more suitable and appropriately zoned sites to intensify retail and commercial uses.
- Consider the conversion of a suitable strategically located vacant C2Z site to C1Z that can accommodate a large floor plate conventional retail development to support retail floor space supply and diversity in the town centre, and encourage development proposals that conform to the guiding principles and comply to the requirements of the decision-making framework for retail development.
- Encourage longer trading hours for retail premises to support tourism and town centre activation.
- Earmark the land directly north of the existing C2Z and west of the Cobram-Koonoomoo Road (referred to as the Cobram Business Park) as a medium to long term C2Z expansion area.

##### *Yarrawonga*

- Adopt the strategic per capita retail floor space allocation of 2.4 square metres for Yarrawonga to guide retail floor space provision and development.
- Discourage retail development outside town centre and planned retail nodes zoned C1Z and C2Z.
- Promote development in the MUZ that support integration of tourism, retailing, residential uses and the activation of the lake foreshore.
- Extend (or indicate in-principle support for the extension of) the C1Z to the northern boundary of the Murray Valley Highway for land with frontage to Belmore Street and ensure appropriate urban design outcomes with residential interface areas.
- Facilitate the expansion and diversification of retail use and development to improve choice, range and diversity of offer consistent with existing demand, guided by the adopted decision-making framework for retail development.
- Seek the relocation of inappropriate, non-core uses in the town centre to more suitable and appropriately zoned sites to intensify retail and commercial uses and the redevelopment of underutilised sites.
- Encourage longer trading hours for retail premises to support tourism and town centre activation.
- Review the C2Z zoned land supply and development opportunities in the medium term to ensure net community benefit from future development sites.

The Retail Policy Framework is a policy and background document for proposed Clauses 11.01-1L-02 and 17.02-1L-02.

### 3.1.2 Major Towns Review

The Major Towns Review was initiated to ensure plans for Moira's key settlement remain strategically sound, consistent with contemporary state policy and responsive to population and economic trends.

The previous strategic plans for these towns were:

- *Yarrawonga Strategy – Looking to the Future* adopted in 2004
- *Cobram Strategy Plan 2025* adopted in 2007
- *Numurkah Strategy Plan* adopted in 2010
- *Nathalia Strategy Plan* adopted in 2010.

The Major Towns Review considered relevant state, regional and local policies, including the following:

- *Murray Darling Basin Plan, 2012*
- *Plan Melbourne 2017 - 2050*
- *Infrastructure Victoria 30 Year infrastructure Strategy*
- *Hume Regional Plan 2015 – 2020*
- *Small Towns and Settlements Strategy, 2013*
- Retail Policy Report
- *Demand Analysis and Feasibility Study on Industrial Land at Nathalia and Numurkah, 2007*
- *Yarrawonga Growth Management Strategy, 2016.*

The Major Towns Review identified the following key influences including:

- population and demography
- technology influences on retail, location and short stay accommodation
- changes in local economies due to drought, increased tourism and solar industry
- infrastructure including water supply, sewerage infrastructure, electricity supply, gas and transport infrastructure.

The Major Towns Review found:

... the existing Cobram Strategy Plan 2025, Numurkah Strategy Plan and Nathalia Strategy Plan have successfully provided a framework for growth for Moira Shire Council over the past 10 years; while there has been some growth and requirement for changes these structure plans will remain largely unchanged.

The Major Towns Review also made recommendations for Yarrawonga which were superseded by the Yarrawonga Framework Plan. A more detailed summary of recommendations for individual towns arising from the Major Towns Major Towns Review is provided in the following sections.

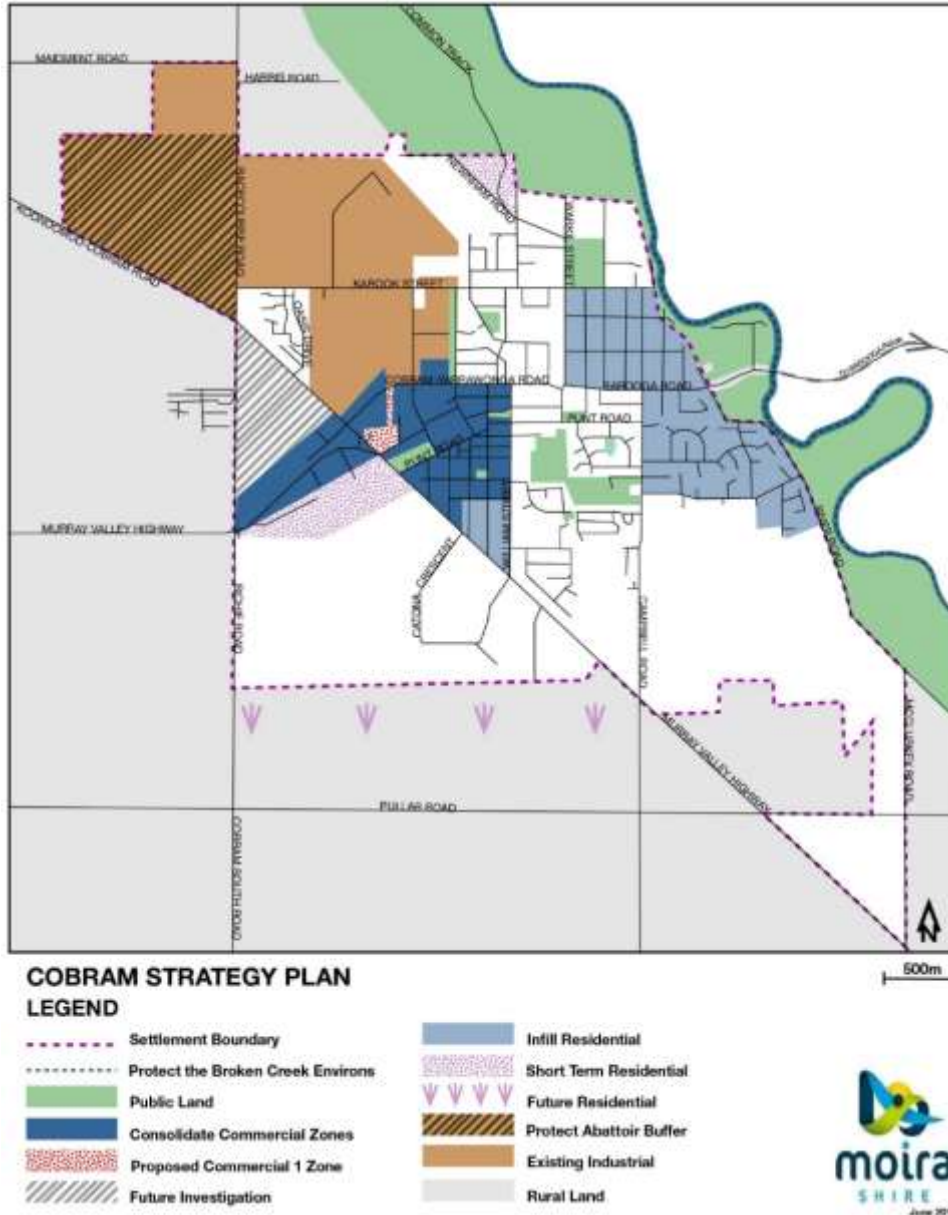
#### (i) Cobram Strategy Plan

The *Cobram Strategy Plan, 2018* (Figure 4) is based on the following directions and recommendations arising from the Major Towns Review:

- Additional residential rezoning is not required due to the moderate take up of areas previously rezoned as part of Amendment C41.
- As an alternative to preparing a housing strategy for the township, Council should monitor housing take up and undertake a demand analysis to understand development opportunities.
- There are sufficient areas for industrial development.
- Environmental policy changes are not required.

- Commercial areas of Cobram should be expanded as outlined in the Retail Options Report.

Figure 4 Cobram Strategy Plan



**(ii) Nathalia Strategy Plan**

The *Nathalia Strategy Plan, 2018* (Figure 5) is based on the following directions and recommendations arising from the Major Towns Review:

- Additional residential rezoning is not required due to the moderate take up of areas previously rezoned as part of Amendment C64.
- As an alternative to preparing a housing strategy for the township, Council should monitor housing take up and undertake a demand analysis to understand development opportunities.
- While there is sufficient industrial land supply, development of existing zoned areas is unable to be realised. Additional industrial rezoning should be considered.

- The management and security of levees and risk of flooding constrains industrial land supply within the town.
- Environment policy changes are not required.
- Commercial and retail areas of Nathalia are appropriate and further rezonings are not needed.

Figure 5 Nathalia Strategy Plan

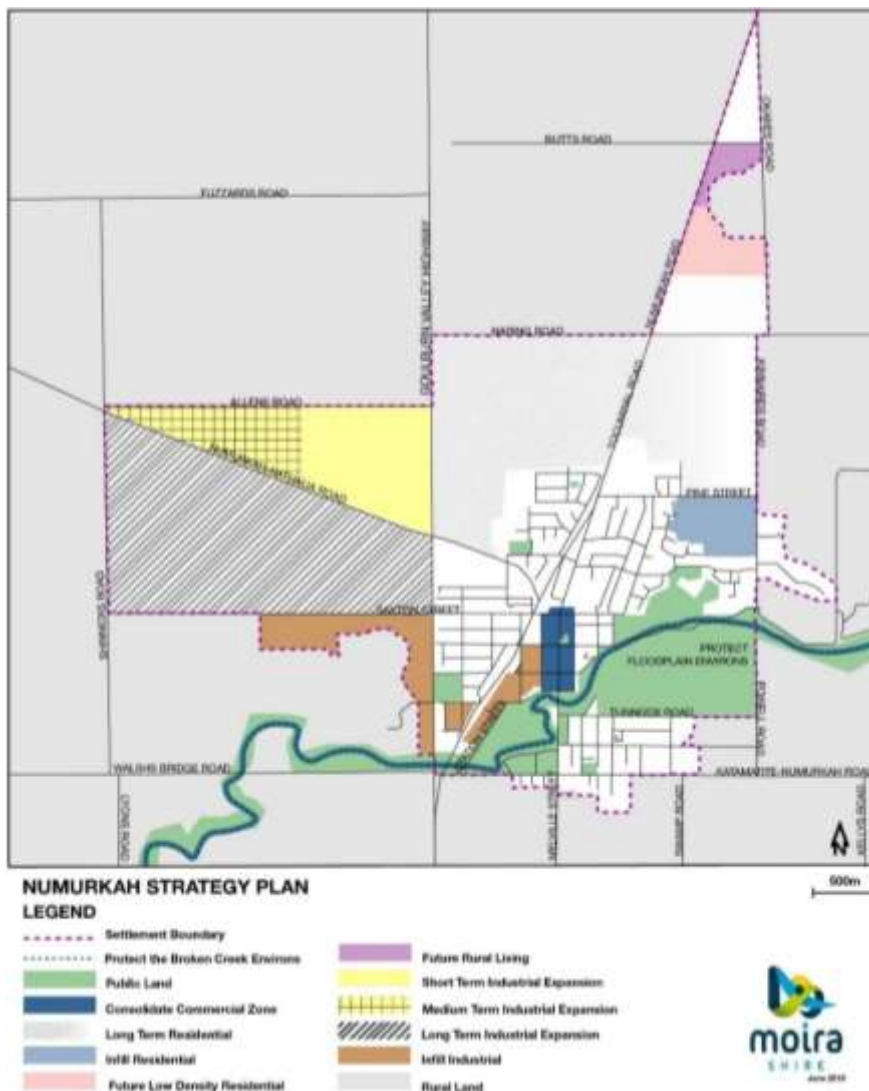


(iii) Numurkah Strategy Plan

The Numurkah Strategy Plan, 2018 is shown in Figure 6.



Figure 6 Numurkah Structure Plan



The Numurkah Strategy Plan is based on the following directions and recommendations arising from the Major Towns Review:

- Additional residential rezoning is not required due to the moderate take up of areas previously rezoned as part of Amendment C63.
- As an alternative to preparing a housing strategy for the township, Council should monitor housing take up and undertake a demand analysis to understand development opportunities.
- While there is sufficient industrial land supply, development of these area is unable to be realised. Additional industrial rezoning should be considered.
- The 17 hectares of land identified for short term low density residential in the Numurkah Strategy Plan [year], is not required at this time, despite flood modelling confirming that flood risk can be managed.
- Increased interest in developing solar farms near the town requires consideration of effects on short to long term residential growth options and potential buffer distances.
- 66 hectares of land identified for industry is undeveloped and presently used for agriculture. The land should be back-zoned, and an alternative site rezoned for this purpose.

- Policy should provide explicit support for businesses that support the solar industry.
- Flooding control should be updated in accordance with the Numurkah Flood Study.
- Commercial areas are appropriate and further rezoning is not required.

### 3.1.3 Yarrawonga Framework Plan

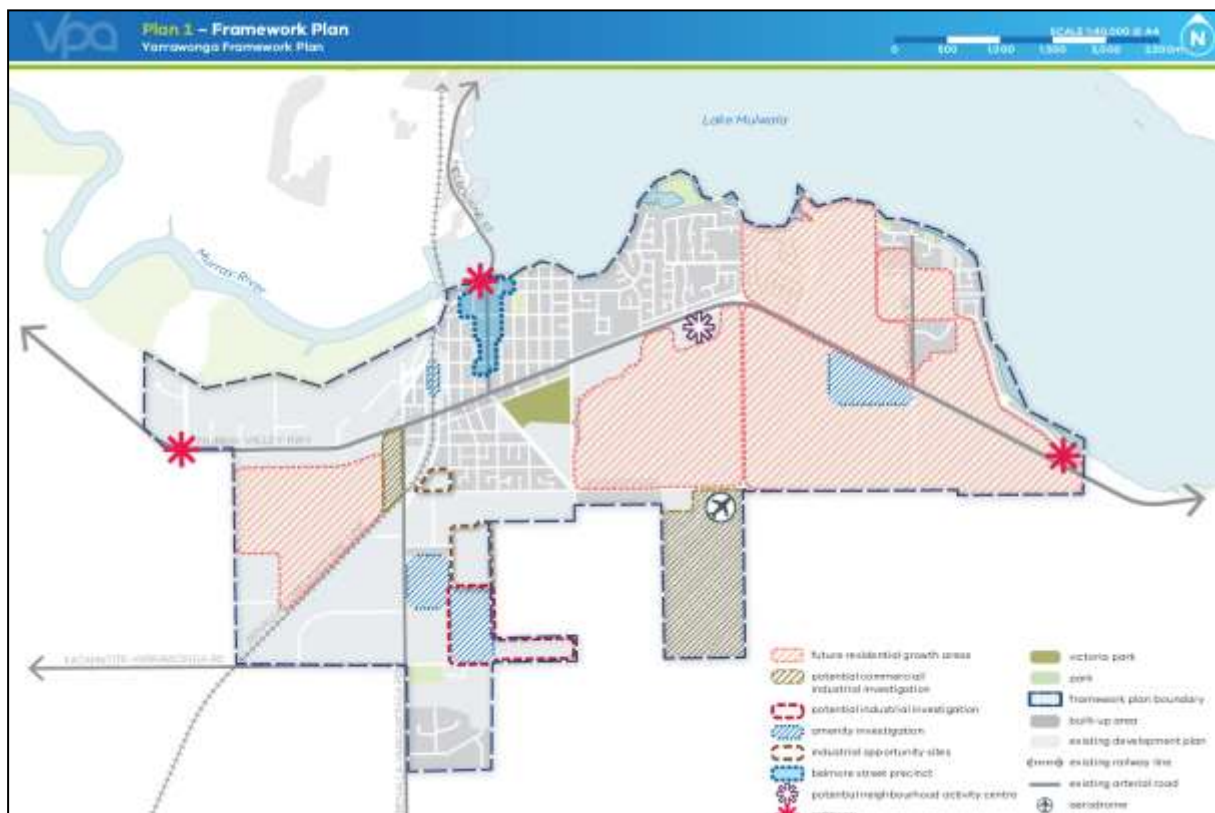
The Yarrawonga Framework Plan is an over-arching land use plan that establishes a vision and spatial structure for the growth of Yarrawonga to 2050. It seeks to:

- identify residential and industrial growth areas for Yarrawonga to 2050
- provide direction for coordination and staging of growth
- provide direction around servicing and community facility requirements for growth
- identify strategic sites and associated opportunities
- provide a high level action plan for implementation.

