

Record of Assembly of Councillors

Record in accordance with section 80A(1) of the *Local Government Act 1989*

CEO and Councillor Catch Up – 1 September 2020		
Councillors	Cr Seema Abdullah, Cr Bruce Giovanetti, Cr Chris Hazelman OAM, Cr Kim O’Keeffe, Cr Dennis Patterson and Cr Shelley Sutton.	
Officers:	Peter Harriott	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Maude Street Mall	Cr Seema Abdullah (Chair) Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O’Keeffe Cr Dennis Patterson Cr Shelley Sutton
2.	Special Meeting	Cr Seema Abdullah (Chair) Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O’Keeffe Cr Dennis Patterson Cr Shelley Sutton
3.	Passenger Train	Cr Seema Abdullah (Chair) Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O’Keeffe Cr Dennis Patterson Cr Shelley Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil.	

Record of Assembly of Councillors

Record in accordance with Chapter 6, Part 106 of Council's Governance Rules

Councillor Briefing Session – 1 September 2020		
Councillors	Cr Seema Abdullah, Cr Dinny Adem, Cr Bruce Giovanetti, Cr Chris Hazelman OAM, Cr Kim O'Keeffe, Cr Les Oroszvary, Cr Dennis Patterson, Cr Fern Summer and Cr Shelley Sutton.	
Officers:	Peter Harriott	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Local Law No.2 – Conduct at Meetings and Common Seal	Cr Seema Abdullah (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Kim O'Keeffe Cr Les Oroszvary Cr Dennis Patterson Cr Shelley Sutton
2.	Council Plan 2019-20 Progress Report	Cr Seema Abdullah (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Kim O'Keeffe Cr Les Oroszvary Cr Dennis Patterson Cr Shelley Sutton
3.	Contract 2070 – Wyndham and Fitzjohn Street Intersection Construction Works	Cr Seema Abdullah (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Kim O'Keeffe Cr Les Oroszvary Cr Dennis Patterson Cr Shelley Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil.	

Record of Assembly of Councillors

Record in accordance with Chapter 6, Part 106 of Council's Governance Rules

CEO and Councillors Catch Up – 8 September, 2020		
Councillors:	Cr Seema Abdullah, Cr Dinny Adem, Cr Bruce Giovanetti, Cr Chris Hazelman OAM, Cr Kim O'Keeffe, Cr Les Oroszvary, Cr Dennis Patterson, Cr Fern Summer and Cr Shelley Sutton	
Officers:	Peter Harriott	
Matter No.	Matters Discussed	Councillors Present for Discussion
1.	Murchison Neighbourhood House	Cr Seema Abdullah (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Les Oroszvary Cr Dennis Patterson Cr Shelley Sutton
2.	Recovery Package No. 3	Cr Seema Abdullah (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Les Oroszvary Cr Dennis Patterson Cr Shelley Sutton
3.	Regional Roads Victoria Issues	Cr Seema Abdullah (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Les Oroszvary Cr Dennis Patterson Cr Shelley Sutton
4.	Election Signage	Cr Seema Abdullah (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Les Oroszvary Cr Dennis Patterson Cr Shelley Sutton

Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
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Councillor Briefing Session – 8 September 2020		
Councillors:	Cr Seema Abdullah, Cr Dinny Adem, Cr Bruce Giovanetti, Cr Chris Hazelman OAM, Cr Kim O'Keeffe, Cr Les Oroszvary, Cr Dennis Patterson, Cr Fern Summer and Cr Shelley Sutton	
Officers:	Peter Harriott	
Matter No.	Matters Discussed	Councillors Present for Discussion
1.	Hatchery Project Update from Victorian Fisheries Authority	Cr Seema Abdullah (Chair) Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Dennis Patterson Cr Shelley Sutton
2.	Approval of Variatio0n – CN2073 Watt Road Bridge Repairs	Cr Seema Abdullah (Chair) Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Dennis Patterson Cr Shelley Sutton
3.	August 2020 Monthly Financial Report	Cr Seema Abdullah (Chair) Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Dennis Patterson Cr Shelley Sutton
4.	2020/2021 Q1 Forecast Review	Cr Seema Abdullah (Chair) Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Dennis Patterson Cr Shelley Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

UNCONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 3/2020

HELD ON

FRIDAY 18th September 2020

AT 9.00AM

(VIA ZOOM)

CHAIR

Councillor Chris Hazelman

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 3 for 2020

This is the first Development Hearings Panel conducted via Zoom as per the new regulations due to Covid-19.

Please be patient with us as we navigate this new form of meeting practice

Any technical issue that may result in the Zoom connection failing will cause a delay or adjournment to this meeting.

I would like to begin with an acknowledgement of the traditional owners of the land.

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors”.

RECORDING OF PROCEEDINGS

I would like to advise all present today that:

- the proceeding is being minuted and recorded and a recording of the meeting and minutes will be published on Council’s website.
- and that out of courtesy for all other attendees any recording devices should be turned off during the course of the hearing unless the chair has been formally advised that a party wishes to record proceedings.

COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Chris Hazelman (Chair) – **Via Zoom**
- Colin Kalms, Manager, Building, Planning & Compliance, Greater Shepparton City Council – **Via Zoom**
- Jonathan Griffin – Team Leader, Development Engineering, Greater Shepparton City Council – **Via Zoom**
- Andrew Fletcher - Planning and Building Manager - Campaspe Shire Council – **Via Zoom**
- Melissa Crane – Principal Planner - Strathbogie Shire Council - **Via Zoom**

OFFICERS AND OTHERS PRESENT

The Planning Officers that will be in attendance for today's hearing are:

- Andrew Dainton – **Presenting from Zoom**
- Braydon Aitken – **Presenting from Zoom**

I would also like to acknowledge all other parties present today. We will get you to introduce yourself when your turn comes to present.

APOLOGIES

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- Minutes of DHP meeting No.2/2020 held on Friday 3 July 2020. Minutes have been circulated.

***Moved** by Colin Kalms and **seconded** by Melissa Crane that the minutes of the meeting held on 3rd July 2020 be adopted.*

Carried

DECLARATIONS OF CONFLICTS OF INTEREST

Are there any panel members who wish to declare a conflict of interest?

- Jonathan Griffin raised a minor conflict being the drainage engineer that has and will continue to have involvement in the Foott Waste application (2019-314). Jon will not sit as a panel member for consideration of this application.
- Colin Kalms was absent for Item 5 due to other commitments.

ORDER OF PROCEEDINGS

For those of you who are attending the DHP for the first time the process is as follows

- The DHP operates under Local Law No 2, with such modifications and adaptations as the DHP deems necessary for the orderly conduct of meetings.
- All DHP panel members have 1 vote at a meeting.
- Decisions of the DHP are by ordinary majority resolution. If a vote is tied the Chair of the DHP has the casting vote.

- The process for submitters to be heard by the Panel shall be:
 - The planning officer to present the planning report recommendation
 - Any objectors or representatives on behalf of the objectors present to make a submissions in support of their objection (should they wish to)
 - The applicant or representatives on behalf of the applicant to present in support of the application
- For the purpose of today's hearing the officer, objectors and applicant will be limited to a maximum of 6 minutes per person with no extensions.

MATTERS FOR CONSIDERATION

There are 5 items listed for consideration in this session of the DHP:

1. Planning Permit application 2020-220 - Buildings and works in the Industrial 3 Zone, Design and Development Overlay 2 and 7 and waiver of car parking requirements for a self-storage warehouse
2. Planning Permit application 2019-314 - Use and developments of a materials recycling and building and construction waste sorting facility and associated business identification signage
3. Planning Permit application 2020-153 – Partial demolition of building within the Heritage Overlay, buildings and works in association with an expanded Supermarket and retail tenancies, increase the area where liquor can be sold and a reduction in the statutory car parking requirements
4. Planning Permit application 2020-129 - Use and development of land for an education centre (early learning & prep-year 4) and creation of access to Road Zone Category 1
5. Planning Permit application 2020-12 - Use and development of part of the land for a vehicle store

Meeting Closed at 12.30pm

11. NEXT MEETING

To be determined

Thank you - That now concludes today's DHP.

