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Victorian Planning Authority
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16 April 2024

Dear Sir and/or Madam,

Public Consultation on the Shepparton South East Precinct Structure Plan (PSP), Development Contribution Plan (DCP), and Draft Planning Scheme Amendment C117GSHE

Thank you for your letter and information received 12 February 2024 giving Goulburn-Murray Water (GMW) the opportunity to consider the above mentioned matters.

Goulburn Murray Water's (GMW) areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

It is understood that the Victorian Planning Authority (VPA), in consultation with Greater Shepparton City Council and State Agencies, has prepared a draft planning scheme amendment, which seeks to implement the Shepparton South East PSP and DCP. GMW submitted a response to Planning Scheme Amendment C117GSHE in July of 2022, and provided detailed information and commentary on the numerous GMW assets within the precinct area. The subject land is approximately 385 ha and is comprised of a large number of individual titles. GMW has a multitude of key surface and underground infrastructure within the Precinct, including the Shepparton No. 10, 15/10, 16/10, 2/16/10 and 3/16/10 Channels, Shepparton No. 10, 16/10, 3/16/10 and 18/10 Pipelines, and Shepparton No. 1/6, 2, 1A/2, 2A/2, 2B/2, 1/2, 2/2, 2/1/2, 3/2/2, 4/2/2, 5/2/2, 6/2/2, 5, 5A, 6 and 1/6 Drains. There are a large number of GMW customers who are currently serviced by these channels and drains for rural and stock and domestic water supply, as well as for drainage purposes.

GMW, in its capacity as a landowner, also received notification from the VPA in relation to the application of the Public Acquisition Overlay (PAO) on parcels of GMW freehold land, to allow for the delivery of certain servicing infrastructure as identified in the South East PSP. The land to be covered by the PAO is required by Council to facilitate the construction of essential stormwater and flood mitigation infrastructure, as well as associated public open space in the PSP area. The PAOs will also provide for small sections of road widening where required. GMW have no objection to the implementation of the PAO.

GMW notes that a majority of the land within the Precinct is currently supplied with a rural water supply from GMW and therefore holds water delivery shares. GMW considers that it is not appropriate for urban lots within the Precinct to be connected to a rural water supply. Therefore,

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the presence of rural water supply infrastructure within the Precinct (channels and pipelines) will no longer be appropriate. For subdivision of property holding delivery shares the applicant must make application to Goulburn Murray Water pursuant to sections 224 and 229 of the Water Act 1989 to terminate or transfer the delivery shares in relation to the property; make a declaration that the property cease to be a serviced property (to effect excision from the district).

It is understood that all water supply channels and pipelines within the Precinct will be gradually decommissioned as urban development occurs and rural land becomes urban. Additionally, it is understood that all drainage assets within the Precinct will be transferred to Council, therefore the decommissioning and/or piping of Drains will be the responsibility of Council. Although Council will be the relevant drainage authority and will have ownership of the drainage assets within the Precinct, GMW is amenable to collaboration with Council in relation to drainage flows and pipeline design for the drains to be piped/converted/upgraded. It is understood that the existing GMW drains within the Precinct (which will all be transferred to Council) are to be piped. This does not apply to the No. 2 Drain which would be utilised as an open green space, including areas for landscaped shared path links which are utilised to connect the open space network and community facilities (as outlined in the Agency Notification Report, June 2022).

The staging plan for works will be influenced by the phasing out of GMW assets within the Precinct area. To address all the key issues raised within the referral documents, which are discussed further within this letter and GMW's letter of July 2022, GMW believes the best approach in relation to treatment of GMW assets within the Precinct is for Council and GMW to enter into an overarching Memorandum of Understanding (MOU). Any agreement will be at the cost of the Council, including GMW's legal costs to have such documents reviewed and finalised.

The DCP is the primary mechanism for Council to collect funds to contribute towards basic and essential local infrastructure in the PSP area, and includes draft cost estimates for which development will provide a contribution towards. The DCP outlines that aspects of drainage projects within the Precinct (retarding basin projects and stormwater conveyance) are to be included in the DCP. GMW also considers the provision of works for rural channel, pipeline and/or drain decommissioning/alterations as a critical project within the PSP area. Including this as a DCP item ensures that the precinct area is being considered holistically in terms of GMW assets, and establishes a framework for equal and orderly contribution by developers to the required works. GMW will be able to provide approximate costings and requirements for decommissioning or alteration works to channels, pipelines and drains within the Precinct area to be included in the DCP as required.