The Yarrawonga Framework Plan was developed by the Victorian Planning Authority in conjunction with Council and was informed by the *Yarrawonga Growth Management Strategy*, 2017. It focuses on the following five major themes:

- drainage, major infrastructure and utilities
- housing and community infrastructure
- industry
- commerce and retail
- recreation, environment and heritage.

Figure 7 Yarrawonga Framework Plan



## 3.2 Submissions

Council submitted that the Amendment fulfils an obligation arising from the *Moirra Planning Scheme Review 2016* which was implemented by Amendment C77 which, among other things, this introduced the following requirement for further strategic work at Clause 21.03:

Review existing strategy plans for the four major towns - Cobram, Yarrawonga, Nathalia and Numurkah

The proposed local policy provisions for Cobram, Nathalia, Numurkah and Yarrawonga reflect the recommendations of the Major Towns Review and the strategies in the Yarrawonga Framework Plan. These policy changes were originally proposed to be made to Clauses 21.03 and 21.07. However, because of Amendment C95moir, they have been updated to apply to Clauses 11.01-1L-02 to 11.01-1L-05.

## 3.3 Discussion

The Amendment will update the policies and framework plans within the PPF for the four principal towns in the municipality, consistent with the strategic work undertaken as part of the Major Towns Review, Yarrawonga Stormwater Drainage Strategy, Retail Policy Framework and Yarrawonga Framework Plan.

The revised strategic plans maintain the role of each settlement as set out in the Hume Regional Growth Plan and MPS and promote the orderly development of each town. Overall, they provide a sound strategic basis for the Amendment and deliver on the requirement of former Clause 21.03 to “*review existing strategy plans for the four major towns.*”

Nevertheless, there are issues specific to the strategy plans for each of the townships which are dealt with in the following chapters of this report.

## 3.4 Conclusion

For the reasons set out in the following chapters, the Panel concludes the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel concludes:

- The Amendment is strategically justified.

## 4 Cobram

### 4.1 Framework plan

#### (i) The issue

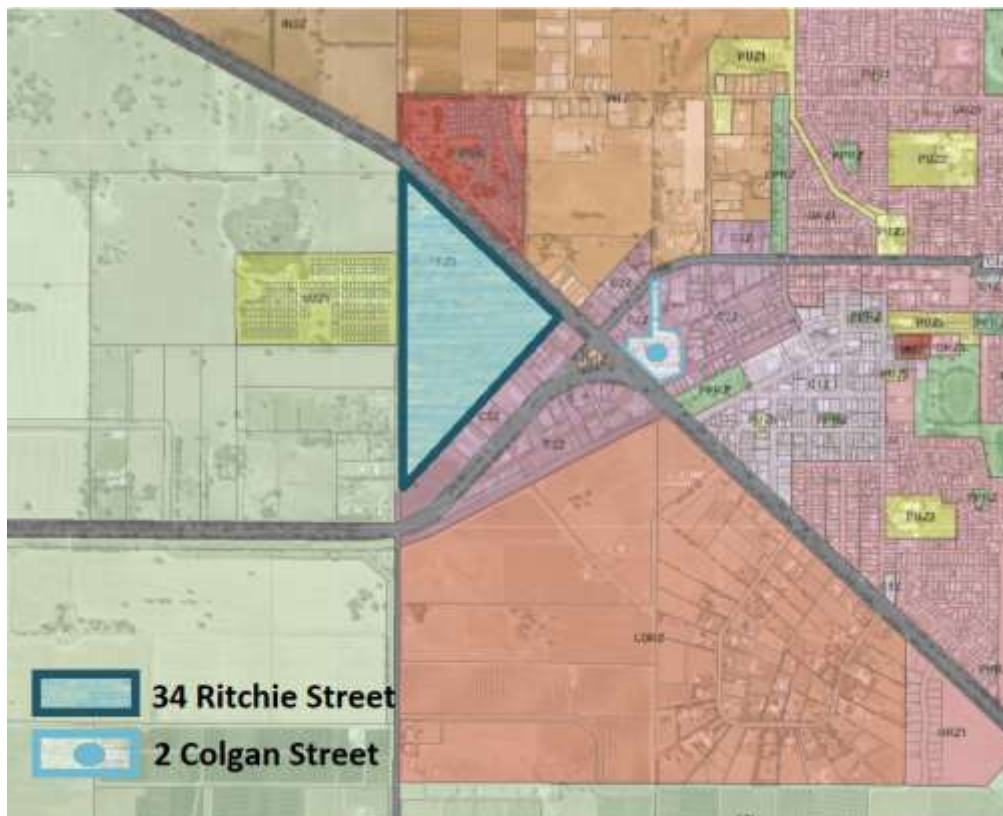
The issue is whether the Cobram Strategy Plan reflects Cobram’s current and future land use needs, particularly for land at 34 Ritchie Road.

#### (ii) Planning context

The Major Towns Review concluded:

- Cobram is well catered for in terms of the volume and mix of retail floorspace
- there is an increased demand for additional floorspace to 2031 between 7,512 square metres and 11,567 square metres, depending on retail floor space ratios
- there is a need for additional consolidated C1Z land that will allow a large scale discount department store or supermarket
- land bounded by the Murray Valley Highway, Colgan Street, Park Court and Broadway Street should be rezoned to C1Z in the immediate term (Figure 8, 2 Colgan Street)
- the Ritchie Road site should be further investigated for future rezoning, potentially to MUZ or C1Z, to facilitate further growth (Figure 8, 34 Ritchie Road)
- there is significant commercial zoned land in Cobram, the commercial real estate market is relatively unutilised, owing mainly to the dominance of agriculture and manufacturing in the local economy.

**Figure 8** Locality Plan – 34 Ritchie Road, Cobram



Clause 17.03-1L (Industrial land supply in Moira) includes the existing strategy:

Establish a Cobram Business Park in the area defined by the Murray Valley Highway, Cobram-Koonoomoo Road and Ritchie Road.

This strategy is a direct translation of the pre -C95moir Planning Scheme, which included the same strategy at Clause 21.07-1 (Cobram). The strategy was not proposed to be modified or deleted by the exhibited Amendment.

### (iii) Submissions

Council advised that it commissioned the *Planning Report 34 Ritchie Road*, Cobram by Echelon Planning (Echelon Report) to investigate options for the future use of 34 Ritchie Road. . The Echelon Report recommended the land be rezoned to a Commercial 2 Zone (C2Z) with a Development Plan Overlay. Council considered the report on 28 April 2021 and resolved to defer a decision on the “*Cobram Business Park for 6 to 12 months.*”

While supportive of the broader purpose of the Amendment, Oasis Homes Australia submitted the Cobram Strategy Plan is informed by outdated documents that do not account for key changes to population and economic trends that have emerged since 2018 and the recent strategic work undertaken by the Council for 34 Ritchie Road Cobram. In its view it would be more appropriate to further analyse Cobram’s current economic and residential land use needs prior to updating the plan. It said:

Both the Retail Policy Report and Major Towns Review fail to consider the impact of the recent redevelopment approval granted to the land at 2-6 Colgan Street, Cobram, for a commercial centre comprising two supermarkets, a medical centre, and a number of retail premises, and the associated rezoning of the land from the Commercial 2 Zone to the Commercial 1 Zone, facilitated by the gazettal of Amendment C88moir on 17 September 2021. The development will undoubtedly have a substantial impact on the retail land use demands of Cobram and potentially facilitate the modest intensification of residential uses to the west of Cobram’s town centre, by providing an additional and well located community centre...

The Major Towns’ Strategy Plan Review is generally inconclusive with regards to its recommendations for the future redevelopment of Cobram and suggests that further investigations into both the residential and commercial land supply needs of Cobram is required in order to facilitate the orderly revision of the Municipal Strategic Statement and Cobram Strategy Plan.

Oasis Homes Australia acknowledged that the Cobram Structure Plan identifies the site at 34 Ritchie Road, Cobram for future investigation but submitted it ignores the further strategic work the Council has recently undertaken. It submitted the Echelon Report and Cobram Strategy Plan, are “*fundamentally flawed*” for the following reasons:

- there is no need for additional Commercial 2 Zoned land in Cobram
- the work fails to acknowledge and assess the potential adverse amenity impacts of the land uses encouraged by the Commercial 2 Zone with the abutting residential properties
- the work relies on outdated studies and does not provide current market research and analyses of Cobram’s economic and residential land supply demands.

Oasis Homes Australia submitted that the Amendment was not strategically justified because it relied on the Retail Policy Framework and the Major Towns Review which were outdated. It recommended that further strategic work be undertaken before the *Cobram 2025 Cobram Strategy Plan, 2007* was replaced in the Planning Scheme.

Council submitted that because there is no inconsistency with the proposed strategy plan for Cobram, the Amendment does not need to take into account the Echelon Report because it identifies the land for future investigation. In addition, the Echelon Report has not been adopted by Council.

Council acknowledged that the criticism of current population figures had some validity but added it was unclear of the outcome sought by Oasis Homes Australia.

**(iv) Discussion**

The Panel acknowledges the Retail Policy Framework and the Major Towns Review were completed in 2017 and 2018 respectively. Since then, a global pandemic has occurred and the 2021 Census has been completed, both of which may impact the population data in the two studies.

As discussed in Chapter 3, both documents provide an appropriate strategic justification for the Amendment. In addition, the current Cobram Structure Plan was included in the Planning Scheme in 2007 and is well overdue for a review.

Planning is not a static endeavour and it needs to account for changes in circumstances and events where they have a significant impact on land use and development. The Cobram Strategy Plan acknowledges the future use and development of 34 Ritchie Street is uncertain at this stage. The report commissioned from Echelon has not been adopted by Council and carries no weight for this Amendment. In the Panel's view, it is prudent course of action for Council to delay a decision for this land until the full impacts of the pandemic and results from the 2021 Census are available and assessed.

This may require new strategic work to be commissioned and a further amendment to the Planning Scheme. It is open to the owner of the land to initiate this work should it wish to progress a proposal for 34 Ritchie Road in the immediate term.

Overall, the Panel is satisfied the proposed Cobram Strategy Plan is strategically justified and provides appropriate direction for the future development of Cobram. Based on the current planning analysis, it is appropriate to identify 34 Ritchie Road as an area future investigation.

**(v) Conclusion**

The Panel concludes:

- The Cobram Strategy Plan reflects Cobram's current and future land use needs, particularly for land at 34 Ritchie Road.

## 5 Nathalia

### 5.1 Scott Avenue

#### (i) The issue

The issue is whether land in Scott Avenue should be recognised for future residential use.

#### (ii) Planning context

Scott Avenue, Nathalia is located on the west bank of the Broken Creek (refer Figure 9). It provides frontage to several residential dwellings all included in the *Nathalia Broken Creek Heritage Precinct*. Land east of these dwellings is vacant and provides a 'buffer' to industrial properties fronting Murray Valley Highway (Elizabeth Street).

Figure 9 Scott Avenue, Nathalia



The northern end of Scott Avenue is zoned FZ and located outside the settlement boundary defined in the existing Nathalia Framework Plan at Clause 11.01-1L-04. The land designated as 'rural land' within the settlement boundary in the Nathalia Strategy Plan proposed to be introduced by the Amendment (Figure 5).

The *Nathalia Strategy Plan, 2018* states additional residential rezoning is not required due to the moderate take up of areas previously rezoned as part of Amendment C64.

### (iii) Submissions

Submitter 2 and Submitter 5 both noted the northern end of Scott Avenue was earmarked as medium term residential in the 2010 Nathalia Strategy Plan. Council acknowledged this was the case, however, advised the 2010 plan was superseded by the plan currently included in the Planning Scheme by way of Amendment C77 gazetted in 2017. In this plan, the northern end of Scott Avenue is located outside the settlement boundary.

The Amendment shifts the boundary again to include the northern end of Scott Avenue. Council submitted that it seemed *“incongruous to have this small parcel of farming land inside the settlement boundary and this should perhaps be the subject of a further amendment.”*

Submitter 2 supported the rezoning of 5-7 Scott Avenue from rural to residential, because:

- there is limited land available for housing development in Nathalia and an increased trend for regional migration
- subdivision of the land for future low to medium density housing would be consistent with planning policies supporting housing around the town centre, near open space and with good accessibility to public transport
- a 5 acre lot is not suitable for productive agricultural purposes
- agricultural use would be incompatible with nearby residential uses
- areas earmarked for long term residential development south of the town would remove productive agricultural land contrary to rural policy
- areas for industrial expansion remain available to the north of the town.

Submitter 5 submitted land at 8 Scott Avenue should be rezoned from rural to residential to address the acute shortage of housing availability in the town. The submitter noted:

There is currently no social housing available in Nathalia and it is impossible to obtain affordable housing. More land needs to be made available, and my blocks could cater for some of the demand.

Based on their experience as a local business owner, Submitter 5 said it was *“impossible”* to find any accommodation in Nathalia to house an expanding workforce, resulting in employees having to travel from Shepparton, Cobram and surrounding areas.

Submitted 2 and Submitter 5 advised they had many discussions with Council about rezoning their land, but to date, a satisfactory outcome had not been reached. Both confirmed that plans to rezone and subdivide had not been formalised through an application to Council.