INDEX

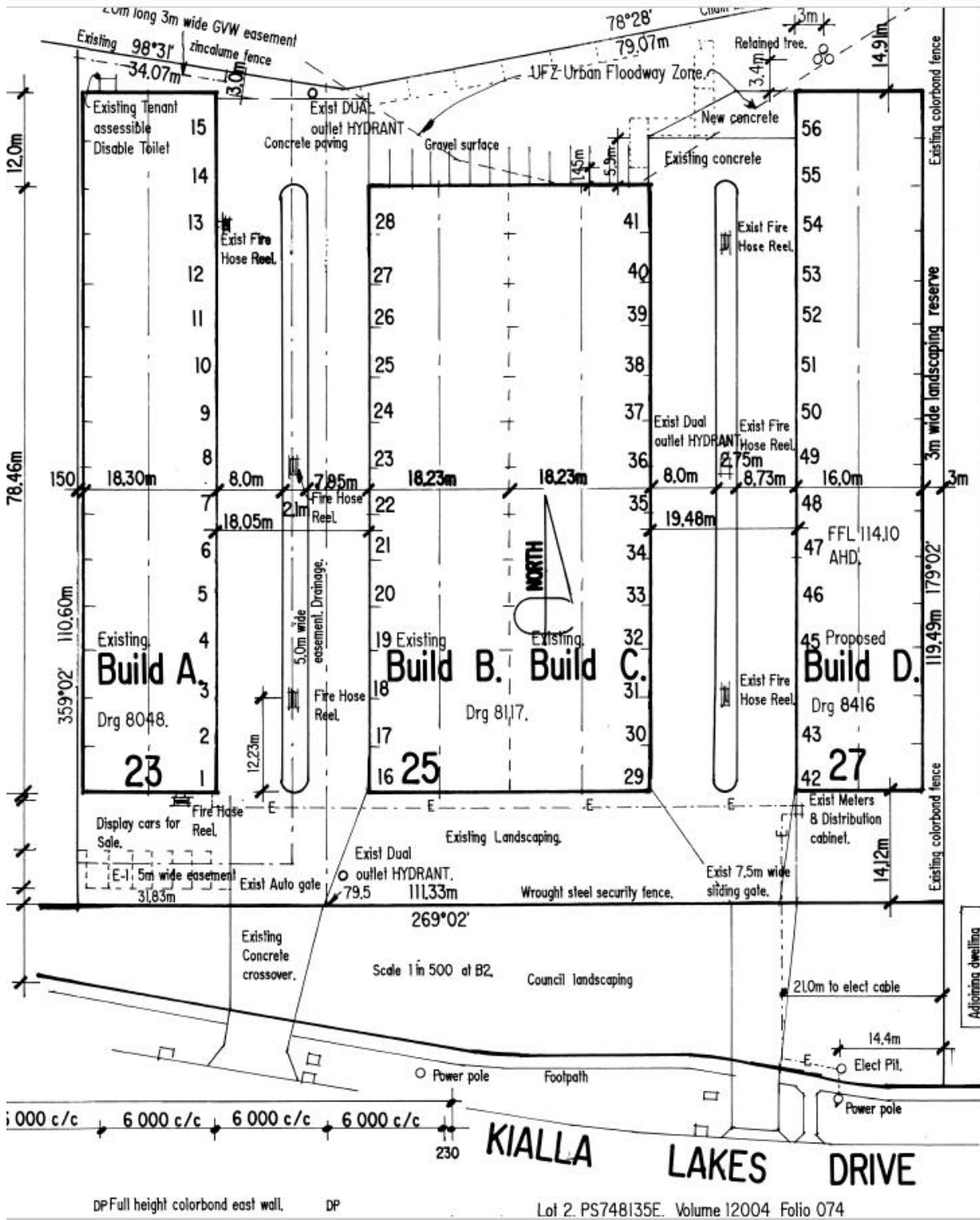
<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2020-220	19-27 Kialla Lakes Drive, Kialla	Buildings and works in the Industrial 3 Zone, Design and Development Overlay 2 and 7 and waiver of car parking requirements for a self storage warehouse Moved: Melissa Crane 2 nd : Colin Kalms Carried:	6.
2019-314	24 Carroll Road, Shepparton East	Use and developments of a materials recycling and building and construction waste sorting facility and associated business identification signage Moved: Melissa Crane 2 nd : Colin Kalms Carried	34
2020-153	2-14 Walshe Street & 67-71 Casey Street, Tatura Andrew fletcher advised that he worked with the consultant John Haysay 10yrs ago but no conflict for this item.	Partial demolition of building within the Heritage Overlay, buildings and works in association with an expanded Supermarket and retail tenancies, increase the area where liquor can be sold and a reduction in the statutory car parking requirements Moved: Andrew Fletcher 2 nd : Colin Kalms Carried	70
2020-129	455 Verney Road, Shepparton North	Use and development of land for an education centre (early learning and prep-year 4) and creation of access to Road Zone Category 1 Moved: Jonathan Griffin 2 nd : Colin Kalms Carried	115
2020-12	634B Wyndham Street, Shepparton	Use and development of part of the land for a vehicle store Carried	131

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2020-220
Applicant Name:	Kialla Lakes Developments
Date Received:	16-Jul-2020
Statutory Days:	42
Land/Address:	19-27 Kialla Lakes Drive KIALLA VIC 3631
Zoning & Overlays:	IN3Z DDO2 and DDO7 LSIO SCO3
Why is a permit required (include Permit Triggers):	Buildings and works in the IN3Z under 33.03-4 Buildings and works in the DDO7 under 43.02-2
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No
Was the correct application fee paid?	Yes

Proposal

The application seeks permission to construct a self-storage shed in the IN3Z and DDO7. The proposed building (building D) is 1447sqm and 7.4m in height. As the building is less than 7.5m high, no permission is required under the DDO2.



Summary of Key Issues

- Permission is sought to develop the land under the IN3Z and DDO7 for a self storage building of 1447sqm which is 7.4m in height. The proposed building is setback 3m from the eastern side boundary.

- The application was advertised and three objections lodged from neighbours abutting the land in Green Court.
- Officers consider that the three objections are all fair and raise reasonable issues about their backyard scape. Officers having assessed the application and objections consider that the objections do not warrant refusal of the application as the side setback of 3m achieves compliance with the DDO7 and side setback standard in Rescode.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2020-220 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 33.03-4 and 43.02-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 19-27 Kialla Lakes Drive Kialla, for the development of a self storage building in the Industrial 3 Zone and Design and Development Overlay 7 in accordance with the Notice of Decision and the endorsed plans.

Moved by Melissa Crane

Seconded by Colin Kalms

That Council having caused notice of Planning Application No. 2020-220 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 33.03-4 and 43.02-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 19-27 Kialla Lakes Drive Kialla, for the development of a self storage building in the Industrial 3 Zone and Design and Development Overlay 7 in accordance with the Notice of Decision and the endorsed plans.

Carried

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

Date: 9 September 2020

The site has a total area of 1.8ha and currently contains:

- A car wash and self storage buildings.

The main site/locality characteristics are:

- KL Drive is within a RDZ2 and is a divided road with a signalised intersection to GVH
- KL Drive at the GVH entry to Kialla Lakes is within C2Z and IN3Z and is developed accordingly with uses such as bulky goods retailing, earthmoving sales and minor utility installations for GV Water
- Abutting the land to the east is dwellings within Kialla Lakes and on the south eastern side of KL Drive is dwellings on smaller lots

The Photos below show the existing site:



View of existing vehicle crossing to Kialla Lakes Drive, this crossing is about 7m in width.



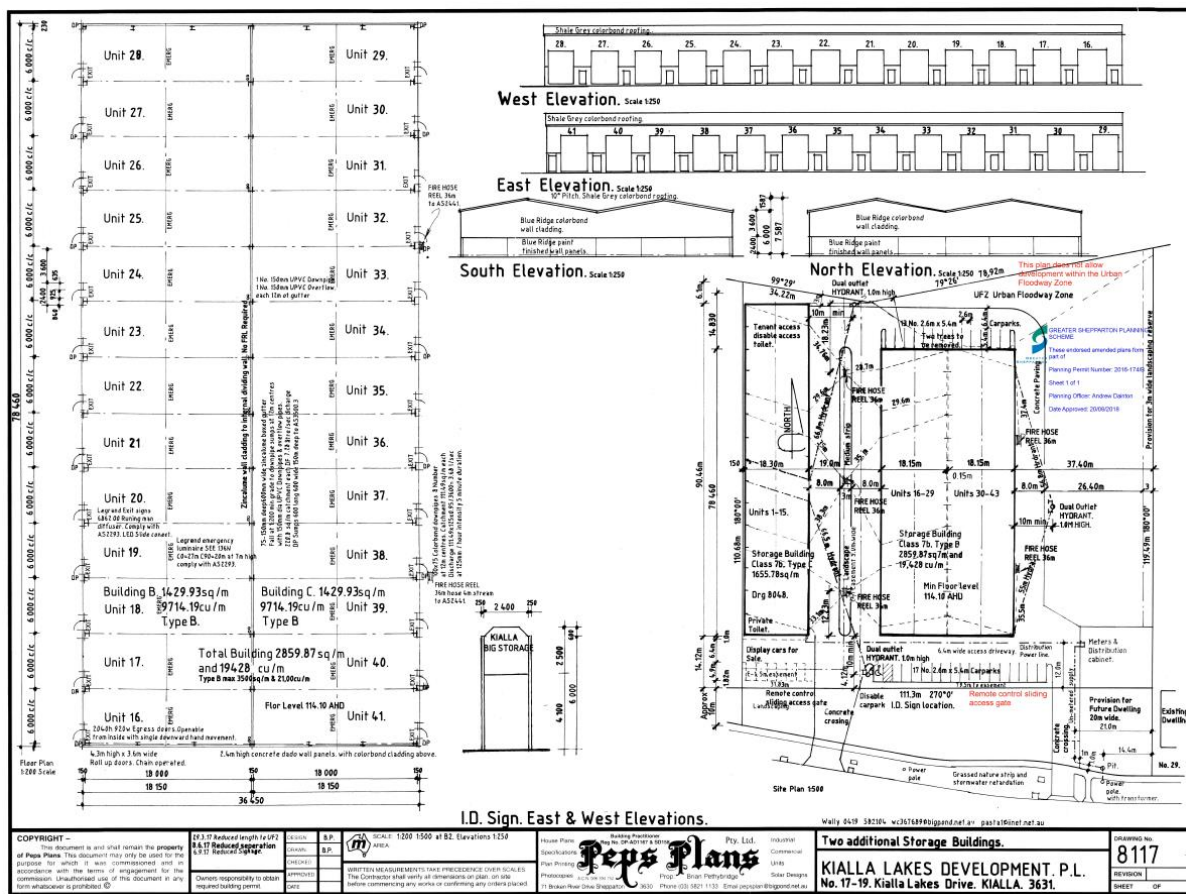
View of the development site looking south towards Kialla Lakes Drive

Permit/Site History

The history of the site includes:

- Planning permit 2016-174/C was issued on 15 June 2016 and allowed the use and development of land for a self storage centre.

The endorsed plan is shown below.



- Planning permit 2015-465 was issued on 7 March 2016 and allowed a two lot subdivision of the land
- Planning permit 2015-81A was issued on 20 August 2015 and allowed part of the land to be developed with a car wash. This developed is currently under construction.
- Planning permit 2016-174/A was issued on 15 June 2016 and allowed the use and development of land for a self-storage facility, in door recreation facility and caretakers house

Further Information

Was further information requested for this application? No

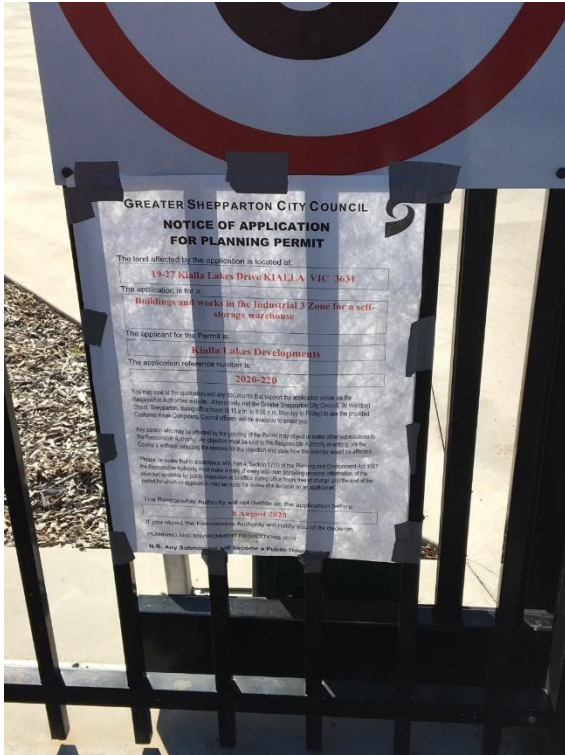
Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description buildings and works in the Industrial 3 Zone for a self storage building, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.