As mentioned in GMW's previous response, GMW requests that Section 3 of the introduced UGZ2 within the Scheme (Application Requirements – Subdivision – Residential Development) includes the requirement for a detailed report/design/statement to be submitted by the relevant applicant, which addresses how GMW assets are to be dealt with within the relevant subdivision area. Such a report/design/statement must address the timing of proposed works and the timing of excision of the properties from the Goulburn Murray Irrigation District (GMID). Provided that GMW are satisfied with this report/design/statement, the applicant/developer must then enter into an MOU with GMW and Council which specifically addresses the relevant GMW assets within the site, the treatment of these assets (decommissioning, transfer of ownership), and timing of the relevant works. This MOU will also specifically address the conditions and requirements surrounding transfer of GMW drainage assets within the relevant area to Council. Any agreement will be at the cost of the Council and/or developer, including GMW's legal costs to have such documents reviewed and finalised.

Section 3 of the introduced UGZ2 within the Scheme (Application Requirements – Subdivision – Residential Development) should also include the requirement for any proposed Plan of Subdivision to show either building envelopes or building exclusion zones to prevent future buildings from being located within 30 metres of the Broken River, in accordance with Clause 14.02-1S of the Greater Shepparton City Council Planning Scheme.

Based on the information provided, GMW has no objection to the Shepparton South East PSP, DCP and Planning Scheme Amendment C117 provided that the following is implemented:

- Council and GMW must enter in a Memorandum of Understanding (MOU) for the Precinct area as a whole, which addresses the responsibility and ownership of drainage assets within the Precinct, and the relevant timing of asset conversion, transfer or decommissioning. The MOU will also set out expectations for the Precinct in terms of decommissioning of rural water supply channels and drains, and excision of properties from the GMID. Any agreement will be at the cost of the Council, including GMW's legal costs to have such documents reviewed and finalised.
- Section 3 of the UGZ2 being introduced within the Scheme (Application Requirements – Subdivision) must include the requirement for a detailed report/design/statement, which addresses how GMW assets are to be dealt with within the relevant subdivision area, to be submitted with any subdivision application. Such a report/design/statement must address the timing of proposed works and the timing of excision of the properties from the Goulburn Murray Irrigation District (GMID). Provided that GMW are satisfied with this report/design/statement, the applicant/developer must then enter into an MOU with GMW and Council which specifically addresses the relevant GMW assets within the site, the treatment of these assets (decommissioning, transfer of ownership), and timing of the relevant works. This MOU will also address the conditions and requirements surrounding transfer of GMW drainage assets within the Precinct to Council. Any agreement will be at the cost of the Council and/or developer, including GMW's legal costs to have such documents reviewed and finalised.
- Section 3 of the introduced UGZ2 within the Scheme (Application Requirements – Subdivision – Residential Development) must include the requirement for any proposed Plan of Subdivision to show either building envelopes or building exclusion zones to prevent future buildings from being located within 30 metres of the Broken River, in accordance with Clause 14.02-1S of the Greater Shepparton City Council Planning Scheme.
- Any works carried out for access to the Precinct via new crossings over any Goulburn Murray Water irrigation channels or drains require a 'Construction and Use of Private Works Licence' from Goulburn Murray Water prior to commencement of the works.
- Decommissioning and/or alteration of rural channels, pipelines and/or drains are to be included as a DCP project item.
- Early engagement and consultation between Council and GMW in relation to layout of subdivisions and infrastructure provision must occur. This is a critical aspect of future development in the context of GMW assets and their implications, such as building setbacks. This engagement/consultation will ensure that if any GMW assets are retained in or near the present, GMW will be able to maintain ease of access to such infrastructure for maintenance and required works.

Please Note:

- Any enquiries regarding GMW channels, drains, pipelines, outlets or other infrastructure should be made to GMW's Customer Infrastructure and Assets Team or Shepparton Irrigation Office on 1800 013 357.
- Any enquiries or applications in relation to the relinquishment of GMW water supply within the Precinct should be made to Goulburn-Murray Water by calling 1800 013 357. The relinquishment of water for properties within the Precinct is responsibility of the relevant applicant/developer and not addressed through the planning process.

- Any enquiries regarding the requirements for a 'Construction and Use of Private Works Licence' should be made to GMW's Licensing Team on [REDACTED]

If you require further information please e-mail [REDACTED] or contact [REDACTED]

Yours sincerely

Ranine McKenzie
PROPERTY MANAGER

Per: (original signed by Roey Walls)