Late in the Hearing, Council advised that the Nathalia Strategy Plan map adopted by Council in 2018 (Figure 10) was not consistent with the version of the Nathalia Strategy Plan map exhibited with the Amendment (Figure 11). The adopted version identified the northern end of Scott Avenue as an area for ‘future investigation’ whereas the Amendment version simply identified the land as ‘rural land.’ Council was unable to explain why this change occurred.

In these circumstances, Council submitted that the change between the adopted and the Amendment versions should be considered an error. It would be appropriate to change the Amendment to be consistent with the adopted structure plan. This would, in part, address the concerns of submitters.



Finally, in response to the Panel’s question on whether Council is actively monitoring housing supply and demand in its major towns as recommended by the Major Towns Review, Council advised “*the information is collected but is only monitored on an as needs basis.*” Council did not provide a copy of information it collects.

**Figure 10:** Extract of adopted Nathalia Strategy Plan



**Figure 11** Extract of Nathalia Strategy Plan exhibited with the Amendment



#### (iv) Discussion

The Planning Scheme sets a clear obligation for planning to anticipate and respond to future residential needs of a municipality. Matters of supply of urban land are addressed in the PPF at Clause 11.02-15, where an assessment of land sufficiency is tied to a forecast demand period of at least 15 years. Land supply objectives are met through various strategies, including monitoring development trends and land supply and demand for housing. Monitoring supply and demand is also a core recommendation of the Major Towns Review.

The availability of periodic land supply and demand data would have assisted the Panel’s consideration of matters raised by Submitters 2 and 5. Nevertheless, it would be beyond the scope of the Amendment and premature to rezone the northern end of Scott Avenue from FZ to a residential zone as requested by submitters. The land has many attributes that make it an attractive infill site, including its location within the proposed settlement boundary and its proximity to the commercial centre of Nathalia. However, these positives must be considered alongside other issues, including liability to flooding, bushfire planning and amenity of areas proximate to industrial uses. A full assessment will confirm if rezoning the land for residential can be strategically justified.

Therefore, consistent with Council’s submission, Panel supports designation of the land as a ‘future investigation’ area on the Nathalia Strategy Plan.

**(v) Conclusion and recommendation**

The Panel concludes:

- Land in Scott Avenue should be recognised as a ‘future investigation area’ on the Nathalia Structure Plan.

The Panel recommends:

**Amend Clause 11.01-1L-04 (Nathalia) to show land at the northern end of Scott Avenue as ‘future investigation’ on the Nathalia Strategy Plan map, as shown in the Panel preferred version in Appendix D3.**

**5.2 Draper Street**

**(i) The issue**

The issue is whether land in Draper Street is suitable for future industrial use.

**(ii) Planning context**

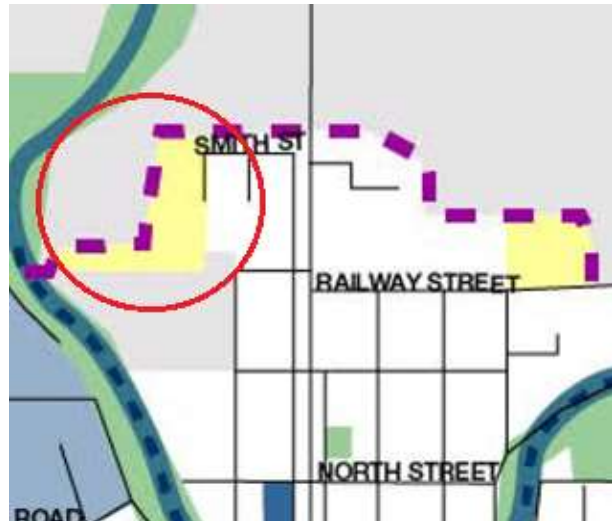
Submission 6 relates to land in the FZ generally west of Draper Street, at the northern end of Nathalia. This land is designated as ‘medium term residential’ on the existing Nathalia Framework Plan included at Clause 11.01-1L-04 (Figure 12). It is proposed to be designated as ‘options for industrial expansion’ in the Nathalia Strategy Plan to be introduced by the Amendment (Figure 13).



**Figure 12** Extract of Nathalia Framework Plan (Clause 11.01-1L-04)



 Settlement Boundary  
 Medium term residential

**Figure 13** Extract of Nathalia Strategy Plan exhibited with the Amendment



 Settlement Boundary  
 Options for Industrial Expansion

There are two areas to be identified as ‘options to industrial expansion’ on the Nathalia Strategy Plan. The Major Towns Review states:

Recent work undertaken has identified that on “face-value” there is sufficient industrial land supply in Nathalia, however, the potential areas available are unable to be realised. Therefore, it is considered that Moira Shire Council should consider the rezoning of two

areas to Industrial 1 Zone ... It is also worth recognising the effects of flooding upon the industrial land supply. The levee system provides some protection from flood waters; however, the management and security of levees is a matter of contention as addressed in the *Victorian Floodplain Management Strategy 2016*. Both the levee system and the risk of flooding constrain the industrial land supply within Nathalia.

The Major Towns Review relies on the findings of *Analysis and Feasibility Study on Industrial Land at Nathalia and Numurkah, 2011*.

### (iii) Submissions

Submitter 6 outlined a proposal to realign lots in Draper Street to create a parcel suitable for short to medium term industrial development and concurrently complete the Nathalia flood protection requirements. The submitter emphasised the need to provide new opportunities for industrial development in Nathalia and progress investigation areas to zone the land for industrial use.

Council submitted that while the Amendment does not propose to rezone land, it does suggest land west of Draper Street may be suitable for future industrial rezoning, which goes some of the way towards satisfying the concerns raised.

In its submission to Council, the EPA raised concerns about the proximity of the proposed industrial land to existing residential areas. Any future development within this proposed zone should take into consideration the protection of existing residential amenity.

### (iv) Discussion

As discussed in Section 5.1, the availability of periodic land supply and demand data would have assisted the Panel's consideration of supply issues raised by Submitters 6. This is particularly so as the Major Towns Review is reliant on analysis from a 2011 report.

The Major Towns Review does not comment on how localised constraints relevant to the Draper Street area, including flooding, can be managed. Further, despite advice provided by the EPA, it does not discuss how the potential amenity impacts of industrial uses on nearby residential areas can be managed. These issues should be considered even for high level strategic plans to determine if the objectives of Clauses 13.03-1S (Floodplain management) and 13.07-1S (Land use compatibility) can be met.

Based on the material before it, the Panel considers it premature to designate land west of Draper Street as an 'option for industrial expansion.' Further assessment is required to justify this specific notation. Instead, the Panel prefers that land is designated as 'future investigation area,' consistent with the Panel's recommendation for the Scott Avenue area.

### (v) Conclusion and recommendation

The Panel concludes:

- Land in Scott Avenue should be recognised as a 'future investigation area' on the Nathalia Structure Plan.

The Panel recommends:

**Amend Clause 11.01-1L-04 (Nathalia) to show land west of Draper Street as 'future investigation' on the Nathalia Strategy Plan map, as shown in the Panel preferred version in Appendix D3.**

## 6 Numurkah

### 6.1 Preferred location for industry

#### (i) The issues

The issues are whether:

- there is demand for additional industrial land
- the preferred locations for industry are appropriate
- existing IN1Z land identified as a preferred long term location for industry should be back-zoned in the short term
- bushfire risk on proposed IN1Z land has been addressed
- it is appropriate to rezone land that will result in the redundancy of irrigation assets hosted by that land.

#### (ii) Planning context

The Amendment proposes to:

- rezone land at 20 and 42 Saxton Street West and 2072 Katamatite-Nathalia Road, Numurkah from IN1Z to FZ (the proposed FZ land) (Figure 17)
- rezone land at 2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah from FZ to IN1Z and apply the DPO12 over this land (the proposed IN1Z land) (Figure 17).

The Numurkah Strategy Plan exhibited with the Amendment identifies:

- the proposed IN1Z land as 'short term industrial expansion' (Figure 15)
- the proposed FZ land as 'long term industrial expansion' (Figure 15).

Section 7.4.1 of the Major Towns Review provides the following assessment of industrial floor space in Numurkah:

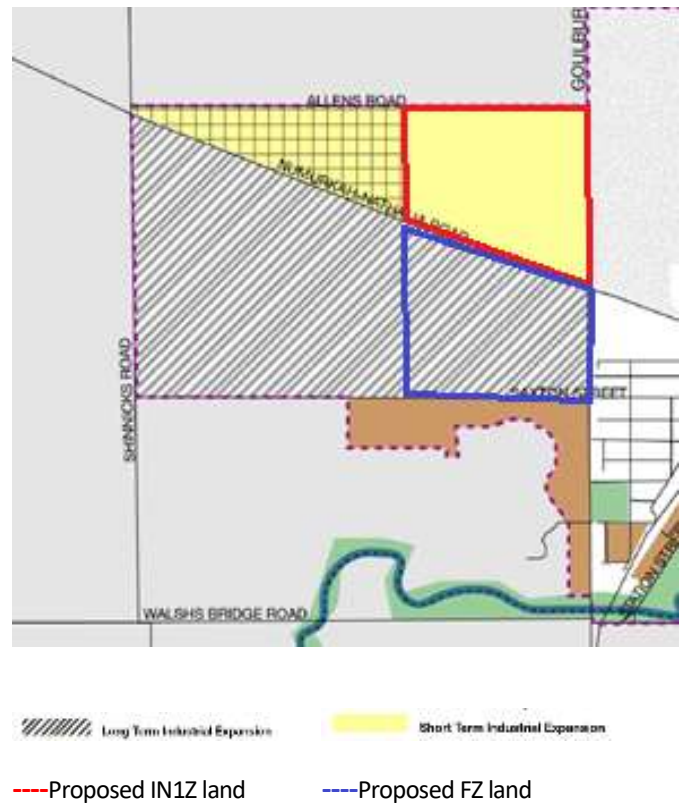
It is anticipated that there will be additional areas required within Numurkah to support ancillary businesses that will support the burgeoning solar industry.

Although there is currently in excess of 65 hectares of vacant and undeveloped industrial land it has been identified that the landowner is not going to develop the land. This has essentially meant that the land is 'banked.' As part of this review it is identified that there is sufficient need to warrant the back zoning of the area and rezoning of additional areas to the north ...

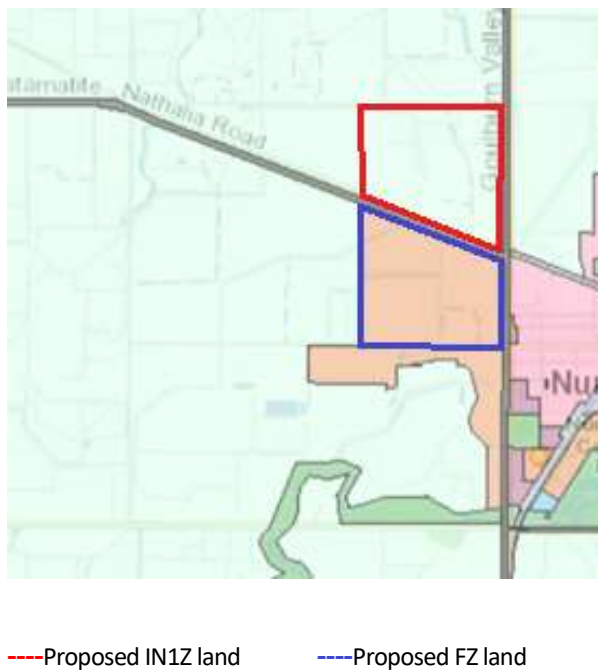
**Figure 14** Extract of Numurkah Framework (Clause 11.01-1L-04)



**Figure 15** Extract of Numurkah Strategy Plan exhibited with the Amendment



**Figure 16** Existing zoning Numurkah industrial area



**Figure 17** Proposed zoning Numurkah industrial area



**(iii) Submissions**

As discussed in Section 1.3 of this Report, Council’s formal position was not to proceed with the Numurkah rezonings because public notice was deficient. However, Council welcomed the Panel’s consideration of the strategic merits of the rezonings. Council submitted:

In the circumstances where the subject [Submitter 1] land has not been developed for industrial purposes in any way since its rezoning in 2012 the Council supports the recommendation in the Major Towns Review and believes the rezoning as exhibited should proceed.

Submitter 1 opposed the rezoning of 42 Saxton Street West from IN1Z to FZ. They submitted:

- the land was purposely rezoned to IN1Z by way of Amendment C63 in 2012
- industrial use of the land is consistent with the long term vision for the area in the revised Numurkah Strategy Plan and exhibited Clause 21.07-3
- the Explanatory Report erroneously states the owner would prefer to have the land back-zoned
- use of the land for farming predates the industrial zoning, and in any event, farming uses are permissible under the IN1Z
- back zoning the land to FZ would entrench farming uses contrary to the policy intent to use the land future industry
- it is unnecessary to back zone existing IN1Z land to justify rezoning new industrial land
- there is no certainty that land to north will be developed for industry ahead of 20 and 42 Saxton Street West.

Submitter 17 explained land at 2123 Katamatite-Nathalia Road supports an existing industrial operation producing stock feed. There has been interest in purchasing various sized parts of the land for industrial operations, but the existing zoning of the land has been an “*insurmountable impediment.*” Submitter 17 strongly supported rezoning this land to IN1Z and submitted:

The subject land offers the prospect of large lots necessary for larger scale transport operators, agricultural product processing and production of various products required to service the emergent large scale aggregated agribusinesses growing within the northern Goulburn River plains area. The site provides good access capabilities and exposure to the major Goulburn Valley Highway.

...

The subject land and adjacent land proposed for Industrial 1 zoning is eminently suitable and is in demand for the purpose. There is presently a need for a diversity of industrial land in Numurkah. An assessment of the advertised land available for industrial projects indicates no larger lot availability and only a small number of smaller lots in existing areas where other businesses have departed. Over the past 5-6 years the enquiry for purchase of part of the subject land has been strong and indeed industry opportunities for larger land area sites at Numurkah have been lost to other places.

In relation to the back zoning of land at 20 Saxton Street West, Submitter 16 submitted the land should be retained in the existing IN1Z for consistency with planning policy that encourages industrial development north-west of the Numurkah township and west of the Goulbourn Valley Highway. The principal difference between the previous and more recent planning related to “*priority timing.*” While acknowledging the proposed FZ land had not transitioned to an industrial use despite being rezoned in 2012, Submitted 16 considered “*ten years is not a long time for a transition to development.*” Contrary to Council’s assessment that the land is being ‘banked,’ Submitter 16 said a contract had been entered into to purchase and develop 20 Saxton Street West. They urged the Panel to recommend 20 and 42 Saxton Street West remain in the IN1Z as both are well suited to industrial uses.