Officers undertook a sign on site inspection on 2 August 2020.



The application was exempt from being advertised in accordance with Clause 43.02-2 (DDO7) of the planning scheme.

Objections

The Council has received three objections to date.

The objectors are from abutting dwellings to the east of the land as shown below.



Ground of objection	Officers Response
Large building close to fence and houses	The application proposes a 7.41m high building 3m from the eastern boundary. The

	<p>7.41m wall is proposed to be a colourbond cladding.</p> <p>Using the side setback Rescode standard as an assessment guide, the required side setback would be 2.49m. The 3m proposed setback exceeds the Rescode required setback.</p> <p>Officers note that the DDO requires a 3m wide landscape area to separate commercial and residential land uses. The proposed building setback allows the landscaping to comply with this design requirement under the DDO.</p> <p>Officers consider that a 3m side setback provides sufficient space for the planting and maintenance of a tree screen which would over time assist in the softening of the wall to the residential neighbours.</p>
Noise from self-stores	<p>Officers acknowledge that noise disturbance from the land to residential uses needs to be managed to maintain a reasonable level of amenity to neighbours in Kialla Lakes. Officers propose a permit condition that provides if the need arises noise testing and measures to ensure noise emissions from the land comply with SEPP N-1.</p>
Property devaluation	<p>Property values are not a reason to refuse a planning application.</p>

Title Details

The title does not contain a Restrictive Covenant.

The title contains a Section 173 Agreement which relates to aerodrome restrictions such as non-reflective materials. The proposed development does not breach the S173.

Consultation

Consultation was not undertaken.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Clause 66 of the scheme did not require referral of the application			

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVW	GVW consented to the application without requiring any conditions.
CMA	CMA consented to the application subject to a floor level requirement.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council engineers require that a detailed drainage plan be submitted before the development starts.
Airport Committee	The Airport Committee consented to the application without requiring any conditions.

Assessment

The zoning of the land

Industrial 3 Zone

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.
- To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.

- To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

33.03-4 Buildings and Works

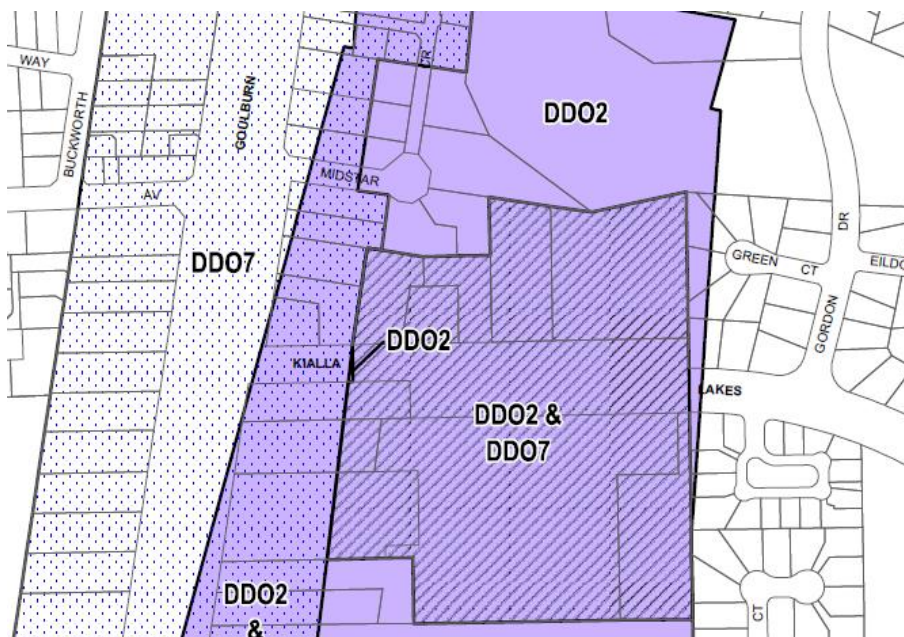
Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- The effect on nearby industries.

Relevant overlay provisions

DDO's



Airport Environs

Design objectives

- To facilitate safe aircraft operations at Shepparton Airport.
- To ensure that all buildings and works are constrained within specified height limits and external building materials to avoid creating a hazard to aircraft in the vicinity of the Shepparton Airport.
- To ensure that flight paths associated with the Shepparton Airport are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Airport.
- To ensure that development has minimal impact upon abutting residential land.

DDO7 – Kialla Park Boulevard Precinct

Design objectives

- To create a vibrant and active commercial and business precinct based around large buildings for bulky goods retailing, manufacturing and associated business services within a well-landscaped boulevard setting.
- To encourage high quality built form that strengthens and enhances the existing 'big box' commercial character of the area, including the provision of front setbacks that can accommodate high quality landscape treatments and the display of goods.
- To ensure landscape treatments and signage support and enhance the Goulburn Valley Highway as a key gateway to Shepparton, complement the existing Kialla Lakes Drive and Goulburn Valley Highway landscapes, and reinforce landscaped street edges.
- To ensure new development provides clearly defined, legible and attractive gateways to residential areas, particularly at Kialla Lakes Drive, and an appropriate built form and landscape interface between commercial and residential areas.
- To implement the design and development guidelines for the Kialla Park Boulevard along the Goulburn Valley Highway and Kialla Lakes Drive in accordance with the *Urban Design Framework – Shepparton North & South Business Areas 2006* and the *Addendum to the Urban Design Framework – Shepparton North & South Business Areas 2017*.

Design Requirement	Officers Response
Building Height – 11m maximum 6.9m street wall height	Complies The maximum building height is 7.41m.

<p>Building setback should be 20 metres from the front boundary.</p>	<p>Variation Required</p> <p>The street setback is 14.12m.</p> <p>Officers are satisfied that the 6m setback reduction is acceptable as Kialla Lakes Drive is a wide road reserve that provides opportunity for substantial landscaping to soften the development to passing motorists.</p>
<p>Parking and access</p> <p>Encourage vehicular access points and driveways to be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network. All vehicles including those delivering to or servicing the site should be able to enter and exit the site in a forward direction.</p> <p>A vehicular access point across lot frontage is to be no more than 6.4 metres Wide</p>	<p>Complies</p> <p>Access points and internal accessways allow for safe vehicle movements. The internal accessway is 8.7m in width which exceeds the width of a standard road.</p> <p>The existing vehicle crossings to the self-store is about 7m in width and was constructed under a Road Opening Permit.</p> <p>The proposed use of land satisfies its parking demand requirements on the land.</p>

<p>Driveways should be designed to minimise any conflict of vehicle movements with pedestrians including consideration of side fences and / or buildings that will impact on sight lines between pedestrians and vehicular traffic.</p> <p>Adequate on site parking in accordance with the Greater Shepparton Planning Scheme should be provided in a form and manner that will not reduce the amenity of the area.</p> <p>Encourage developers to consider planting trees throughout car parking areas.</p>	
<p>Landscaping</p> <p>A minimum 3 metre landscape buffer must be provided along rear boundaries to ensure suitable interface to residential properties. Where a residential zone abuts a side boundary, a minimum 1.5m landscape buffer must be provided.</p> <p>A minimum of 15% of the area to the lot frontage must be landscaped to include a variety of shrubs and at least one significant tree with a mature height of 10 metres (except where the land is also affected by DDO2, when the maximum</p>	<p>Condition required</p> <p>Officers consider that the landscaping of the site is of importance. Permit conditions will require the submission of a professionally prepared landscape plan. Officers consider that the use of trees can soften the building to dwellings to the east.</p>

height should not exceed 7.5metres, except with a Permit issued pursuant to that

Schedule). All plant species must be suitable to this area and to the Council's satisfaction.

The front building setback should be landscaped to include a variety of shrubs and ground covers. Plant species should be suitable to this area, reflect streetscape planting schemes and be to the satisfaction of the responsible authority.

Paving materials that provide texture, patterns, subtle colour and permeability to the lot frontage should be used. Large expanses of solid paving such as grey cement or asphalt should be avoided.

Incorporate small to medium sized trees wherever possible to provide scale, aesthetic relief and shade to front entrances.

Environmental weeds and invasive tree species should be avoided to the satisfaction of the responsible authority.

Planning Policy Framework (PPF)

13.03-1S

Floodplain management

Objective

To assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.

Floodplain areas of environmental significance or of importance to river health.

13.05-1S Noise abatement

Objective

To assist the control of noise effects on sensitive land uses.

Strategy

- Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

13.07-1S

Land use compatibility

Objective

To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategies

- Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:
 - Directing land uses to appropriate locations.
 - Using a range of building design, urban design, operational and land use separation measures.

17.01-1S

Diversified economy

Objective

To strengthen and diversify the economy.

Strategies

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.
- Support rural economies to grow and diversify.

17.01-1R

Diversified economy - Hume

Strategy

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

17.03-2S

Industrial development siting

Objective

To facilitate the sustainable development and operation of industry.

Strategies

- Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.
- Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.
- Minimise inter-industry conflict and encourage like industries to locate within the same area.
- Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.
- Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.
- Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

- Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

18.01-1S

Land use and transport planning

Objective

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

18.02-3S

Road system

Objective

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

18.02-4S

Car parking

Objective

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

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

21.06-4 Industry

In the past few decades, Shepparton has developed a critical mass of manufacturing-based employment that has further strengthened its role within the region and is now an important component of the local economy. Owing to the presence of a number of significant national and international food processing and packaging companies within the municipality, the agricultural, food processing and manufacturing sectors are all closely interlinked.

Objectives and Strategies - Industry

General Objectives

- To sustain a growing and diverse industrial base.
- To protect the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.
- To provide an adequate supply of appropriately located industrial land relevant to measured demand that meets the needs of different industries.
- To require all future industrial development and subdivisions to be of a high quality in terms of urban design, environmental standards and amenity.

- To conserve places of industrial cultural heritage significance.
- To minimise land use conflicts.

General Strategies

- Consolidate existing major areas of industrial zones within the new urban growth boundaries and around major transport routes and infrastructure assets.
- Protect the supply of existing and future industrial land from encroachment by incompatible land uses.
- Encourage industrial subdivisions to provide a variety of lot sizes on all undeveloped land.
- Encourage land in undeveloped areas to be retained in large holdings until it is required for development.
- Monitor industry and business investment trends to better understand and plan for changes in development, demand and locational needs. Ensure high quality design in industrial areas by requiring all future industrial development and subdivisions to comply with the requirements of the *Infrastructure Design Manual*.
- Continue to identify, assess and include places of industrial cultural heritage significance in the Heritage Overlay to conserve their significance.
- Avoid incremental approvals and development in identified investigation areas until an integrated investigation has been completed to assess and resolve future land opportunities and constraints, land use, development opportunities, subdivisional layout and servicing for the area.

Economic Development Objectives

- To provide an adequate supply of appropriately located industrial land that meets the needs of different industry sectors.
- To protect the integrity and viability of existing and future industrial areas within Shepparton, Mooroopna and Tatura from competing and non-compatible land uses.
- To direct different types of industrial development to appropriate locations within the municipality.
- To encourage future industrial land uses to locate on existing vacant industrial zoned lands and, where this is not possible, to examine opportunities to rezone additional lands to facilitate such industrial or related land uses.
- To facilitate the redevelopment of under-utilised industrial sites for more intensive forms of industrial uses to make more efficient use of existing infrastructure.
- To encourage resource recovery uses to establish across the region in locations where impacts on nearby land uses can be minimised.

Economic Development Strategies

- Identify future industrial areas in strategic locations adjacent to major transport routes and infrastructure assets, which are separated from areas of environmental significance or high residential amenity.
- Support the expansion of the industrial base in appropriate locations, as shown on the Industrial Framework Plans Promote and develop the GV Link freight logistic centre.
- Protect and facilitate the expansion of existing and designated future industrial areas from encroachment by incompatible land uses.

- Support the development of new industries in established industrial zones, with access to infrastructure and constructed roads.
- Support food related industries and the development of value-adding opportunities.
- Encourage new-value adding industries.
- Facilitate appropriately located industrial lands in rural townships for light industrial and related uses for industries associated with the storage, packing and processing of local agricultural produce or the immediate servicing needs of local communities.
- Allow limited light industry in the townships if it relates to local agricultural production or services the immediate needs of local communities, subject to servicing and environmental constraints.
- Direct industries which require substantial buffer zones from sensitive land uses to locations that minimise land use conflicts and impacts on the amenity of surrounding areas.

Amenity Objectives

- To minimise any impact on the amenity and safety of surrounding land uses from traffic, noise and emissions generated by industrial land and resource recovery uses.
- To ensure appropriate standards of health, safety and amenity are provided by new and existing industries.
- To ensure a high standard of urban design and landscaping is achieved to improve the amenity and appearance of industrial areas.

Amenity Strategies

- Facilitate good design and landscaping outcomes for industrial developments that enhance the municipality's built form and provide amenable working environments.
- Prevent encroachment of residential development into industrial areas, as well as ensuring that new industrial developments are located an appropriate distance from existing residential areas.
- Ensure that land within 10 metres of the frontage of an industrial site (other than land required for car parking and access) is developed for landscaping.
- Assist old and inappropriate industrial areas in their transition to more appropriate land uses.
- Direct resource recovery industries to locations that minimise land use conflicts and impacts on the amenity of surrounding areas.

Built Environment Objectives

- To encourage new industrial development to implement on site responsive and sustainable design principles.
- To provide for good urban structuring and connectivity between local major roads.
- To encourage, where possible, the grouping of similar industrial uses and showrooms to facilitate improved infrastructure and communication services to industry, and to allow such uses to benefit from economies of scale.
- To encourage high quality industrial developments.

Built Environment Strategies

- Facilitate improvements to access, parking, site layout, landscaping and building design in the municipality's existing industrial areas.
- Encourage new industrial developments to utilise, where practicable, energy efficiency, water conservation and reuse, water sensitive urban design, and recycling or reuse of waste products.
- Encourage industrial developments that incorporate high quality architectural design elements, create visual interest and incorporate landscaping and/or urban art.
- Discourage the use of culs-de-sac within industrial zoned land to improve lot efficiency and to limit on-street parking problems in court bowls. A cul-de-sac may be provided where the court bowl is used to access lots of 4,000 square metres or more or where there is no viable alternative.
- Ensure all new industrial development incorporates best practice water sensitive urban design and waste management practices.

Relevant Particular Provisions

52.06 Car parking

Purpose

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Officers Response

A self-storage use is most appropriately defined as a store which is included in a warehouse. A warehouse is a section 2 use in the IN3Z. Given the proximity of the land to residential zoned land the purpose of this is to protect sensitive uses from amenity impacts of the proposed self-storage facility. Permission has been previously issued to use the land for a self storage.

In ACN142283869 Pty Ltd v Yarra Ranges 2013 VCAT 1662, Member Hewet and Code made the following observation on self-storage units in an IN3Z:

with respect to the self storage units, we make the observation that in terms of activity levels, this is a benign use in comparison to the range of uses that could be contemplated in an Industrial 3 zone. It is the type of use that it is appropriate to be located at the interface with an LDRZ.


The Telford shed model is a properly developed area consisting of concrete accesses, designated parking areas with roller door access to the storage units. Each unit is about 96sqm and is aimed at the storage of boats, caravans and the like from residents within Kialla Lakes or over flow storage space for tradespersons, file storage and the like.

Access to the facility is by Kialla Lakes Drive, to enter the site an electronic swipe card will be required to open the electronic gate. Access to the site by card holders will be available 24 hours a day seven days a week.

The applicant has informed the units will not be allowed for living or working from.

Officers consider that the main assessment concern associated with this application is the buildings proximity to residential neighbours to the east, particularly to 4 Green Court. The 7.41m high building is setback 3m from the lands eastern boundary, which sits on a residential interface.

The three impacted residential lots in Green Court have all objected to the application. Officers consider that the development of back yards in Green Court should be understood when considering the proposed developments impact.

Green Court	Officers Observations
<p>3 Green Court</p> 	<p>The dwelling is within close proximity to the development site. A pergola and shed is located on the west side of the dwelling. Roof top solar panels are located on the eastern end of the roof. Officers consider that the proposed development will not unreasonably impact on 3 Green Court given the extent of outbuilding development on the lands western boundary.</p>



4 Green Court



4 Green Court has a 45m long boundary with the development site. The open space is located on the west side of the dwelling. Roof top solar is on the first storey north roof. The first storey has west facing windows which will overlook the self store building. The back yard is well maintained and provides some canopy trees which provide some screening to the west.

Officers consider that 4 Green Court is the most impacted by the development. Despite this officers consider that the impacts are acceptable for the following reasons:

- The land is on a zoning interface with land in the IN3Z where developments such as is proposed are not unreasonable
- The 3m setback from the east boundary achieves compliance with the setback requirements in the DDO
- The 3m setback achieves compliance when assessed against the side setback standard in Rescode (the minimum required setback is 2.5m).

5 Green Court



5 Green Court is developed with a shed abutting the development sites boundary. The dwelling is well setback from the western boundary. Officers consider that the proposed development will not unreasonably impact 5 Green Court given the siting of the dwelling centrally on the land and shed on the lands western boundary.

A possible point of conflict between the activities and residential neighbours is noise disturbance in the evening and night times. Potential noise sources include the unloading of trailers, boats, caravans etc. at night after a camping trip or the like. A permit condition will require noise testing if noise disturbance is caused to nearby residential neighbours. If noise emissions are found to be problematic the report will need to recommend acoustic protections to neighbouring properties that are to be implemented by the permit holder.

Before the development starts permit conditions will require the submission of a drainage plan to ensure the additional runoff from the site does not result in detrimental impacts on the existing drainage network.

The proposed use which is a store requires that 10% of the site be set aside for car parking. A permit condition will require that the required area of parking be provided.

In Moor Room Self Storage P/L V Frankston CC VCAT 2220 (30 October 2008), VCAT found that 0.2 spaces per 100sqm for self-storage was the required parking rate. Based on a total self-storage space of 1447sqm a total parking provision of seven spaces is required. Officers are satisfied that sufficient space exists in the internal access way that is 8.7m wide to provide for on site car parking.

Officers consider that a well-designed landscape plan is an important element of the proposal to soften the building from neighbouring residential properties. Part of this design needs to include canopy trees.

Officers having considered the application is satisfied that the proposed development achieves acceptable planning outcomes

The decision guidelines of Clause 65

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Officers consider that the proposed development produces an orderly planning outcome by developing land within the IN3Z in such a way that does not unreasonably impact on residential amenity.

Relevant incorporated or reference documents

IDM

Other relevant adopted State policies or strategies policies

Nil

Relevant Planning Scheme amendments

Nil

Are there any significant social & economic effects?

Nil

Discuss any other relevant Acts that relate to the application?

Nil

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Charter of Human Rights and Responsibilities

The application has been considered under the P&E Act including the giving of public notice which assists in achieving compliance with the Charter.

Conclusion

Officers consider that the proposed development achieves acceptable planning outcomes in the IN3Z and recommend that a notice of decision issue.

Draft Notice Of Decision

APPLICATION NO: 2020-220

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 19-27 KIALLA LAKES DRIVE KIALLA VIC 3631

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND WORKS IN THE INDUSTRIAL 3 ZONE AND DESIGN AND DEVELOPMENT OVERLAY 7 FOR A SELF STORAGE WAREHOUSE

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies must be provided. Such plans must be generally in accordance with the advertised plans but modified to show:

- a) Details of the colour of the cladding on the east elevation

2. Layout Not Altered

The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

3. Drainage Discharge Plan

Before the development starts, a drainage plan with computations prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. The plans must be in accordance with the Infrastructure Design Manual and include:

- a) as constructed drainage plans;
- b) how the land will be drained and retained;
- c) underground pipe drains conveying stormwater to the legal point of discharge;
- d) measures to enhance stormwater discharge quality from the site and protect downstream waterways unless otherwise agreed to in writing by the responsible authority.

Before the building is occupied all drainage works required by the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

4. Landscape Plan

Before the development starts a landscape plan prepared by a suitably qualified landscape designer must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided and show:

- a) a permanent screen of trees and shrubs with a minimum of two rows within the 3m to the east of the building

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

All trees planted as part of the landscape works must be a minimum height of 1.2 metres at the time of planting.

Before the occupation of the developments starts or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

5. Underground Connection

Before the occupation of the development the electricity connection to the building must be undergrounded to the satisfaction of the responsible authority.

6. Noise Control

- a) The uses hereby permitted must be conducted such that noise levels generated do not exceed permissible noise levels established in accordance with State Environmental Protection Policy No. N-1 (Control of Noise from Commerce, Industry and Trade) under the Environment Protection Act 1970, or NIRV (Noise from Industry in Regional Victoria) as applicable.