The Australian Agricultural Commodities Centre Pty Ltd (AACC) endorsed the Amendment “*as a good initiative for Numurkah District, and the broader area of Victoria and southern New South Wales.*” AACC requested additional land west of the proposed IN1Z be included in the

Amendment to facilitate the design, manufacture and marketing of novel agricultural engineering and other light industrial and transport support services.

In response to questions from the Panel, Submitters 16, 17 and the AACC all agreed rezoning land to an industrial zone offered more certainty and security than seeking a permit for an industrial use under the provisions of the FZ. Submitter 17 commented that while discretion was available to permit industrial uses under the FZ, 'councils' largely discouraged this approach and applications were futile. They also observed the traditional methods for quantifying need do not enable timely responses to current pressures.

GMW's submission to Council raised two issues:

- infrastructure may be at risk if land is rezoned from FZ to IN1Z
- existing infrastructure on land proposed to be rezoned will be wasted if the land use changes from farming to industrial.

At the direction of the Panel, Council consulted with GMW to confirm how water assets on private land are protected. Council confirmed easements in favour of the water authority provide appropriate protection. Council also noted water infrastructure is not necessarily wasted if land use change from farming to industrial. New agricultural industries, liked that proposed by AACC, would likely increase the demand for irrigation in the district. While a farming property turned over to industry may not be irrigated, the existing irrigation channels, which are protected, would still fulfil an important function.

CFA sought clarification on the bushfire protection measures to be relied upon to ensure the IN1Z can adequately address Clause 13.02-1S (Bushfire planning). Council acknowledged it would be better for the provisions of Clause 13.02-1S to be considered as part of the rezoning process rather than at the permit stage. If the IN1Z rezoning was to proceed, Council submitted DPO12 should be amended to include a requirement that a future development plan address Clause 13.02-1S, allowing bushfire risk to be address before the permit process commences.

The EPA noted the proposed IN1Z land is close to sensitive uses and this may limit future industrial uses to be carried out on the land. The EPA also accepted that Council had considered the requirements of Ministerial Direction 1 and satisfied itself the proposed FZ land is not contaminated.

Council advised the Numurkah Strategy Plan would need to be changed to reverse the designation of preferred industrial areas if the IN1Z and FZ rezonings do not proceed as part of the Amendment. If the rezonings do proceed, Council noted the following additional changes should be made to the Schedule to DPO12:

- list the address of land proposed to be included in the overlay
- delete the address of land proposed to be removed from the overlay
- include a provision requiring a development plan to consider Clause 13.02 to the satisfaction of the responsible authority and Country Fire Authority.

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

Despite its resolved position to not proceed with the Numurkah rezonings, Council requested the Panel give consideration of the strategic merits of the proposal. At the outset, the Panel confirms its final conclusions and recommendations on the Numurkah rezonings reflect the Council's resolved position. The following discussion is offered to assist Council progress this proposal in the future as part of a new process.

Clause 11.02-1S (Supply of land) provides the policy objective for supply of industrial land. As is the case for residential land, relevant planning strategies tie an assessment of land sufficiently to a forecast demand period of at least 15 years. A contemporary supply and demand analysis of industrial land was not prepared as part of the Major Towns Review and has not been presented to the Panel. This would have assisted the Panel's consideration of the issues raised by submitters, including whether zoning of both the short and long term industrial areas is required as suggested by submitters (Figure 15). Based on the information before it, the Panel cannot judge if a doubling of industrial land supply is really needed.

Council has relied on 'land banking' as its primary justification for back zoning the proposed FZ land. Submissions from Submitter 16 clearly demonstrate there is a real prospect at least some of this land being turned over to an industrial use in the short term. In these circumstances, it would be premature and indeed unfair, to rezone land as proposed by the Amendment.

The Panel questions why rezoning the 'long term industrial area' has been prioritised above rezoning the 'medium term Industrial 2' area shown on the existing Numurkah Framework Plan. There is no meaningful analysis of this in the Major Towns Review.

The Panel acknowledges submissions regarding structural changes taking place in the agricultural sector and need to match demand for agricultural processing with additional land supply. The Panel also notes that Numurkah would appear to have many of the location attributes described by submitters are favourable for agricultural processing, including that it is a sizeable township with highway access. The Panel is not convinced the lack of IN1Z land is the real barrier to establishing these activities, as a permit application can be made to use and develop land for industry in the FZ. Any outright discouragement of such applications by Council (as was suggested to the Panel by submitters) is a cue that policy is needed to guide the exercise of discretion on applications proposing industrial uses in rural zones.

Council's proposed method to address bushfire planning policy by amending the DPO12 scheme would be appropriate if the proposed IN1Z land was to be progressed. This would ensure bushfire risks were considered in an integrated matter alongside other matters to inform a future development plan, for example, management of stormwater, drainage, environmental values and traffic.

The Panel does not consider rezoning the land presents a real risk to the security of GMW's irrigation assets because they are protected by easements. The Panel accepts Council's advice that irrigation assets on a farming property turned over to industry would still fulfil an important function. An additional safeguard for irrigation infrastructure could also be achieved by broadening the matters to be addressed by a future development plan under DPO12.

In the same vein, a future development plan could consider the land use compatibility issues raised by the EPA and ensure the amenity of existing sensitive uses is protected from the impacts of industrial uses.

Overall, rezoning of the proposed FZ and proposed IN1Z is not strategically justified and premature. Before an amendment is initiated for industrial land in Numurkah Council should:

- undertake a supply and demand analysis of industrial land
- understand contemporary requirements for industrial land, including agricultural processing
- develop a clear policy to guide the exercise of discretion for applications for industrial use and development in the FZ



- consider changes need to DPO12 to ensure a future development plan provides an integrated and comprehensive response to environmental risks and site conditions, including bushfire risk, protection of irrigation assets and land use compatibility.

It follows that it would be premature designate the proposed FZ and IN1Z land for this purpose on the Numurkah Strategy Plan. Instead, the industrial areas shown on the strategy plan should be amended for consistency with the existing Numurkah Framework Plan.

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

The Panel concludes:

- A contemporary supply and demand analysis is needed to determine if additional industrial land is needed in Numurkah.
- It is premature to rezone new land for industry in Numurkah without a contemporary supply and demand analysis.
- It is appropriate to expand the matters to be addressed by a future development plan to include bushfire risk, protection of irrigation assets and land use compatibility.
- Preferred industrial areas shown on the Numurkah Strategy Plan should be consistent with the existing Numurkah Framework Plan.

The Panel recommends:

##### **Delete rezoning of land at:**

- **20 and 42 Saxton Street West, and 2072 Katamatite-Nathalia Road, Numurkah from Industrial 1 Zone to Farming Zone.**
- **2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah from Farming Zone to Industrial 1 Zone.**

**Delete application of Development Plan Overlay Schedule 12 to 2123 Katamatite-Nathalia Road, 39 and 59 Allens Road, TP786691 Allens Road and Goulburn Valley Highway, Numurkah.**

**Amend Clause 11.01-1L-05 (Numurkah), to revise the Numurkah Strategy Plan map as shown in Appendix D4 to:**

- **show the area noted as ‘Short Term Industrial Expansion’ and ‘Medium Term Industrial Expansion’ as ‘Long Term Industrial’ consistent with the existing Numurkah Framework Plan**
- **show the area noted as ‘Long Term Industrial Expansion’ as part ‘Existing Industrial’ and part ‘Medium Term Industrial 2 Zone’ consistent with the existing Numurkah Framework Plan.**

# 7 Yarrowonga

## 7.1 Preferred location for commercial and industrial land

### (i) The issues

The issues are whether:

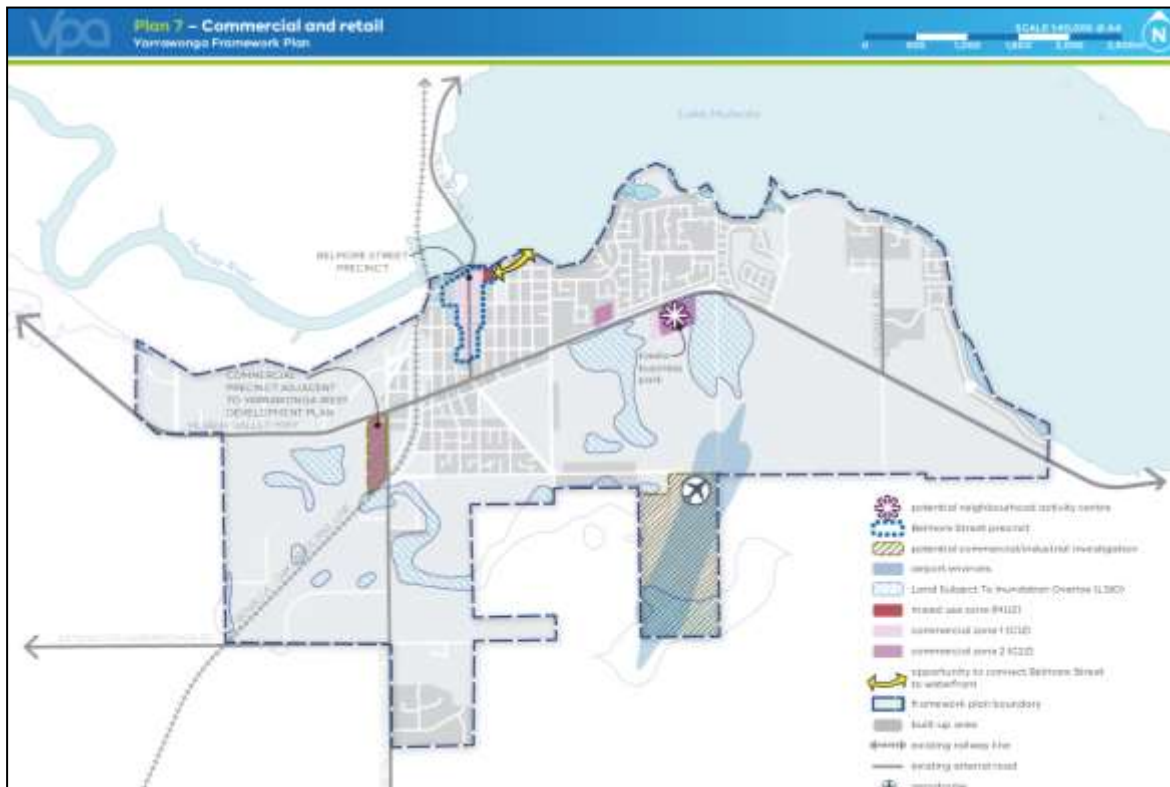
- the Yarrowonga Framework Plan should recognise land along Murray Valley Highway (the proposed C92 land) as ‘potential commercial/industrial investigation’
- the population and demographic trends included in the Yarrowonga Framework Plan should be updated
- the commercial land estimates are appropriate.

### (ii) Planning context

The Yarrowonga Framework Plan was prepared by the Victorian Planning Authority (VPA) in 2022, and was informed by:

- the Hume Regional Growth Plan 2014
- the Yarrowonga Strategy Plan 2004
- the Yarrowonga Growth Management Strategy Stage 1: Background Analysis Report
- the Yarrowonga Growth Management Strategy Stage 2: Forecast Report
- Stage 1 and 2 of the Yarrowonga Growth Management Strategy.

Figure 18 Plan 7 Commercial and Retail area from the Yarrowonga Framework Plan



Key trends identified in the Plan include:

- stable population growth

- an ageing population
- long term shift away from traditional industries (e.g. agriculture, forestry, fishing) offset by an increase in the services sector (e.g. retail trade, accommodation, public administration)

The Yarrowonga Framework Plan identifies the *“important need to establish an activity centre hierarchy, to balance the role of the town centre with supporting retail and commercial uses in new developments.”*

The key issues identified are medium term forecasts for an additional 6,071 square metres of new retail floorspace by 2031. The Plan concludes there is sufficient Commercial 1 Zone (C1Z) and Mixed Use Zone (MUZ) land to accommodate growth in the short term.

In terms of commercial use, the Yarrowonga Framework Plan concludes that there is sufficient Commercial 2 Zone (C2Z) land to accommodate growth to 2050. It identifies two opportunity sites:

- commercial precinct adjacent to Yarrowonga West Development Plan - approximately 15 hectares, zoned C2Z to accommodate retail and commercial uses involving bulky goods
- Kaiela Business Park - 2.6 hectares zoned C1Z and 9.5 hectares zoned C2Z, developing as a logical location for a future supermarket or neighbourhood activity centre to support future residents in the south with capacity to 2036.

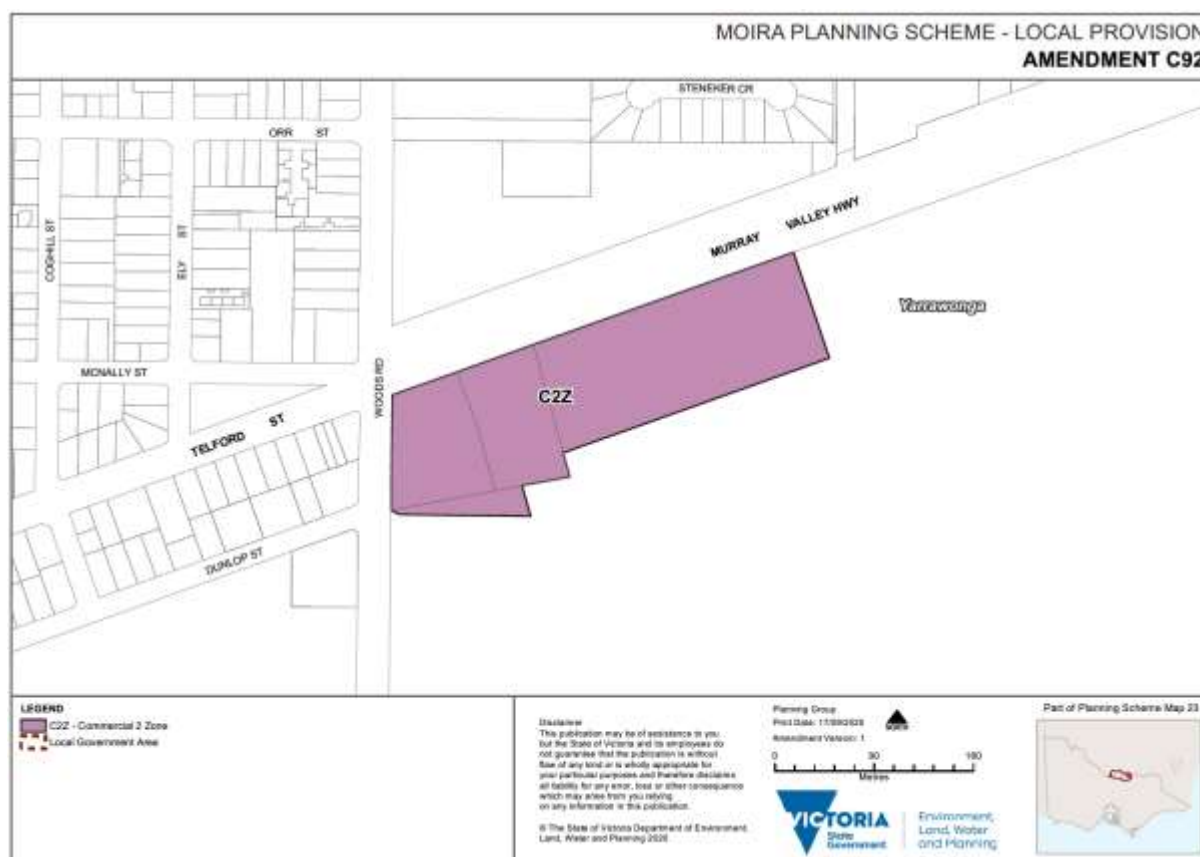
The Yarrowonga Framework Plan includes the following strategies to implement the objective of facilitating a hierarchy of activity centres in the township:

- Strategy 21 Encourage core retail uses in planned retail nodes zoned C1Z and C2Z.
  - Action 21.1 Council to clarify the intended role and function of the identified Commercial 2 precinct adjacent to the Yarrowonga West Development Plan (Plan 7).
  - Action 21.2 Council to investigate the opportunity to identify Kaiela Business Park as a secondary town centre supporting a supermarket in the medium term (Plan 7).
- Strategy 22 Seek the relocation of non-core uses in the town centre to more suitable and appropriately zoned sites.
  - Action 22.1 Council to ensure that new retail development in the township does not compromise the primacy of the Belmore Street Precinct. Refer to O8, Action 16.1 for direction on investigation of industrial/ commercial uses in proximity to Yarrowonga aerodrome.
- Strategy 23 Monitor retail and commercial land supply over the growth of the township.
  - Action 23.1 Council to identify appropriate scale and location of local convenience retail provision in its future residential growth areas.
  - Action 23.2 Council to monitor retail demand and supply to ensure future needs for retail and commercial land are met.

### **(iii) Amendment C92moir**

Proposed Amendment C92moir sought to rezone the land at 78 Woods Road, part 80 Woods Road and Lot 4 Murray Valley Highway, Yarrowonga to C2Z (refer to Figure 19). The proposal was supported by an Economic Impact Assessment which stated that population growth in Yarrowonga had been strong and was increasing. Council resolved at its meeting of 26 August 2020 to, among other things, seek authorisation from the Minister for Planning to prepare Amendment C92moir.

Figure 19 Amendment C92moir proposed rezoning to C2Z



By letter dated 1 July 2021, DELWP advised that it did not authorise Amendment C92moir having considered the following:

The current retail and commercial land use strategies (Yarrowonga Framework Plan 2020 and the Cobram and Yarrowonga Retail Policy Framework Background Analysis and Options Report, July 2017) which do not support this amendment.

The following Municipal Strategic Statements:

- Clause 21.03-2
  - Ensure development is consistent with adopted and incorporated strategy plans and town framework plans
- Clause 21.07
  - Ensure development is generally consistent with the Yarrowonga Framework Plans and contained within the settlement boundary.
  - Promote an integration of tourism, retailing and residential uses at the interface of Lake Mulwala and the Town Centre through redevelopment of land adjacent to the northern end of Belmore Street.
  - Protect the Belmore Street retail activity centre by favouring new developments that provide retail space on the ground floor with offices above the ground floor or in the streets surrounding Belmore Street.

The Development Plan Overlay (Schedule 7) does not cover the proposed site. The Development Plan Overlay (Schedule 7) for Glanmire Park was adopted and approved to ensure that a comprehensive master planning approach was taken to provide a development which would respond to the existing and future urban context. This proposed rezoning and future development would occur outside of the master planning area.

#### (iv) Evidence and submissions

Riverstown Pty Ltd informed the Panel that it owns 78 Woods Road, 80-82 Woods Road and Lot 4 Murray Valley Highway, Yarrowonga. Its interest in the Amendment focused on Lot 4 Murray

Valley Highway, Yarrawonga (Riverstown land). It added that the Riverstown land is located on the south side of the Murray Valley Highway which has a road reservation in excess of 60 metres. The land is zoned General Residential Zone Schedule 1 (GRZ1).

Riverstown submitted that the identification of its land for commercial and industrial purposes would effectively link with the Kaiela Business Park to form a commercial and industrial precinct. Consequently, it requested the following changes to the Yarrawonga Framework Plan before it is included as a Background Document in the Planning Scheme:

- amend the Framework Plan to show the Riverstown land as ‘Potential Commercial/Industrial Investigation’
- update section 2.3 – Growth Context, section 2.3.1 – Population and Demographics, section 2.3.2 Economy, based on review of current and projected population trends
- update Plan 7 – Commercial and Retail to show Riverstown land as C2Z Zone or MUZ and ‘Potential Commercial/Industrial Investigation’
- update section 4.4 – Commercial and Retail, which has significantly overestimated the available land supply
- review Action 18.2, which seeks to encourage large format land uses in Belmore Street, which will detract from its Main Street role and function.

Riverstown added that it had been unable to resolve these issues with Council.

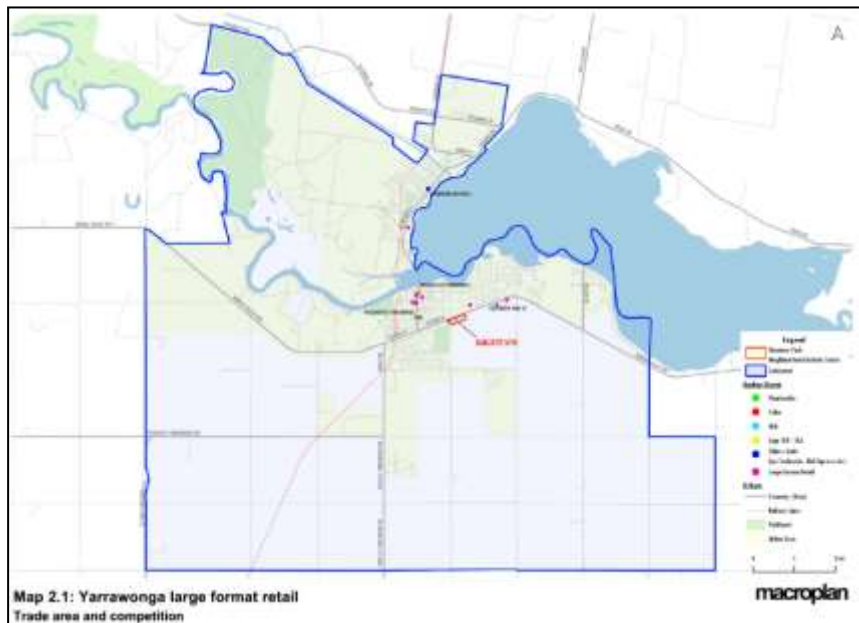
Mr Haratsis gave evidence that COVID-19 had caused a rapid and significant shift in office based employment which has resulted in *“an exodus away from metropolitan areas and into more affordable regional areas.”* He added that 635 dwellings had been approved between 2016 and 2022 which was well above the 74 dwellings per year identified in the Yarrawonga Framework Plan. He attributed this increase in demand to the COVID-initiated changes in migration patterns. He stated:

The recent trends towards increases in dwelling demand and population growth above forecast levels signals the need for a greater provision of retail, amenity and employment opportunities to service the growing resident population. This highlights the need to review the recommended provisions of commercial, mixed use and industrial land outlined in the Yarrawonga Framework Plan, which has not properly accounted for changes in migration patterns among the resident population that have arisen in recent years.

Mr Haratsis defined a bulky goods trade area that included Yarrawonga and Mulwala, and land further west and south (Figure 20). He calculated that the population of the trade area was 12,510 in 2021 and estimated it would increase to 13,510 by 2031. The working at home population would grow at elevated levels *“due to the relatively low housing and land prices”* which would result in a *“surge in population growth in the trade area in approximately 18 months.”*

He added that the main Yarrawonga retail area in Belmore Street is not suitable for a homemaker centre because of the smaller scale shopfronts.

Figure 20 Yarrowonga bulky goods trade area



Source: Expert evidence statement of Mr Brian Haratsis (page 15)

Mr Haratsis's evidence included an analysis of retail expenditure and an overview of the supply of existing bulky goods retailers from which he concluded that the provision of bulky goods floorspace is dispersed in Yarrowonga which lacks a dedicated bulky goods precinct. He added:

The lack of a dedicated homemaker centre in the trade area catchment has also resulted in a mismatch between the needs of bulky goods retailers and the sites available for their operation.

Yarrowonga compared unfavourably when benchmarked in the provision of bulky goods against similar sized towns such as Echuca, Colac and Portland. He concluded that a bulky goods centre of 10,000 square metres gross floor area is supportable on the Riverstown land because it is in a single ownership. He added that the land could be rezoned to a C2Z.

Council advised the Panel that, following discussions with the submitter, the Riverstown submission was amended to only include the land proposed to be rezoned by Amendment C92moir and that the Framework Plan designate this area as 'potential mixed use.'

Council submitted the changes proposed by Riverstown involved a "significant change in policy direction relating to commercial development at Yarrowonga." It acknowledged the rate of development in Yarrowonga had been greater than projected in the strategic documents on which the Amendment was founded. However, the Yarrowonga Framework Plan stated that there is sufficient land zoned C1Z and MUZ until 2031 and 2051 for C2Z land. It submitted it may well be the case that population growth has been accelerated due to factors such as the COVID-19 pandemic. However, Council submitted it is premature to project that accelerated rate into the future based on the short sample period which may simply be a spike in the population rather than a long term trend. Council added that it would:

... be entirely inappropriate to make the changes suggested without an independent analysis which would consider long term trends.

Council submitted, if there is need for a bulky goods precinct, the next question is where it should be located. It added that it had not been established that the Riverstown land is more suitable

than other sites that are in a single ownership. Consequently, it would be inappropriate to identify this site without the benefit of independent strategic work.

Council submitted that if the changes sought by Riverstown were adopted it would create significant inconsistency with the Yarrowonga Framework Plan and the accompanying text requiring alterations to the whole document.

In summarising its opposition to the Riverstown proposal, Council made the following points:

- The thrust of the submissions is based on an unproven and in Council's view unlikely proposition that the long term Yarrowonga population is going to increase well beyond expectations due to an influx of persons intending to change their lifestyle by working from home.
- The submissions assert that there is no need for public consultation in spite of the potential impact on other landowners/occupiers.
- The Expert Evidence Statement makes no mention of the existing Commercial 2 Zoned land to the west. Mr Haratsis indicated in his response to a question that he had considered it but discarded it because of lack of exposure. To discard this land in circumstances where MacroPlan in its 2017 Strategy identifies it as suitable without addressing the omitted land or the reason for its omission is in Councils submission not acceptable.
- The Expert Evidence Statement identified three regional towns (Colac, Portland and Echuca) as examples of towns comparable to Yarrowonga that all had a larger number of bulky retailers than Yarrowonga. The statement neglected to identify that all three identified towns had significantly larger populations than Yarrowonga.
- The Expert Evidence Statement and the written response to a Panel question do not address the reasons for the changed position of MacroPlan from the 2017 Growth Management Strategy other than to say there were different models used and that the model for the 2017 Strategy was not a MacroPlan Model and did not identify the individual retail components. In particular the 2017 Strategy Stage 2 on page 44 states under subheading *Future Commercial 2 Precinct*:

Capable of accommodating retail/commercial uses involving bulky goods.  
Possible constraints from rail line and Yarrowonga Main Channel. (Approx 15 HA)

This refers to the 15 hectare site west of the Railway.

Council provided a letter from the VPA dated 29 August 2022 (Document 48) which included the following commentary

The VPA considers that the short term impacts of the pandemic are still unfolding and that there is uncertainty relating to the long term impact on the pace and nature of growth across Regional Victoria. The technical background reports (including supporting document Yarrowonga Growth Management Strategy prepared by MacroPlan, 2017) were based on VIF2016 data. The VPA considers this to be a reasonable basis for determining future population growth and commercial services demand in Yarrowonga, in the absence of settled data that can clearly quantify the ongoing, long term impact on settlement patterns associated with the COVID-19 pandemic.

The framework plan uses this data to provide direction for the long term growth of Yarrowonga over the next 50 years. Strategy 23 of the Framework Plan outlines the need to *"monitor retail and commercial land supply over the growth of the township,"* while Action 23.2 outlines the need for *"Council to monitor retail demand and supply to ensure future needs for retail and commercial land are met."* The VPA considers that this monitoring and review commitment through the framework plan will provide the opportunity to respond to changing needs for commercial and retail development, in the event that longer term trend impacts associated with COVID-19 are identified.

In its submission to the Amendment, the EPA noted Council had not sought its advice when preparing the Amendment as required by Ministerial Direction 19. It drew Council's attention to the need to manage potential conflict between incompatible land uses.

The EPA stated that the Amendment “*represents a low risk to the environment, amenity and human health as a result of pollution or waste.*” It also raised the following specific issues with the Yarrowonga Framework Plan:

- The land nominated for 910 residential growth lots to the immediate west of the rail line south of Yarrowonga is in close proximity to the Graincorp Yarrowonga site
- 8537 Murray Valley Highway shows some infrastructure that could involve fuel storage and mechanical works
- The buffer around the former landfill at 81 Channel Road
- The wastewater treatment plant northwest of the Channel Road former landfill.

The EPA submitted that the VPA had informed it that the issues had been addressed and requested that Council advise it of the changes.

#### **(v) Discussion**

The Panel acknowledges the COVID-19 pandemic has initiated some fundamental changes in population and working arrangements and there is general agreement between the parties that Yarrowonga has grown faster than expected by the Yarrowonga Framework Plan. Whether these are long term changes is uncertain, particularly as other more recent factors such as inflation, higher interest rates and transport costs come into effect. If the accelerated growth in Yarrowonga continues, then it may be prudent to update the population and demographic trends included in the plan.

The Panel agrees with Council that is unwise to take the outcome of a two year extraordinary pandemic as a long term trend. Further strategic analysis is needed to holistically consider population factors alongside recent influences such as rising fuel costs and other macroeconomic circumstances. The Panel also agrees with Council that most of the persons deciding to work from home have already made that transition and, it is not realistic for people living in Yarrowonga to commute, even once or twice weekly, to Metropolitan Melbourne or other large employment centres because of the distances involved and the lack of public transport.