- b) In the event that reasonable complaint is received by the responsible authority about noise from the premises then within two months of a request by the responsible authority an acoustic report including noise measurements by a suitably qualified consultant must be obtained by the operator under this permit and submitted to the responsible authority to determine whether allowed noise levels are being exceeded and what measures are required to ensure that noise from the function centre does not exceed permitted levels.
- c) Any reasonable controls that can be implemented immediately to keep noise emission to permitted levels must be carried out, and within three months after the noise report is produced a permanent solution must be implemented with the details of all measures implemented to ensure compliance will be achieved, given to the responsible authority in writing.

Before the use starts and thereafter, any security alarm installed on the premises must be fitted with a cut off device limiting any sounding of the alarm to a maximum duration of five minutes, with no repeat sounding until manually reset and or silently wired to a security firm or the Victoria Police.

7. Storage of Dangerous Goods

No goods which require a notification under the Occupation Health and Safety (Major Hazard Facilities) Regulations 2000, a licence under the Dangerous Goods Act 1995 or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 are to be stored on site.

8. Goulburn Broken Catchment Management Authority Requirements

The finished floor level of the proposed warehouse must be constructed in accordance with the submitted plans.

9. Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a the development has not started within **two (2) years** of the date of this permit;
- b the development is not completed within **four (4) years** of the date of this permit.

NOTATIONS

Application Details:

Responsible Officer:	Braydon Aitken
Application Number:	2019-314
Applicants Name:	CAF Consulting Services Pty Ltd
Date Application Received:	12 November 2019
Statutory Days:	203 as of 9/9/2020
Land/Address:	24 Carroll Road SHEPPARTON EAST VIC 3631(Lot 1 on PS804097A)
Zoning and Overlays:	Industrial 1 Zone (IN1Z) Land Subject to Inundation Overlay (LSIO) Aboriginal Cultural Heritage Sensitivity
Why is a permit required (include Permit Triggers):	33.01-1 – Use of the land for Materials Recycling in the IN1Z 33.01-4 - Buildings and works in the IN1Z 44.04-2 – Buildings and works in the LSIO 52.05-12 Erecting and display of Business Identification Signage (Category 2 – Office and Industrial).
Are there any Restrictive Covenants on the title?	No

Proposal

The application proposes the use and development of the land for materials recycling. It is proposed to re-locate the existing Foott Waste Solutions facility from 10 Carroll Road. Foott Waste Solutions includes the following activities:

- Supply of bulk bins and skip bins to businesses and households
- Recycling of waste materials
- Building waste sorting
- Food waste transportation
- Event equipment supply and portable toilet hire (waste product pumped to trade waste)

The facility proposes to recycle cardboard, paper, newspaper, timber, plastics, plasterboard, glass and cans and bottles. It will continue to operate the portable toilet hire business. The applicant has clarified with the EPA that they will not accept or process organic waste. All material will be stored, separated and bundled for dispatch within the proposed 75m x 50m building.

Based on the information provided with the application, the premises will operate Monday-Friday with the proposed hours of operation being 7.00am to 5.00pm for the waste recycling building. Waste collection vehicles will begin leaving the site from 5.00am and will return by 5.00pm.

Planning permit permission is required to use and develop the land for materials recycling in the IN1Z. The proposed land use meets the setback requirements of the IN1Z as the land will be located 30 metres from the closest residential zone (LDRZ). The use is therefore not prohibited.

Planning permit permission is also required for buildings and works in the LSIO and for the erecting and for the display of business identification signage pursuant to clause 52.05-12. No planning permit is required for a reduction in car parking as the required 10% of the site (Clause 52.06) has been set aside for car parking. Should a planning permit grant a condition will be included requiring the provision of Bicycle facilities in accordance with Clause 52.34.

The applicant has submitted a noise report and Environment Management Plan (EMP). The proposed use has a non-specified threshold distance under Clause 53.10 (Uses with Adverse Amenity Potential) which required referral of the application to the Environmental Protection Authority (EPA). The EPA, as a determining authority on the relevant environmental considerations has consented to the application.

The applicant submitted a traffic impact assessment with the application that suggested that vehicle access to the land via Carroll Road is suitable and that there are no traffic engineering reasons that should prevent the development from proceeding.

The applicant will be required to contribute to the construction of the Shepparton East Drainage Scheme as their drainage solution for the proposed development.

The land is partially within an area of Aboriginal Cultural Heritage Sensitivity. A Cultural Heritage Management Plan (CHMP16284) has been prepared by Jo Bell Heritage Services. The CHMP determined that significant ground disturbance has occurred and no aboriginal cultural heritage features were identified as part of the site assessment.

Plans of the proposal are shown below:



Summary of Key Issues

Planning permit permission is required to use and develop the land for a material recycling operation.

The land is zoned for industrial use and has access to the required infrastructure and services. There is policy support for new materials recycling facilities to be located on existing vacant industrial land within the Municipality.

The key assessment consideration of this application is the potential amenity impacts of the proposed use on surrounding land.

The application was advertised and 5 objections were received that outlined concerns about potential amenity impacts on nearby residential land from the proposed use.

The EPA as the determining authority on environmental amenity impacts is satisfied that the separation between the proposed use and nearby residential uses is adequate and that potential amenity impacts can be controlled via conditions of a planning permit.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2019-314** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **33.01-1, 33.01-4, 44.04-2 and 52.05-12** of the Greater Shepparton Planning Scheme in respect of the land known and described as **24 Carroll Road SHEPPARTON EAST VIC 3631**, for the **Use and developments of a materials recycling facility and associated business identification signage** in accordance with the Notice of Decision and the endorsed plans.

Moved by: Melissa Crane with following changes to Notice of Decision

- Change the preamble to include (Building Materials) after the word recycling
- Cond 1e to include “and includes the provision of acoustic fencing along the eastern boundary” after the word generation.
- Cond 6 paragraph 2 to read: “This area must then be maintained to the satisfaction of the Responsible Authority, and must not be used for any other purpose except with the prior written approval of the Responsible Authority the replacement of any diseased or dead plantings.”
- Cond 8 Paragraph 3 to read “The use of the Materials Recycling facility, including the portable toilets element of the business, must operate during the following hours:

Seconded by: Colin Kalms

That Council having caused notice of Planning Application No. **2019-314** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **33.01-1, 33.01-4, 44.04-2 and 52.05-12** of the Greater Shepparton Planning Scheme in respect of the land known and described as **24 Carroll Road SHEPPARTON EAST VIC 3631**, for the **Use and developments of a materials recycling facility and associated business identification signage** in accordance with the Notice of Decision and the endorsed plans.

Carried

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

Date: **11/11/19**

Time: **10.30** am

The site has a total area of **approximately 4,192** square metres and currently contains:

- Cleared, flat land currently used for pasture
- Informal car parking and storage areas.

The main site/locality characteristics are:

- An irrigation channel and orchards to the north
- Industrial and commercial land to the south
- Low density residential land to the east
- Industrial and commercial land to the west

The Photos below show the existing site:



The above photo shows the existing unsealed vehicle crossing to the land from Carroll Road.



The above photo shows the proposed building and car park area on the land looking east towards the land in the LDRZ in Blossom Way.



The above photo is looking south from the subject site at existing industrial land in Carroll Road.





The above photos show a view from the land looking east towards the LDRZ land in Blossom Way.



A view looking west towards the land and other industrial zoned land from Blossom Way.



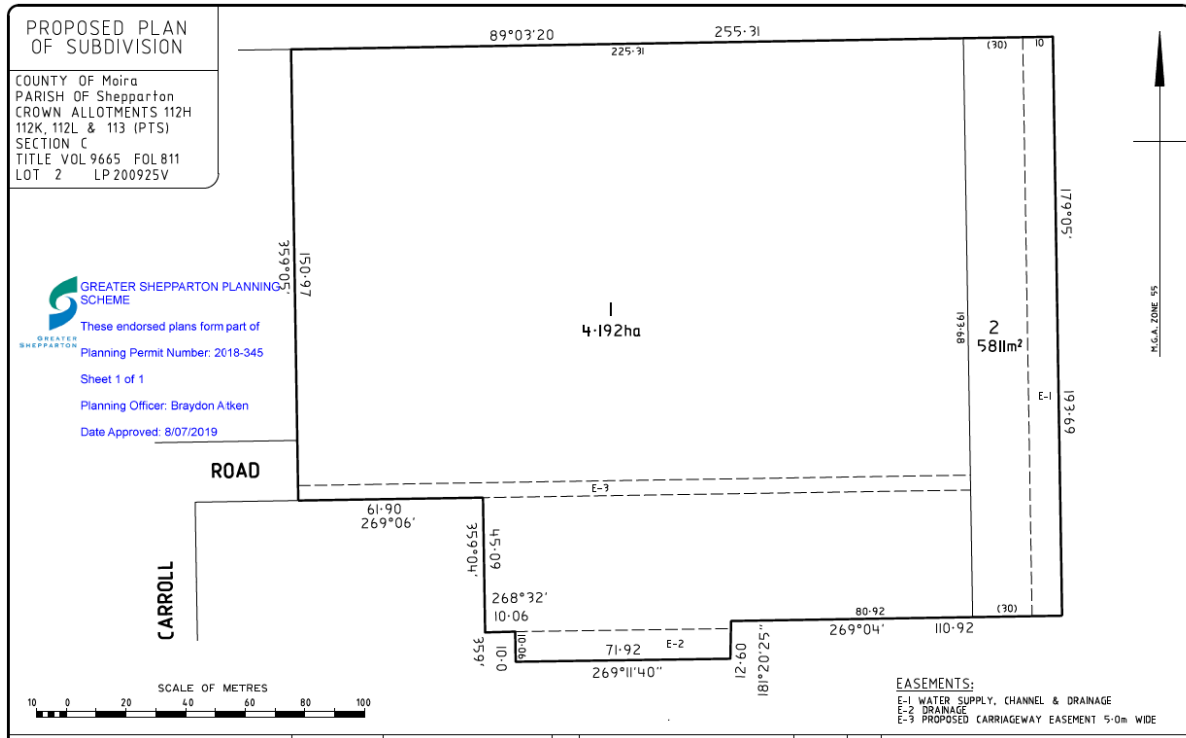
A photo of the existing Foott Waste Facility in Carroll Road.

An inspection of the existing Foott Waste site was also undertaken on 21/11/19 at 8.30am. The operation currently operates in two sheds (one for paper and plastic sorting and bundling and one for building waste sorting and plaster sheet processing). The portable toilets are pumped to trade waste and cleaned to the rear of the premises under a canopy area. Very little noise or odour was present with the operation to the north audible over the building materials sorting operation. The processes undertaken on site provide for up to a 70% diversion from landfill.