The Panel does not agree with Riverstown that Mr Haratsis’ evidence provides the detailed strategic analysis needed to justify changing the Yarrowonga Framework Plan. The Yarrowonga Framework Plan identifies a nine-year supply of C1Z and MUZ land and a 29-year supply of C2Z which, in the Panel’s view, provides sufficient capacity to absorb a short term spike in population growth or alternatively sufficient time to address any long term projected shortfall of C1Z and MUZ land, should it be identified.

The Framework Plan identifies approximately 15 hectares of land currently zoned C2Z as a future commercial precinct. This land has similar attributes to the Riverstown land and is already identified and zoned to accommodate retail and bulky goods uses. While the Panel may accept Mr Haratsis conclusion that a 10,000 square metre bulky goods centre is supportable, there is no compelling reason why the Riverstown land should be preferred over land identified in the Yarrowonga Framework Plan and already zoned for this purpose.

The Panel accepts Mr Haratsis’s evidence that several the shops in Belmore Street are too small to accommodate most bulky goods uses. However, the Panel notes that the Yarrowonga Framework Plan includes the following action:

- Council to identify opportunities to consolidate lots in Belmore Street, to enable larger-format retail uses.



The Panel supports consolidation of retail activities in Belmore Street as Yarrowonga's main retail area which the Yarrowonga Framework Plan designates as the heart of the township.

The Panel agrees with Council that Ministerial Direction 19 does not apply to all amendments and is satisfied that the issues raised by the EPA have been addressed in the Yarrowonga Framework Plan and in the Amendment Explanatory Report.

**(vi) Conclusions**

The Panel concludes:

- The Yarrowonga Framework Plan should not recognise land along Murray Valley Highway (the proposed C92moir land) as 'potential commercial/industrial investigation.'
- The population and demographic trends included in the Yarrowonga Framework Plan may need to be updated if current growth rates continue.
- The Yarrowonga Framework Plan commercial land estimates are appropriate.

## 8 Form and content of the Amendment

### 8.1 Background documents

#### (i) The issue

The issue is whether the background documents identified by the Goulburn Murray Catchment Management Authority should be included as background documents.

#### (ii) Submissions

Goulburn Murray Catchment Management Authority did not object to the Amendment but recommended that the following documents be included as Background Documents in the Schedule to Clause 72.08:

- *Numurkah Floodplain Management Study and Plan, 2017*
- *Goulburn Broken Regional Catchment Management Strategy 2021–2027*
- *Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire.*

Council informed the Panel that the Numurkah Floodplain Management Study has been adopted by Council, the Catchment Management Strategy has been formally approved by the Minister for Water and the Earthworks Controls are still under review by Goulburn Broken Catchment Management Authority. It submitted that the inclusion of these documents would be more appropriately considered for inclusion in the Planning Scheme at the next Planning Scheme review.

#### (iii) Discussion

Any regional catchment strategy approved under the *Catchment and Land Protection Act 1994* is a policy guideline requiring consideration pursuant to Clause 14.02-1S (Catchment planning and management). The *Goulburn Broken Regional Catchment Management Strategy 2021–2027* does not need to be referenced in the Schedule to Clause 72.08 to have status under the Planning Scheme.

The Panel agrees with Council that documents should be adopted by Council before they are referenced in the Planning Scheme. The Panel also agrees with Council that regular review of the Planning Scheme required under section 12B of the PE Act is an appropriate time to consider updating the Schedule the Clause 72.08.

#### (iv) Conclusions

The Panel concludes:

- The *Goulburn Broken Regional Catchment Management Strategy 2021–2027* is a policy document under Clause 14.02-1S (Catchment planning and management) and does not need to be separately listed in the Schedule to Clause 72.08 to have status under the Planning Scheme.
- The *Numurkah Floodplain Management Study and Plan, 2017* and *Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire* should be adopted by Council before they are listed as a background document to the Planning Scheme.
- The regular review of the Planning Scheme required under section 12B of the PE Act is an appropriate time to consider updating the Schedule the Clause 72.08.

## 8.2 General drafting issues

### (i) Submissions

As discussed in section 1.1(ii) of this Report, the exhibited Amendment documents relate to an out-of-date format of the Planning Scheme. At the direction of the Panel, Council prepared updated documents that translated the exhibited into the current Planning Scheme format. These are summarised in Table 5.

**Table 5** Changes required to align the exhibited Amendment with the current Planning Scheme

Clause	Change required
11.01-1L-02 (Cobram)	<p>Replace the existing 2007 Framework Plan with the Cobram Strategy Plan</p> <p>Update references to the new Cobram Strategy Plan and include a strategy to:</p> <ul style="list-style-type: none"> <li>- "Direct commercial development at 2-6 Colgan Street, Cobram as indicated by the Cobram Strategy Plan to this Clause."</li> </ul> <p>List the Major Towns Review and Retail Policy Framework as policy documents</p>
11.01-1L-03 (Yarrawonga)	<p>Make policy changes that align with objectives and strategies within the Yarrawonga Framework Plan</p> <p>Replace the existing 2004 Framework Plan with the Yarrawonga Framework Plan</p> <p>List the Major Towns Review and Retail Policy Framework as policy documents</p>
11.01-1L-04 (Nathalia)	<p>Replace the existing 2010 Framework Plan with the Nathalia Strategy Plan</p> <p>Update references to the new Nathalia Strategy Plan and include a new strategy to</p> <ul style="list-style-type: none"> <li>- "Support new industrial development and facilitate employment opportunities within the industrial areas identified on the Nathalia Strategy Plan to this Clause."</li> </ul> <p>List the Major Towns Review as a policy document</p>
11.01-1L-05 (Numurkah)	<p>Replace the existing 2010 Framework Plan with the Numurkah Strategy Plan</p> <p>Update references to the new Numurkah Strategy Plan</p> <p>List the Major Towns Review as a policy document</p>
14.02-1L (Stormwater management in Yarrawonga)	<p>Insert new local policy to align with objectives and strategies within the Yarrawonga Framework Plan</p>
15.01-3L (Subdivision design in Yarrawonga)	<p>Insert new local policy to align with objectives and strategies within the Yarrawonga Framework Plan</p>
17.02-1L-02 (Business in Yarrawonga)	<p>Insert new local policy to align with objectives and strategies within the Yarrawonga Framework Plan</p> <p>Insert Yarrawonga Commercial and Retail Framework Plan</p>
17.03-1L-03 (Industrial land supply in Yarrawonga)	<p>Insert new local policy to align with objectives and strategies within the Yarrawonga Framework Plan</p> <p>Insert Yarrawonga Industry Framework Plan</p>

Clause	Change required
18.01-2L (Transport links in Yarrowonga)	Insert new local policy to align with objectives and strategies within the Yarrowonga Framework Plan
18.02-5L (Freight in Yarrowonga)	Insert new local policy to align with objectives and strategies within the Yarrowonga Framework Plan
72.08 Schedule	List the following as background documents: <ul style="list-style-type: none"> <li>- the Major Towns Review</li> <li>- Yarrowonga Framework Plan</li> <li>- Yarrowonga Stormwater Drainage Strategy</li> <li>- Retail Policy Framework.</li> </ul>

In response to further directions issued by the Panel following Day 1 of the Hearing, Council identified additional clauses of the PPF would require amendment to ensure consistency with the Amendment. The additional changes identified by Council are summarised in Table 6.

**Table 6 Additional changes required to align the exhibited Amendment with the Planning Scheme**

Clause	Change required
15.01-2L (Building design in Moira)	Replace “Yarrowonga Activity Centre” with “Belmore Street Precinct”
17.02-1L (Business in Moira)	Replace “Yarrowonga Activity Centre” with “Belmore Street Precinct” Replace “Nathalia Framework Plan” with “Nathalia Strategy Plan”
17.03-1L (Industrial land supply in Moira)	Replace “Numurkah Framework Plan” with “Numurkah Strategy Plan” Replace “Cobram Framework Plan” with “Cobram Strategy Plan” Replace “Numurkah Framework Plan” with “Numurkah Strategy Plan” Delete “Encourage the rezoning of land north of Nathalia Road for long term industrial purposes, as indicated on the Numurkah Framework Plan to Clause 11.01-1L-05” Delete “Encourage the rezoning of land south of Nathalia Road to the Industrial 2 Zone in the medium term, as indicated on the Numurkah Framework Plan to Clause 11.01-1L-05” Insert “Direct and encourage industrial development in areas shown for this purpose on the Numurkah Strategy Plan in Clause 11.01-1L-05.”
19.02-2L (Education facilities in Moira)	Replace “Nathalia Framework Plan” with “Nathalia Strategy Plan”
19.03-2L (Infrastructure design and provision in Moira)	Replace “Cobram Framework Plan” with “Cobram Strategy Plan” Replace “low density short term residential area” with “short term residential area”

## (ii) Discussion

The revised Amendment documents are a policy neutral translation of the exhibited Amendment into the current Planning Scheme format. The additional changes identified by Council (Table 6)

are necessary to ensure the Planning Scheme makes consistent reference to the new strategy plans and framework plan introduced by the Amendment.

In addition to changes identified in Table 5 and Table 6, the following references should be amended for consistency with incoming strategy plans:

- at Clause 17.02-1L replace 'Cobram Central Business District' with 'commercial zones' because the former is not shown in the Cobram Strategy Plan introduced by the Amendment
- at Clause 17.03-1L replace 'Establish a Cobram Business Park in the area defined by the Murray Valley Highway, Cobram-Koonoomoo Road and Ritchie Road' with 'Investigate a Cobram Business Park in the area defined by the Murray Valley Highway, Cobram-Koonoomoo Road and Ritchie Road.'

### (iii) Conclusions and recommendations

The Panel concludes:

- Policy neutral translation of the exhibited Amendment into the current Planning Scheme format is necessary and appropriate.
- All local provisions referring to the Cobram Framework Plan, Nathalia Framework Plan, Numurkah Framework Plan and Yarrawonga Framework Plan (or land identified on those plans) should be amended for consistency with the Cobram Strategy Plan, Nathalia Strategy Plan, Numurkah Strategy Plan and Yarrawonga Framework Plan.

The Panel recommends:

**Replace Clause 21.03, 21.07 and 21.09 with the following Clauses, as shown in the Panel preferred version in Appendix D.**

- **Clause 11.01-1L-02 (Cobram)**
- **Clause 11.01-1L-03 (Yarrawonga)**
- **Clause 11.01-1L-04 (Nathalia)**
- **Clause 11.01-1L-05 (Numurkah)**
- **Clause 14.02-1L (Stormwater management in Yarrawonga)**
- **Clause 15.01-2L (Building design in Moira)**
- **Clause 15.01-3L (Subdivision design in Yarrawonga)**
- **Clause 17.02-1L (Business in Moira)**
- **Clause 17.02-1L-02 (Business in Yarrawonga)**
- **Clause 17.03-1L (Industrial land supply in Moira)**
- **Clause 17.03-1L-02 (Industrial land supply in Yarrawonga)**
- **Clause 18.01-2L (Transport links in Yarrawonga)**
- **Clause 18.02-5L (Freight in Yarrawonga)**
- **Clause 19.02-2L (Education facilities in Moira)**
- **Clause 19.03-2L (Infrastructure design and provision in Moira)**

## Appendix A Submitters to the Amendment

No.	Submitter
1	Stuart Hodge
2	Jane Hando
3	Riverstown Pty Ltd
4	Oasis Homes Australia
5	Susan Narelle Ryan
6	Kevin Bourke
7	Goulburn Valley Water
8	Goulburn Broken Catchment Management Authority
9	Department of Environment, Land, Water and Planning
10	Country Fire Authority
11	North East Water
12	Goulburn Murray Water
13	Environment Protection Authority Victoria
14	Scott Spanton (submission not referred to the Panel)
15	Kathryn Hanna and Peter Madill
16	Norm Thompson
17	Brian Carey
18	Australian Agricultural Commodities Centre Pty Ltd

## Appendix B Parties to the Panel Hearing

Submitter	Represented by
Moir Shire Council	Mr Keith Longridge, Town Planner
Riverstown Pty Ltd	Mr Jason Black of Insight Planning who called expert evidence on: - Land supply from Brian Haratsis of MacroPlan Economics
Stuart Hodge	
Kevin Bourke	
Jane Hando	
Susan Janelle Ryan	
Kathryn Hanna and Peter Madill	
Norm Thompson	Mr Ron Mildren
Brian Carey	Mr Ron Mildren
Australian Agricultural Commodities Centre Pty Ltd	Mr Andrew Walter

## Appendix C Document list

No.	Date	Description	Provided by
1	23/03/22	Directions Hearing Letter	Planning Panels Victoria (PPV)
2	01/04/22	Email from Council about submission from Mr Spanton	Council
3	08/04/22	Email request from Council to conduct Hearing in person	Council
4	08/04/22	Email to all parties to response to Council request	PPV
5	09/04/22	Response from Stuart Hodge supporting in person hearings	Stuart Hodge
6	11/04/22	Response from Riverstown supporting in person hearings	Riverstown
7	12/04/22	Response from Kevin Bourke supporting in person hearings	Kevin Bourke
8	13/8/22	Response from Council confirming it can provide a hybrid Hearing	Council
9	14/04/22	Panel Correspondence, Directions and Timetable Version 2	PPV
10	19/04/22	Amendment documents <ul style="list-style-type: none"> <li>a) Explanatory Report</li> <li>b) Instruction Sheet</li> <li>c) Clause 21.03 (Clean and tracked changes)</li> <li>d) Clause 21.07 (Clean and tracked changes)</li> <li>e) Clause 78.08 (Clean and tracked changes)</li> <li>f) DPO Maps 14 and 18</li> <li>g) Zone Maps 14 and 18</li> <li>h) Retail Policy Framework for Cobram and Yarrawonga Options Report</li> <li>i) Yarrawonga Framework Plan</li> <li>j) Yarrawonga Stormwater Drainage Strategy</li> </ul>	Council
11	20/04/22	Locations for Panel inspection from Riverstown Pty Ltd	Riverstown
12	28/04/22	Email to Council reminding it of documents required	PPV
13	28/04/22	Yarrawonga Growth Management Strategy Analysis Report 2017	Council
14	28/04/22	Major Towns Strategy Plan Review 2018	Council
15	29/04/22	Council Part A submissions	Council
16	29/04/22	Plan of submitter locations	Council
17	02/05/22	Council request for adjournment	Council
18	02/05/22	Email to all parties requesting response to Council adjournment request	PPV
19	02/05/22	Response from Jane Hando	Council
20	02/05/22	Response from Riverstown Pty Ltd	Riverstown