Permit/Site History

The history of the site includes:

- Planning permit application 2018-345/A for a two lot subdivision for the creation of a lot for the proposed development and a vacant lot to the east for future development. A plan of the proposal is shown below. The proposal will be located on lot 1. Separate titles have now been created.



- S-2019-69 – the associated certification application.

Further Information

Was further information requested for this application? **Yes**

What date was the further information requested?: **19/11/19**

What date was the further information received?: **25/11/19**

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Use of the land for materials recycling, a building and construction waste sorting facility and associated business identification signage**, by:

- Sending notices to the owners and occupiers of adjoining land (as shown below).
- Placing a sign on site.

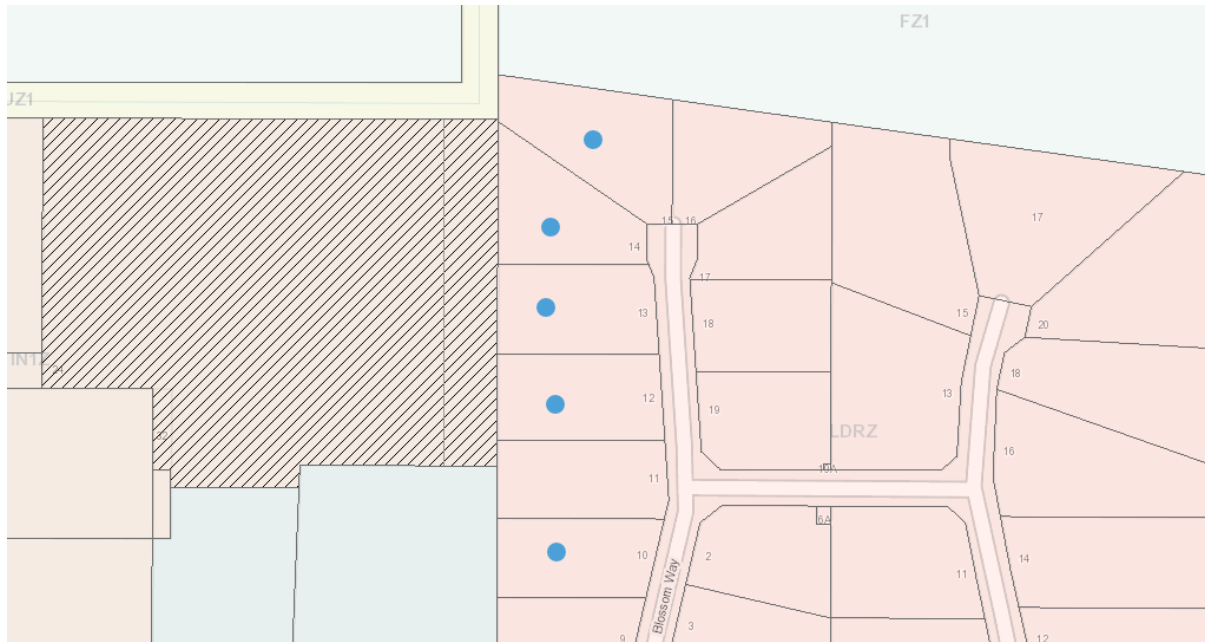


The application was exempt from being advertised in accordance with Clause **33.01-4 & 44.04-6** of the planning scheme.

Objections

The Council has received **5** objections to date.

The objections received are from the owners of 10, 12, 13, 14 & 15 Blossom Way, Shepparton East. Each of these properties is located in the Low Density Residential Zone (LDRZ).



The key issues that were raised in the objections are.

- The location of the operation
- Potential emissions – noise, dust, odour
- The presence of vermin and pests
- The proposed hours of operation
- Concerns about the emptying process for bins and toilets
- Plans submitted do not show the location of truck parking and bin storage
- The requirement for the ongoing maintenance of the natural grass zone

Title Details

The title does not contain a Restrictive Covenant or Section 173 Agreement

Consultation

COVID restrictions that have been present throughout the public notice and assessment phases of the application have prevented officers from doing a detailed consultation with the applicant and objectors.

Uncertainty around when these restrictions will ease and the impending Council Caretaker Period have led to the applicant requesting that a decision be made on the application prior to the caretaker period commencing.

Referrals

Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
GBCMA	44.04-7	Recommending	No objection subject to standard floor level condition
EPA	66.02-7	Determining	Consented subject to conditions

Section 52 - Notice Authority	Advice/Response/Conditions
Goulburn-Murray Water	No objections subject to conditions.
Goulburn Valley Water	No objections subject to standard conditions
CFA	No objections subject to conditions
VicRoads	No objections and no conditions

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Consent subject to conditions
Environmental Health	No objections and no conditions

Assessment

The zoning of the land
Industrial 1 Zone (IN1Z)

Purpose

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

Planning permit permission is require to use and develop the land for Materials Recycling in the IN1Z.

Decision Guidelines:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- Any natural or cultural values on or near the land.

- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

Relevant overlay provisions

Land Subject to Inundation Overlay (LSIO)

Purpose

- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Planning permit approval is required for buildings and works in the LSIO.

Decision Guidelines

- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a
 - lesser flood hazard outside this overlay.
 - The susceptibility of the development to flooding and flood damage.
 - The potential flood risk to life, health and safety associated with the development.
- Flood risk
 - factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
 - The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
 - The effect of the development on river health values including wetlands, natural habitat, streamstability, erosion, environmental flows, water quality and sites of scientific significance.

Planning Policy Framework (PPF)

13.05-1S – Noise Abatement

Objective

To assist the control of noise effects on sensitive land uses.

Strategy

Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

13.06-1S Air Quality Management

Objective

To assist the protection and improvement of air quality.

Strategies

Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.

13.07-1S Land Use Compatibility

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

17.03-2S Sustainable Industry

Objective

To facilitate the sustainable operation of industry

Strategies

- Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.
- Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.
- Minimise inter-industry conflict and encourage like industries to locate within the same area.
- Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.
- Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.
- Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

- Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

19.03-3-3S Integrated Water Management

Objective

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

Strategies

Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.

19.03-5S Waste and Resource Recovery

Objective

To reduce waste and maximise resource recovery so as to reduce reliance on landfills and minimise environmental, community amenity and public health impacts.

Strategies

- Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste and maximise opportunities for resource recovery.
- Protect waste and resource recovery infrastructure against encroachment from incompatible land uses by ensuring buffer areas are defined, protected and maintained.
- Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.
- Encourage technologies that increase recovery and treatment of resources to produce energy and other marketable end products.
- Enable waste and resource recovery facilities to locate close together in order to share separation distances, reduce the impacts of waste transportation and improve the economic viability of resource recovery.
- Encourage development that facilitates sustainable waste and resource recovery.

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

21.04-4 Urban Design

Advertising signage is a key and often highly visible component of the physical environment of the municipality and the inappropriate design or placement of advertising signs can have a significant effect on the appearance and visual amenity of an area. Council wants to guide the location and display of signage within the municipality to ensure signage is compatible with the character and architecture of local streetscapes. The design, form, size and placement of advertising signs should be controlled so as to protect and enhance the appearance of rural and urban areas and to avoid signs that are excessive, confusing or incompatible with the character of the surrounding area.

21.05-2 Floodplain and Drainage Management

Strategies - Floodplain Management

- Discourage development and subdivision on land subject to flooding.
- Ensure that all new development maintains the free passage and temporary storage of floodwater, minimises flood damage is compatible with flood hazard and local drainage conditions, and minimises soil erosion, sedimentation and silting.

21.06-4 Industry

The established industrial areas contain significant pockets of vacant undeveloped land which continue to provide opportunities for additional industrial development. The expansion of Shepparton has also resulted in many of these industrial areas now being encumbered by surrounding sensitive land uses. Industrial land is a limited resource in the municipality and there is an ongoing need to ensure that existing industrial zoned lands are appropriately protected for industrial and related land uses.

The Industrial Land Review , City of Greater Shepparton, 2011 (ILR) determined that there are significant challenges in accommodating material recycling facilities, eco industries and other such land uses that require extensive storage areas or buffer requirements from adjacent sensitive land uses in Greater Shepparton. Resource recovery operations include waste processing and material recycling, such as composting, biogas cogeneration, and metal, glass and paper recycling. In this sense, resource recovery is primarily related to recycling, reprocessing and re-use of materials that would otherwise go to landfill, creating significant positive environmental outcomes.

Council commissioned the *Greater Shepparton Resource Recovery Feasibility and Site Selection Study 2016* to investigate candidate sites for the establishment of a resource recovery precinct in Greater Shepparton. Due to a number of constraints, it was recommended that a single location or the precinct is not suitable. However, a multi-locational approach be pursued in the short-term, while a regional approach is developed with surrounding municipalities. To date no regional approach has been adopted.

Objectives and Strategies - Industry

General Objectives

- To sustain a growing and diverse industrial base.
- To protect the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.
- To provide an adequate supply of appropriately located industrial land relevant to measured demand that meets the needs of different industries.
- To require all future industrial development to be of a high quality in terms of
- urban design, environmental standards and amenity.
- To conserve places of industrial cultural heritage significance.
- To minimise land use conflicts.

Economic Development Objectives

- To encourage future industrial land uses to locate on existing vacant industrial zoned lands
- To facilitate the redevelopment of under-utilised industrial sites for more intensive forms of
- industrial uses to make more efficient use of existing infrastructure.
- To encourage resource recovery uses to establish across the region in locations where impacts on nearby land uses can be minimised.

Economic Development Strategies

- Direct industries which require substantial buffer zones from sensitive land uses to locations that minimise land use conflicts and impacts on the amenity of surrounding areas.

Amenity Objectives

- To minimise any impact on the amenity and safety of surrounding land uses from traffic, noise and emissions generated by industrial land an resource recovery uses.

- To ensure appropriate standards of health, safety and amenity are provided by new and existing industries.
- To ensure a high standard of urban design and landscaping is achieved to improve the amenity and appearance of industrial areas.

Amenity Strategies

- Facilitate good design and landscaping outcomes for industrial developments that enhance the municipality's built form and provide amenable working environments.
- Prevent encroachment of residential development into industrial areas, as well as ensuring that new industrial developments are located an appropriate distance from existing residential areas.
- Ensure that land within 10 metres of the frontage of an industrial site (other than land required for car parking and access) is developed for landscaping.
- Direct resource recovery industries to locations that minimise land use conflicts and impacts on the amenity of surrounding areas.

Built Environment Objectives

- To encourage new industrial development to implement on site responsive and sustainable design principles.
- To provide for good urban structuring and connectivity between local major roads.
- To encourage, where possible, the grouping of similar industrial uses and showrooms to facilitate
- improved infrastructure and communication services to industry, and to allow such uses to benefit from economies of scale.
- To encourage high quality industrial developments.

Built Environment Strategies

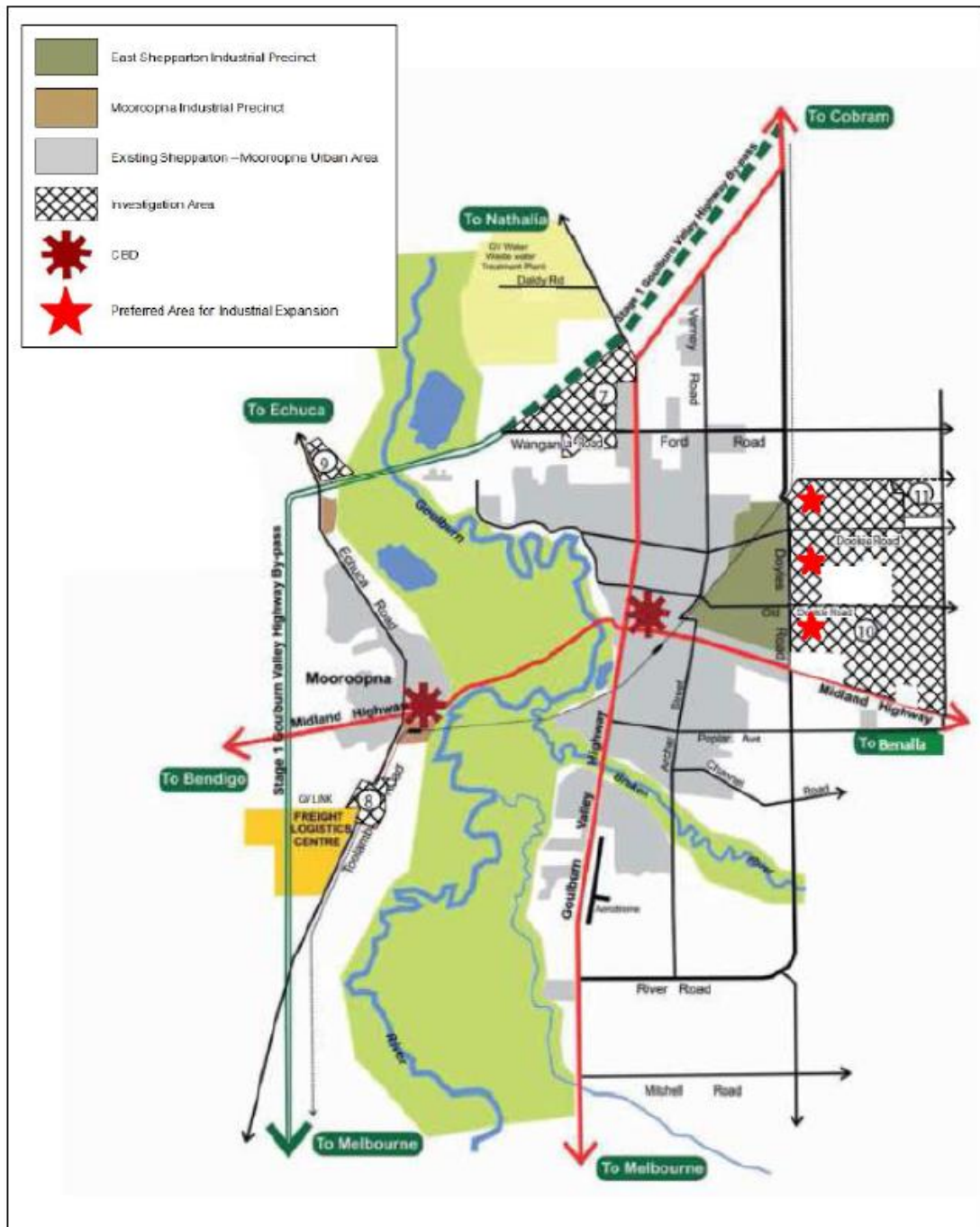
- Facilitate improvements to access, parking, site layout, landscaping and building design in the municipality's existing industrial areas.
- Encourage new industrial developments to utilise, where practicable, energy efficiency, water conservation and reuse, water sensitive urban design, and recycling or reuse of waste products.
- Encourage industrial developments that incorporate high quality architectural design elements, create visual interest and incorporate landscaping and/or urban art.
- Ensure all new industrial development incorporates best practice water sensitive urban design and waste management practices.

Policy Guidelines – Development of Resource Recovery Operations

It is policy to:

- Direct recycling and reprocessing centres to locate in existing zoned industrial land.

Shepparton Industrial Framework Plan



The subject site is located in an area preferred for industrial expansion.

21.07-2 Urban and Rural Services

- Goulburn Valley Regional Waste Management anticipates that within the next 20 years technology may change the way we are currently treating and managing waste with government regulations expected to limit the amount of waste going to landfill with greater emphasis on recycling and green waste reuse.
- All new developments must incorporate water sensitive urban design principles and developers must consider stormwater quality, include erosion and sediment control

plans in accordance with the Best Practice Environmental Management Guidelines for Urban Stormwater.

Strategies - Urban and Rural Services

- Ensure new developments are connected to reticulated services or have provision for adequate on-site disposal with no adverse impacts on nearby watercourses.
- Establish appropriate buffer distances around existing waste water facilities to protect them

21.07-3 Urban Stormwater Management

Objectives - Urban stormwater management

- To maintain and enhance stormwater quality throughout the municipality.
- To ensure that new development complies with the Infrastructure Design Manual.

Relevant Particular Provisions

52.05 Signs

Purpose

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Planning permit permission is required for the display of business identification signage exceeding 8sqms. The type of signage proposed is not unusual for an operation of this size and will not lead to clutter or impact on the amenity of the area. A plan of the proposed business identification signage is shown below.



52.06 Car Parking

Purpose

- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

No planning permit is required for a reduction in car parking as the required 10% of the site (Clause 52.06) has been set aside for car parking. 84 car parking spaces will be provided on site.

52.34 Bicycle Facilities

Purpose

To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

A condition of the planning permit will require the provision of a shower, change room and 3 bicycle parking spaces in accordance with the requirements of this provision.

Uses with Adverse Amenity Potential 53.10

Purpose

To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.

The threshold distance required by this provision for materials recycling is not specified and therefore the application was required to be referred to the Environment Protection Authority who have consented to the application subject to conditions.

Resource Recovery 53.14

Purpose

To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

The applicant has submitted information required by this clause.

Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider:

- The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.
- The impact of the proposal on the amenity of the surrounding area.

The decision guidelines of Clause 65

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

Officer Assessment

1. A planning permit is triggered to use and develop the land for a materials recycling facility in the IN1Z. The application is considered to satisfy the zone purpose of providing for industry in a manner which does not affect the safety and amenity of local communities for the reasons outlined below.
2. The planning report submitted with the application seeks approval for a materials recycling facility. Materials recycling is defined as 'land used to dismantle, treat, process, store, recycle, or sell refuse, used or surplus materials'. Officer are satisfied that the use fits within this definition rather than a transfer station as it includes the processing of materials such as plaster. A transfer station is defined as 'land used to collect, consolidate, temporarily store, sort or recover refuse, used or surplus materials before transfer for disposal or recycling or use elsewhere'.
3. Both materials recycling and a transfer station are a section 2 use in the IN1Z subject to the land being at least 30m from land is a residential zone. This setback is achieved so a planning permit can be granted for the proposed use.
4. The first decision guideline in the IN1Z relates to consideration of the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF).

5. The MPS notes that industrial zoned land is a limited resource within the municipality and directs new materials recycling operations to existing vacant industrial zoned land such as the proposed site.
6. The MPS also notes that there are significant benefits in providing for material recycling operations that reduce the level of waste that would otherwise be directed to landfill. Despite this the MPS acknowledges that these types of operations can present challenges in terms of their location to residential and other sensitive land uses. That there is a need to minimise land use conflicts such as noise, odour and dust.
7. Clause 19.03-5S of the PPF also highlights the importance of waste and resource recovery in reducing the reliance on landfills in order to improve environmental and community amenity. Clause 17.03-2S highlights the need to provide adequate buffer distance for these types of uses to ensure that residents are not affected by adverse environmental effects or nuisance.
8. 13.05-1S (Noise Abatement), 13.06-1S (Air Quality Management) and 13.07-1S (Land use compatibility) seek to manage amenity conflicts between land uses. The application was required to be referred to the EPA, who are the determining referral authority on environmental impacts and amenity.
9. EPA has reviewed the EMP and noise report provided by the applicant and has determined that that subject to compliance with conditions the separation between the proposed use and nearby residential uses is adequate. The EPA is satisfied that the proposal can reduce noise emissions to an acceptable level and that the primary source of potential odour emissions, the portable toilet units, can also be effectively managed. The EPA is also satisfied that dust emissions can be managed to a suitable level.
10. The application adequately addresses the other relevant decision guidelines of the IN1Z. Stormwater from the land can be connected to the Shepparton East Drainage system, which provides stormwater retention and treatment via a basin and wetland system at 315 Doyles Road, Shepparton. This drainage solution is to the satisfaction of Council's Development Engineers.
11. All required services can be connected to the land. The provision of on-site parking and loading and unloading is adequate for the proposed use.
12. A Traffic Impact Assessment has been submitted with the application. The TIA concluded that the proposed use will generate a peak hour movement of 17 vehicles per hour prior to the morning shift and 14 vehicles per hour from the site following the afternoon shift. The TIA anticipated that the relocation of the business would have a negligible impact on the Carroll Road and the Midland Highway subject to a swept path analysis being submitted to ensure there is adequate road width provided in

Carroll Road to accommodate heavy vehicles entering and existing the land at the same time. The applicant has submitted this analysis.