No.	Date	Description	Provided by
21	03/05/22	Response from Susan Ryan	Susan Ryan
22	03/05/22	Response from Stuart Hodge	Stuart Hodge
23	04/05/22	Panel Correspondence, Directions and Timetable Version 2	PPV
24	06/05/22	Panel site visits recommendations from Riverstown	Riverstown
25	06/05/22	Panel site visits recommendation from Susan Ryan	Susan Ryan
26	09/05/22	Submission letter from Susan Narelle Ryan	Susan Ryan
27	02/06/22	Email from Council requesting deferral of the Hearing	Council
28	15/06/22	Email from PPV asking for a response to Council adjournment request	Council
29	16/06/22	Council request for an extension to comply with Directions	Council
30	17/06/22	Response to Council request for an extension to comply with Directions	PPV
31	20/06/22	Panel Correspondence, Directions and Timetable Version 3	PPV
32	08/08/22	Email from Council advising of representative	Council
33	08/08/22	Council providing video link and documents	Council
34	08/08/22	Amendment and supporting documents: <ul style="list-style-type: none"> <li>a) a full set of Amendment documents as follows: <ul style="list-style-type: none"> <li>i. as exhibited, including a 'track change' version</li> <li>ii. a version showing how the Amendment is proposed to be included in the current Moirra Planning Scheme (post approval of C95moir) – including a track change version</li> </ul> </li> <li>b) Yarrawonga Framework Plan, 2020</li> <li>c) Yarrawonga Growth Management Strategy Stage 1: Background Analysis Report, 2017</li> <li>d) Yarrawonga Growth Management Strategy Stage 2: Forecast Report, 2017</li> <li>e) Yarrawonga Stormwater Management Strategy, 2019</li> <li>f) Cobram Strategy Plan, 2018</li> <li>g) Nathalia Strategy Plan, 2018</li> <li>h) Numurkah Strategy Plan, 2018</li> <li>i) Major Towns' Strategy Plan Review (Yarrawonga, Cobram, Numurkah and Nathalia), June 2018</li> <li>j) Retail Policy Framework for Cobram and Yarrawonga: Options Report, 2017</li> </ul>	Council
35	15/08/22	PPV email to parties about Hearing arrangements	Council
36	17/08/22	Email request from Kathryn Hanna and Peter Madill to join the Hearing	Kathryn Hanna

No.	Date	Description	Provided by
37	17/08/22	Email from Council re late submission from Norm Thompson	Council
38	18/08/22	Letter from Onleys regarding representing Norm Thompson	Norm Thompson
39	19/08/22	Email from Council supporting a further Directions Hearing	Council
40	19/08/22	Letter from PPV re further Directions Hearing	PPV
41	22/08/22	Council Part A Submission a) Cobram Aerial Photograph b) Nathalia Aerial Photograph c) Numurkah Aerial Photograph d) Yarrawonga Aerial Photograph	Council
42	22/08/22	Evidence Statement Brian Haratsis	Riverstown Pty Ltd
43	25/08/22	Letter from Council concerning notification of landholders	Council
44	25/08/22	Numurkah Rezoning Notification Map	Council
45	26/08/22	Panel letter to Parties, Timetable Version 4 and Distribution List Version 4	PPV
46	29/08/22	Hodge Farms - supplementary submission	Stuart Hodge
47	29/08/22	Council Part B submission	Council
48	29/08/22	Letter from VPA Yarrawonga Framework Plan	Council
49	31/08/22	Submission on behalf of Riverstown Pty Ltd	Riverstown Pty Ltd
50	31/08/22	Letter from Narelle Ryan to Council	Council
51	31/08/22	Submission by Jane Hando and Paul Congues	Jane Hando
52	31/08/22	Submission on behalf of Brian Carey	Brian Carey
53	31/08/22	Submission on behalf of Norm Thompson	Norm Thompson
54	02/09/22	Email correspondence from Mr S. Hodge to Council	Council
55	02/09/22	Further Directions for resumed Hearing	PPV
56	09/09/22	Moirra Shire Council Agenda and Minutes of 24 August 2022	Council
57	09/09/22	Planning Report prepared by Echelon Planning referenced in Council's Part B submission	Council
58	09/09/22	Moirra Shire Council Agenda and Minutes in relation to the Echelon Report	Council
59	09/09/22	Correspondence exchanged with Riverstown Pty Ltd dated 6 August 2022	Council
60	09/09/22	Specific Controls Overlay that applies to the land proposed to be rezoned in Numurkah	Council
61	09/09/22	Letter sent to landowners and occupiers in accordance with Panel Direction 1 of 26 August 2022	Council

No.	Date	Description	Provided by
62	09/09/22	Letter refusing authorisation to prepare proposed Moira Planning Scheme Amendment C92moir	Council
63	12/09/22	Letter from MacroPlan in response to Panel Direction 3 a) Kaufland Mornington Expert Witness Statement (Feb 2019) b) Eastern Creek Quarter Outlet Centre - Stage 3 Economic Impact Assessment(December 2020)	Riverstown Pty Ltd
64	20/09/22	Council response to Panel Direction 4	Council
65	20/09/22	Submission on behalf of Australian Agricultural Commodities Centre Pty Ltd	AACC
66	27/09/22	Directions and Timetable Version 5	PPV
67	04/10/22	Council closing submission	Council

## Appendix D Panel preferred version of Amendment

Tracked Added

~~Tracked Deleted~~

## D:1 Panel preferred version Clause 11.01-1L-02

### 11.01-1L-02 Cobram

#### Policy application

This policy applies to land identified on the Cobram ~~Framework~~ [Strategy](#) Plan to this Clause.

#### Strategies

Maintain the existing clear division between land use activities.

Direct short term residential development and expansion in the locations identified on the Cobram ~~Framework~~ [Strategy](#) Plan to this Clause.

Direct low density residential development to land zoned for this purpose and particularly to the low density short term residential land directly east of Cobram South Road as indicated by the Cobram ~~Framework~~ [Strategy](#) Plan to this Clause.

Direct medium and long term residential development to the south east and south of Cobram once the existing land supply in locations identified for short term residential and low density short term residential has reduced to around a 10 year supply.

Discourage the expansion of existing caravan park to the west of town.

[Direct commercial development at 2-6 Colgan Street, Cobram as indicated by the Cobram Strategy Plan to this Clause.](#)

#### Policy document

Consider as relevant:

- ~~Cobram 2025: Cobram Strategy Plan (Coomes Consulting, 2007)~~ [Major Towns' Strategy Plan Review \(Yarrawonga, Cobram, Numurkah and Nathalia\) \(SD Planning - Strategy & Development, June 2018\)](#)
- [Retail Policy Framework for Cobram and Yarrawonga: Options Report \(SED Consulting, July 2017\)](#)

#### Cobram ~~framework~~ [Strategy Plan](#)

*Panel note: deleted Cobram Framework Plan not shown. Cobram Strategy Plan (Figure 4) to be inserted.*

## D:2 Panel preferred version Clause 11.01-1L-03

### 11.01-1L-03 Yarrawonga

#### Policy application

This policy applies to land within the settlement boundary identified on the Yarrawonga Framework Plan to this Clause.

#### Strategies

Direct short term low density residential development in areas already zoned for this purpose to the west and south.

Support additional rezoning of land for residential purposes only where there is demand for additional development.

Direct long term residential development to ~~the south of Precinct B and D~~ [future residential growth areas as shown on the Yarrawonga Framework Plan to this Clause](#).

Promote residential development in the areas identified for residential in the Yarrawonga ~~Framework Plan~~ to this Clause.

[Encourage development that provides physical and community infrastructure and services in sequence with development.](#)

[Support housing diversity and high density housing around the Belmore Street Precinct.](#)

Encourage the rear of shops within the Central Business District on Belmore Street to be publicly accessible including by the provision of pedestrian access and car parking.

Promote tourism, retailing and residential use and development at the interface of Lake Mulwala and the Central Business District by redeveloping land adjacent to the northern end of Belmore Street.

[Develop open space that is integrated with surrounding land uses and connected to the street network between Belmore Street Precinct and the waterfront of Lake Mulwala.](#)

Accommodate non-residential uses at the southern end of Belmore Street ~~as shown on the Yarrawonga Central Framework Plan to this Clause~~.

Encourage the development of accommodation in Yarrawonga.

Facilitate development of the saleyards land at the eastern end of Melaleuca Street and land surplus to railway requirements in the rail yards.

Facilitate the relocation of the grain bunkers west of Benalla Road.

Support the provision of community and recreation facilities in ~~Precinct B~~ [residential growth areas](#).

Discourage development with direct access to the highway in ~~Precinct B~~ [future residential growth areas](#).

Promote infill residential development with a mixture of lot sizes in ~~Precinct C and Precinct D~~ [future residential growth areas](#).

[Encourage infill developments within close proximity to the town centre and Belmore Street Precinct.](#)

#### Policy document

Consider as relevant:

- ~~Yarrawonga Strategy: Looking to the Future (Moirra Shire Council, 2004)~~ [Yarrawonga Framework Plan 2020 \(VPA, January 2020\)](#)

## **Yarrowonga Framework Plan**

*Panel note: deleted Yarrowonga Framework Plan and Yarrowonga Central Framework Plan not shown. Yarrowonga Framework Plan (Figure 7) to be inserted.*

## D3: Panel preferred version Clause 11.01-1L-04

### 11.01-1L-04 Nathalia

#### Policy application

This policy applies to land identified on the Nathalia ~~Framework~~ [Strategy](#) Plan to this Clause.

#### Strategies

Direct medium term residential development to the south west and long term residential development to the south, as indicated by the Nathalia ~~Framework~~ [Strategy](#) Plan to this Clause.

Encourage infill low density residential in the area identified on the Nathalia ~~Framework~~ [Strategy](#) Plan to this Clause.

~~Accommodate long term demand in Nathalia for industrial land and larger industrial allotments to the south east of the Murray Valley Highway.~~ [Support new industrial development and facilitate employment opportunities within the industrial areas identified on the Nathalia Strategy Plan to this Clause.](#)

#### Policy document

Consider as relevant:

- ~~[Nathalia Strategy Plan \(CPG Australia, 2010\)](#)~~ [Major Towns Strategy Plan Review \(Yarrawonga, Cobram, Numurkah and Nathalia\) \(SD Planning - Strategy & Development, June 2018\)](#)



**Nathalia framework Strategy Plan**

Panel note: deleted Nathalia Framework Plan not shown.



**LEGEND**

- Settlement Boundary
- Protect the Broken Creek Environs
- Consolidate Commercial Core
- Support Education Precinct
- Infill Residential
- Medium Term Residential
- Long Term Residential
- Encourage Infill Low Density Residential
- Future Investigation
- Options for Industrial Expansion
- Hospital Site
- Rural Land



## D4: Panel preferred version Clause 11.01-1L-05

### 11.01-1L-05 Numurkah

#### Policy application

This policy applies to land identified on the Numurkah ~~framework~~ [Strategy](#) Plan to this Clause.

#### Strategies

Direct medium and long term residential growth to the area identified as ‘Long Term Residential’ on the Numurkah ~~framework~~ [Strategy](#) Plan to this Clause.

Direct low density residential development to the areas identified as ~~‘short term low density residential’~~ and ‘Future Low Density Residential’ in the Numurkah ~~framework~~ [Strategy](#) Plan to this Clause.

Direct rural living development to land:

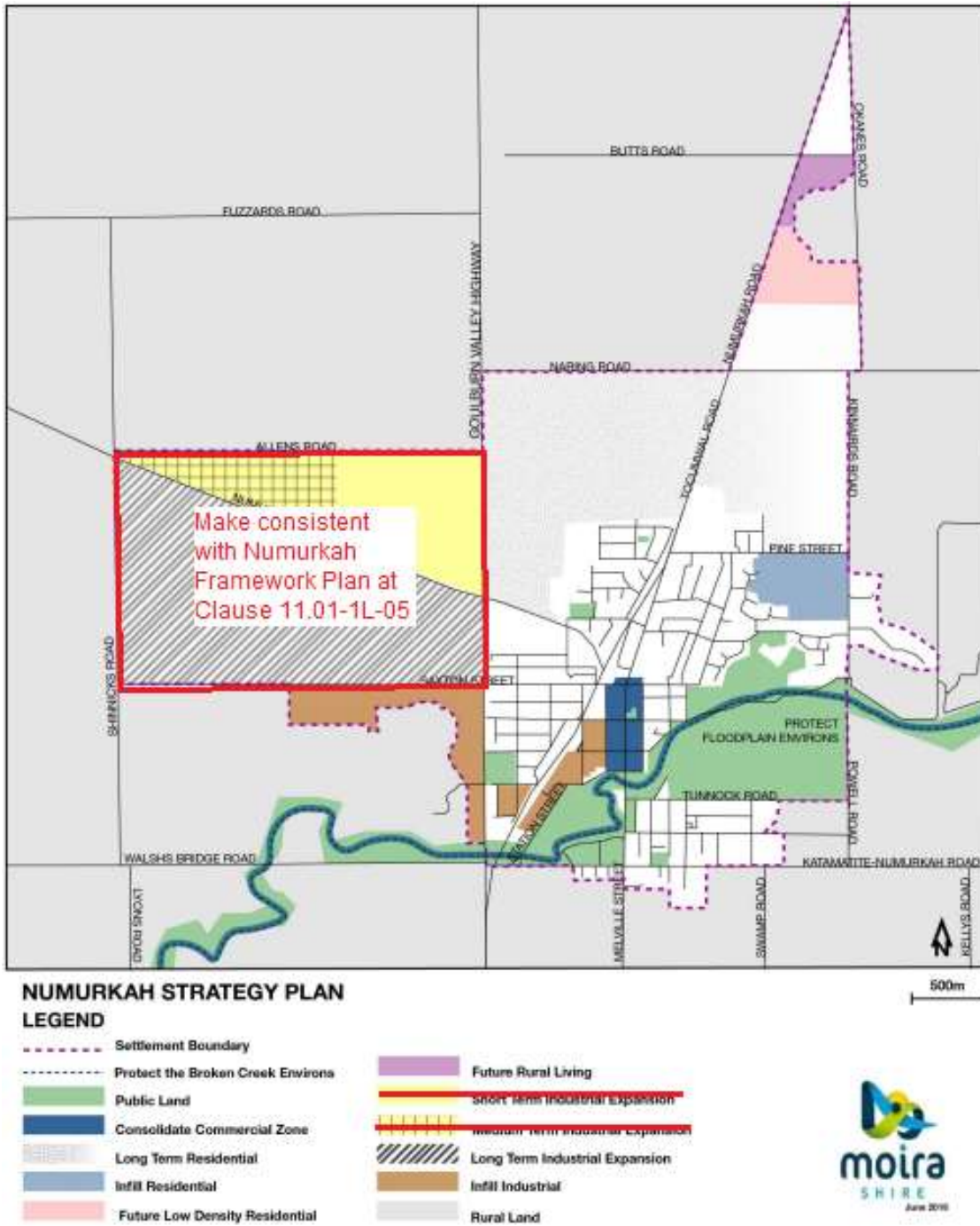
- Identified as the ~~‘Short Term Rural Living’~~ and ‘Future Rural Living’ areas on the Numurkah ~~framework~~ [Strategy](#) Plan to this Clause.
- On lots 39\PS306431, 40\PS306431, 5\LP201500, 4\LP204020 and 3\LP204020, located adjacent to the existing Low Density Residential zoned land east of Kinnairds Road.

#### Policy document

Consider as relevant:

- ~~[Numurkah Strategy Plan \(CPG, 2010\)](#)~~ [Major Towns' Strategy Plan Review \(Yarrawonga, Cobram, Numurkah and Nathalia\) \(SD Planning - Strategy & Development, June 2018\)](#)

Numurkah framework Strategy Plan



## D5: Panel preferred version Clause 14.02-1L

### 14.02-1L Stormwater management in Yarrawonga

#### Objective

Facilitate a strategy approach to stormwater management in Yarrawonga.

#### Strategies

Ensure new developments undertake a catchment wide approach for managing urban stormwater runoff.

Ensure new developments are generally in accordance with the *Yarrawonga Stormwater Drainage Strategy* and should:

- Demonstrate that stormwater outcomes comply with the Yarrawonga Stormwater Drainage Strategy.
- Provide opportunities for integrated water management.
- Introduce the opportunity for linear wetlands with amenity benefits for the community.
- Where an alternative stormwater response is proposed, demonstrate that the outcomes have considered the entire stormwater district and will result in an improved outcome for stormwater, amenity for community and integration into future developments.

#### Policy document

Consider as relevant:

- *Yarrawonga Stormwater Drainage Strategy* (Alluvium, VPA, Moira Shire Council, 2019)

## D6: Panel preferred version Clause 15.01-2L

### 15.01-2L Building design in Moira

#### Strategies

Protect the vitality of town centres by supporting retail development that provide active frontages on the ground floor with offices above the ground floor in:

- The streets surrounding the Cobram Central Business District.
- The Yarrowonga Central Business District (identified as the ~~Yarrowonga Activity Centre~~ [Belmore Street Precinct](#) on the Yarrowonga ~~Framework Plan~~ [Framework Plan](#)) and its surrounding streets.
- The Numurkah town centre.

Encourage building design in the Numurkah town centre to be sympathetic to the character and scale of existing development.

## **D7: Panel preferred version Clause 15.01-3L**

### **15.01-3L Subdivision design in Yarrawonga**

#### **Strategies**

Encourage subdivisions to orientate towards the Murray Valley Highway with connections via frontage roads and service lanes.

## D8: Panel preferred version Clause 17.02-1L

### 17.02-1L Business in Moira

#### Commercial and retail strategies

Consolidate retail uses in:

- Cobram into the ~~Cobram Central Business District~~ [commercial zones](#).
- Yarrowonga into the Yarrowonga Central Business District, identified as the ~~Yarrowonga Activity Centre~~ [Belmore Street Precinct](#) on the Yarrowonga ~~Framework Plan~~ [Framework Plan](#).

Consolidate commercial uses in:

- Nathalia into its commercial core, as identified on the Nathalia ~~Framework Plan~~ [Strategy Plan](#).
- Numurkah into its Commercial 1 Zoned land.

Protect and enhance the ~~Cobram Central Business District~~ [commercial zones](#) to consist of predominantly commercial uses and development.

Encourage office development in Numurkah on the commercially zoned land surrounding the town centre.

#### Restricted retail strategies

Direct restricted retail uses and other complementary uses in Cobram to the area identified on the Cobram Framework Plan.

Support the development of restricted retail uses in Yarrowonga, to avoid the loss of local expenditure to other regional centres.

## **D9: Panel preferred version Clause 17.02-1L-02**

### **17.02-1L Business in Yarrowonga**

#### **Objective**

To facilitate and maintain the local activity centre hierarchy.

#### **Strategies**

Promote mixed use development within the area identified in the Yarrowonga Commercial and Retail Framework Plan to this Clause.

Protect and maintain Belmore Street Precinct as the centre of town and primary retailing location through improved amenity and encouraging more diverse uses.

Direct retail services to Belmore Street to ensure that it remains the focus for retail, health and community activities.

Facilitate adaptive reuse of historic residential dwellings along Belmore Street.

Facilitate growth and development of the commercial precinct adjacent to the Yarrowonga West Development Plan for a bulky goods activity centre in accordance with the Yarrowonga Commercial and Retail Framework Plan to this Clause.

Encourage and facilitate consolidation of lots along Belmore Street to establish large format retail uses.

Avoid large format retail in locations not identified within the Yarrowonga Framework Plan 2020 and the Yarrowonga Commercial and Retail Framework Plan to this Clause.

Avoid new developments or uses that are incompatible with retailing within the Belmore Street Precinct.

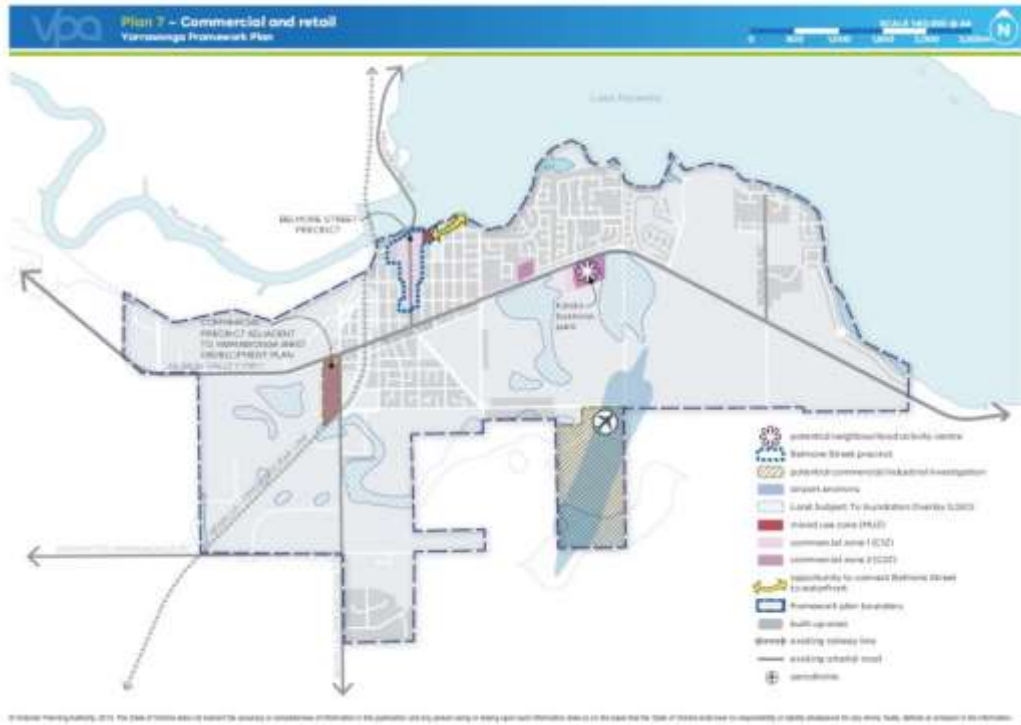
#### **Policy Document**

Consider as relevant:

- Yarrowonga Framework Plan 2020 (VPA, January 2020)
- Retail Policy Framework for Cobram and Yarrowonga: Options Report (Moira Shire Council, July 2017)



## Yarrowonga Commercial and Retail Framework Plan



## D10: Panel preferred version Clause 17.03-1L

### 17.03-1L Industrial land supply in Moira

#### Strategies

##### General

Avoid the encroachment of residential and rural residential development into industrial areas.

Provide a mix of large and small lots for long term manufacturing and service industrial expansion in:

- The industrial zoned land in Cobram, north west of the town.
- The infill industrial areas west of the Goulburn Valley Highway and the long term industrial area in Numurkah, as indicated on the Numurkah ~~Framework Plan~~ [Strategy Plan](#) to Clause 11.01-1L-05.

##### Cobram

Protect the buffers for the abattoir in Cobram from encroachment of incompatible uses and development, as indicated on the Cobram ~~Framework Plan~~ [Strategy Plan](#) to Clause 11.01-1L-02.

Focus short term industrial development in Cobram to the north west of the town, as identified on the Cobram ~~Framework Plan~~ [Strategy Plan](#) to Clause 11.01-1L-02.

~~Establish~~ [Investigate](#) a Cobram Business Park in the area defined by the Murray Valley Highway, Cobram-Koonoomoo Road and Ritchie Road.

##### Yarrowonga

Focus industrial development in Yarrowonga to the south-west of the town on land currently zoned for the purpose.

Encourage the development of the redundant sewerage treatment plant in Yarrowonga for general industry.

##### Numurkah

Direct industrial development in Numurkah to the west of the Goulburn Valley Highway to the areas identified as infill industrial on the Numurkah ~~Framework Plan~~ [Strategy Plan](#) to Clause 11.01-1L-05.

Encourage the rezoning of land north of Nathalia Road for long term industrial purposes, as indicated on the Numurkah ~~Framework Plan~~ [Strategy Plan](#) to Clause 11.01-1L-05.

Encourage the rezoning of land south of Nathalia Road to the Industrial 2 Zone in the medium term, as indicated on the Numurkah ~~Framework Plan~~ [Strategy Plan](#) to Clause 11.01-1L-05.

##### Nathalia

Direct short term industrial development in Nathalia to the north on land zoned for that purpose.

## D11: Panel preferred version Clause 17.03-1L-02

### 17.03-1L-02 Industrial land supply in Yarrawonga

#### Objective

Manage industrial growth in accordance with the Yarrawonga Industry Framework Plan to this Clause.

#### Strategies

Facilitate new industrial development and industrial land rezoning in accordance with the Yarrawonga Industry Framework Plan to this Clause.

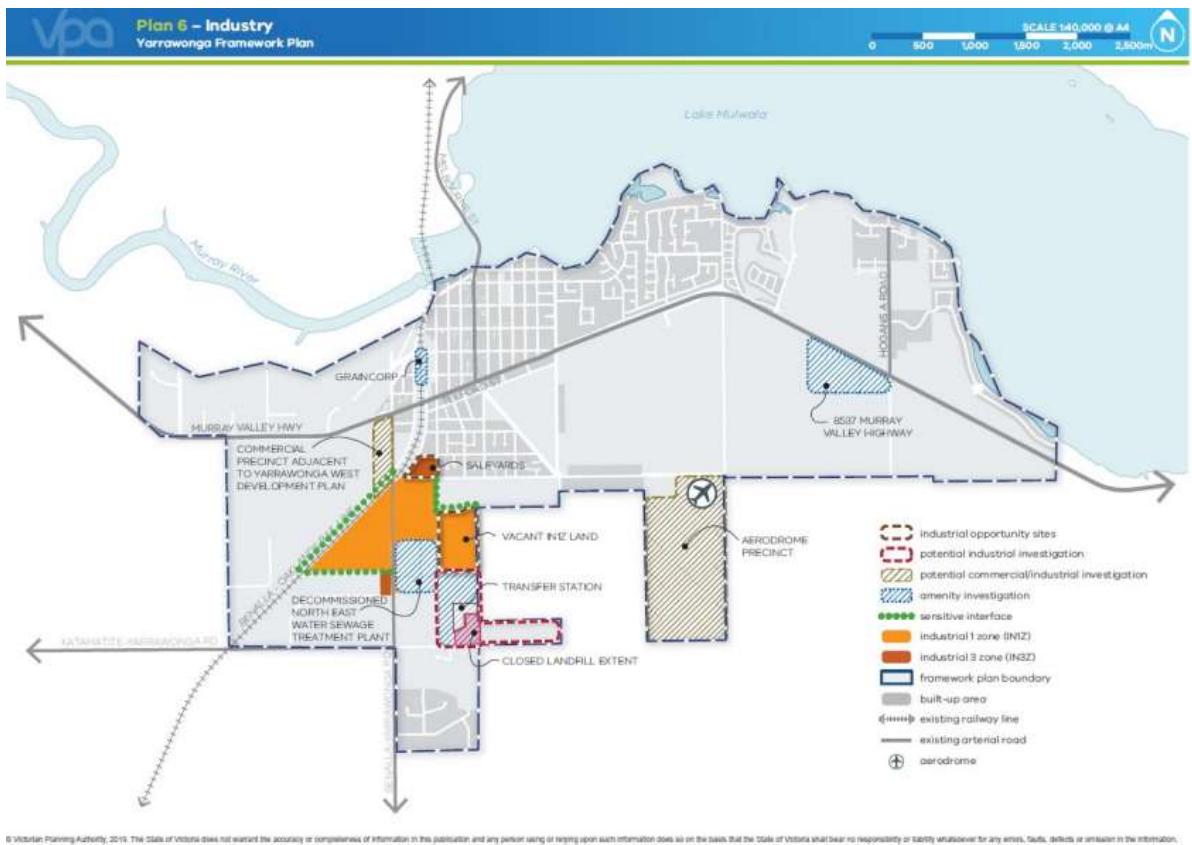
Protect amenity of industrial uses, future industrial expansion areas and surrounding land.

Support appropriate buffers for industrial land, in particular, land in close proximity to the Graincorp facility.

Discourage developments that will constrain existing industrial business.

Discourage developments that will constrain future industrial land expansion

#### Yarrawonga Industry Framework Plan



## **D12: Panel preferred version Clause 18.01-2L**

### **18.01-2L Transport links in Yarrawonga**

#### **Strategies**

Integrate new developments with existing street networks.

Provide future connections where parcels are not yet developed.

Facilitate the connection of unfinished trails and linkages between trails both within and between Yarrawonga and Mulwala.

Protect the amenity of the Murray Valley Highway.

## **D13: Panel preferred version Clause 18.02-5L**

### **18.01-2L Freight in Yarrawonga**

#### **Objective**

Protect the capacity of freight movement on the arterial road network.

#### **Strategies**

Ensure freight access to and from the Yarrawonga-Mulwala bridge (Melbourne Street).

## D14: Panel preferred version Clause 19.02-2L

### 19.02-2L Education facilities in Moira

#### Strategies

Facilitate the expansion of the private and public primary, secondary and tertiary educational facilities in Cobram and Yarrawonga.

Support the establishment of an education precinct in Nathalia, as indicated in the Nathalia ~~Framework Plan~~ [Strategy Plan](#) to Clause 11.01-1L-04.

## D15: Panel preferred version Clause 19.03-2L

### 19.03-2L Infrastructure design and provision in Moira

#### Strategies

Facilitate the provision of reticulated infrastructure in the low density short term residential area located in the south west of Cobram, as indicated on the Cobram ~~Framework~~ [Strategy](#) Plan to Clause 11.01-1L-02.

Connect all development in Bundalong to the reticulated sewerage and water system.