13. VicRoads (DOT) were notified of the application and had no objection to the proposal. Council's Development Engineers had no objection to the proposal subject to construction of a sealed vehicle access in accordance with the requirements of the Infrastructure Design Manual and the provision of a suitable stormwater drainage solution.
14. A detailed landscape plan has been submitted with the application. Officers consider the proposed landscape plan is acceptable, subject to further details on how the proposed natural grass area will be maintained in order to reduce any dust emissions. The plan provides for a proposed 5 metre wide landscape screen along the eastern boundary of the land (lot 1) which will include large trees, shrubs and understorey plantings. Over time this will provide a visual barrier and soften the appearance of the land from the LDRZ land to the east.
15. The land is partially within the LSIO. The purpose and decision guidelines of the LSIO and 21.05-2 seek to manage flooding within the community. The relevant floodplain manager the GBCMA have consented to proposal subject to the proposed warehouse and office buildings being construed 300 millimetres above the 100 year flood level.
16. Clause 53.10 identifies a materials recycling or transfer station as having the potential to cause offence or an unacceptable risk to the surrounding neighbourhood if not appropriately designed and located. As there is no threshold distance specified for materials recycling the application was required to be referred to the EPA to consider any potential amenity impacts such as noise, dust and odour.
17. For a transfer station not accepting organic waste, the threshold distances from sensitive land uses is 200m. Any proposal that falls within this distance is required to be referred to the EPA for assessment.
18. The EPA is satisfied that the proposed used and development is adequately sited to avoid any unacceptable risk and that potential amenity impacts can be properly managed by conditions of a planning permit.
19. Another potential risk associated with the proposal is a fire outbreak from materials such as bundled cardboards and plastics. For this reason officers notified the CFA of the application. The CFA has consented subject to conditions that require the management of fire risk, including a Fire Management Plan.
20. Clause 53.14 seeks to facilitate the establishment of transfer stations and materials recycling facilities in appropriate locations. It is noted that the land is zoned for industrial purposes and that the existing Foott Waste facility has operated within

close proximity to the land and the LDRZ land to the east for a number of years without any major issues. It is clear from viewing the existing Foott Waste facility that it has outgrown this site. The move to a new purpose built facility provides an opportunity for the business to operate under one roof, comply with current standards and better manage and control potential amenity impacts of the operation.

21. The proposal is supported by state level strategic documents such as the Statewide Waste and Resource Recovery Infrastructure Plan which seek to reduce the amount of waste currently being sent to landfill. The operation currently supports local community by providing a materials recycling facility to local business and community and by preventing up to 70% of this waste from being sent directly to landfill.
22. It is estimated that the new facility has the capacity to increase the amount of waste material recovered annually from approximately 3,400 Tonnes Per Annum (TPA) to approximately 7,500 TPA
23. The proposal is generally in accordance with the relevant decision guidelines of Clause 65. It will provide for an improved design outcome in Carroll Road, providing for a new building of interest with a suitably designed landscape treatment.
24. No native vegetation is proposed to be removed as part of the proposal.
25. The objections to the application identify valid points of concern that need to be addressed through the assessment of the application. Officers need to be satisfied that noise, odour, dust and other relevant amenity considerations can be managed to acceptable levels to minimise the impact on the amenity of the LDRZ land to the east.
26. In addition to the above, it is important to note that this LDRZ land directly abuts industrial land and residents cannot expect a pristine level of residential amenity that may exist in more centralised residential neighbourhood located away from commercial and industrial uses.
27. Objectors have raised concerns that the proposed use is not suitably located given its proximity to residential zoned land. The closest residential zoned land will be approximately 130m from the proposed warehouse building. This will see the facility located closer to residential land than the existing Foott Waste facility.
28. One of the issues with the current Foott Waste facility is that operations have outgrown the existing building footprint and a number of operations such as bin storage occur outdoors. The proposed building will allow for all activities, other than the portable toilet wash down to occur within the building, reducing the visual impact of the operation. A landscape screen will also be planted along the eastern boundary of lot 1. Over time this will provide a visual barrier from the land use for the LDRZ land to the east.

29. The proposed use and development is required to comply with EPA Publication 1411 'Noise from Industry in Regional Victoria (NIRV). The applicant has submitted a noise report that indicates that the measured noise levels for all activities to be undertaken will comply with the NIRV limits defined in the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1) during the proposed operating hours. The report identified that the dominant background noise when measuring from land is Blossom Way was traffic noise from Doyles and Benalla Road and noise from an adjoining business 'All Farm Gates'
30. In order to provide certainty to objectors about compliance with the required noise guidelines, it is recommended that a condition be included on any approval granted that requires:
- A noise report be provided within 6 months of the commencement of use demonstrating the required noise limits are being met.
 - Future noise testing if noise disturbance is caused to nearby residential neighbours. If noise emissions are found to be problematic the report will need to recommend acoustic protections to neighbouring properties that are to be implemented by the permit holder.
31. The EPA is satisfied that noise levels can be suitably managed based on the above requirements and the submitted noise report. The hours of operation provided in the application material are 7.00am to 5.00pm for the waste recycling building. Waste collection vehicles will begin leaving the site from 5.00am and will return by 5.00pm. A condition should be included on a planning permit granted limiting the hours of operation to those specified.
32. The primary source of potential odour emissions from the operation has been identified as emissions from the portable toilet units to be stored at the site. The Information submitted with the application indicates that the effluent hose for the portable toilet units will be connected to the Goulburn Valley Sewerage System. The portable toilets will be washed and stored under an open canopy on the northern side of the proposed warehouse building.
33. The EPA is satisfied that this process will reduce the potential for off-site odour emissions to an acceptable level. All other recycling processes will operate within the proposed warehouse building. Officers have visited the current Foott Waste facility whilst in operation and did not notice any strong odour emissions. Officers have also visited Blossom Way on a number of occasions during Foott Waste Operating hours and have not noticed any odour impacts.
34. The existing Foott Waste Facility generates dust as the result of activities that occur on site outside of the existing building footprint and internal access ways that are of a gravel treatment. All activities at the new facility will either be undertaken within the building or under a canopy with a sealed surface. All internal access ways, car

parking and loading and unloading areas will be located on sealed surfaces that will reduce dust emissions.

35. A dust and silica assessment report was provided with the EMP that outlines procedures for workers to implement dust mitigation measures in the sorting of recyclables to reduce the potential for offsite impacts. These include dust monitoring programs, exhaust ventilation and use of water mist sprays. The EPA is satisfied that the measures detailed in the EMP will effectively manage dust emissions from the site.
36. Officers are concerned the natural grass area shown on the plans submitted with the application has the potential to generate dust in dry and warm conditions. Officers also believe this area has the potential to be used for truck parking. A condition of any planning permit granted should require amended plans showing a sealed truck parking area and measures for reducing dust generation from the natural grass area.
37. Officers believe that the concerns raised in the objections, while legitimate, can be effectively managed by conditions of a planning permit and do not warrant refusal of the application. Amenity conditions should be included on any planning permit issued to control the appearance of the site and to ensure the management of any vermin or pests.

Relevant incorporated or reference documents

Infrastructure Design Manual

Other relevant adopted State policies or strategies policies

There are no other relevant adopted State policies or strategies

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments

Are there any significant social & economic effects?

There are no other significant social & economic effects

Discuss any other relevant Acts that relate to the application?

The Aboriginal Heritage Act 2006

The Aboriginal Heritage Act 2006 provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The Aboriginal Heritage Act 2006 introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' includes part of the land within an area of cultural heritage sensitivity a CHMP has been previously prepared by Jo Bell Heritage Services .(CHMP 16284) on 20 Feb 2019. Significant ground disturbance was found to have occurred and no aboriginal cultural heritage was found as part of the site assessment.

Conclusion

As identified in the Local Planning Policy Framework established industrial areas within Shepparton contain significant pockets of vacant undeveloped land that provide opportunities for additional industrial development. Industrial zoned land in Shepparton is a limited resource and should be protected for industrial development.

There is strong policy support for industries which reduce waste and maximise resource recovery so as to reduce reliance on landfills and minimise environmental, community amenity and public health impacts.

The above needs to be balanced with the fact that the subject land is in close proximity to nearby residential zoned land. There is also strong policy support level to ensure the protection of the amenity of sensitive land uses.

Following a detailed assessment of the application officers have determined that the land is suitable for the proposed use and development for a materials recycling facility. Conditions contained in the draft Notice of Decision will assist to minimise land use conflicts and impacts on the amenity of nearby residential land. Subject to adherence to these conditions officers are satisfied that the amenity of these residents can be protected to an acceptable level and therefore the application is recommended for approval.

Draft Notice Of Decision

APPLICATION NO: 2019-314

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 24 CARROLL ROAD SHEPPARTON EAST
VIC 3631

WHAT THE PERMIT WILL ALLOW: USE AND DEVELOPMENT OF THE LAND
FOR MATERIALS RECYCLING AND
ASSOCIATED BUSINESS IDENTIFICATION
SIGNAGE

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Plans Required

Before the development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. The plans must be generally in accordance the advertised plans but modified to provide.

- a) Finalised design plans of the development including, site, floor and elevation plans, approved stormwater design and car and truck parking areas in accordance with the approved civil plans.
- b) The provision of bicycle, shower and change facilities in accordance with clause 52.34 of the Greater Shepparton Planning Scheme.
- c) A lighting plan showing all external lighting used to externally illuminate buildings, works and uses designed, baffled and located, so as to prevent the emission of light onto adjoining roadways and land.
- d) An amended landscape plan detailing how the natural grass area will be maintained to minimise any dust generation.
- e) Amended site plan showing the setbacks required by Goulburn Murray Water and floor height requirements of the Goulburn Broken Catchment Management Authority.
- f) An Emergency Management Plan as required by the Country Fire Authority

2. Layout Not Altered

The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

3. Buildings and works on endorsed plans to be completed prior to use

Prior to the commencement of use, all buildings and works on the endorsed plans must be completed to the satisfaction of the responsible authority unless otherwise agreed in writing by the responsible authority.

4. Civil Construction Requirements

Before any of the development starts, detailed plans with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information submitted must show the details listed in the Council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual and show:

- a) details of how the works on the land are to be drained/and or retarded
- b) computations including total energy line and hydraulic grade line for the proposed drainage as directed by responsible authority
- c) underground pipe drains conveying stormwater to the legal point of discharge
- d) unless agreed in writing by the responsible authority, measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements
- e) maximum discharge rate shall not be more than the pre-development flows
- f) detailed constructions plans of the loading docks including vehicle turning showing an all weather seal.
- g) car and truck parking construction plans showing an all weather seal.

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.

The access and parking areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Parking spaces, access lanes and driveways must be kept available for these purposes at all times.

Prior to the commencement of use all buildings and works as shown on the civil endorsed plans must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

5. Urban Vehicle Crossing Requirements

Prior to the commencement of use the vehicular crossing to the land shall be constructed in accordance with the endorsed plan(s) generally in accordance with Councils IDM standard drawing (**SD250**) to the satisfaction of the responsible authority.

Prior to any vehicle crossing works commencing a Works in Road Reserve Permit must be obtained from the responsible authority.

6. Landscape Works

Before the use starts landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

All landscaping works must be maintained to the satisfaction of the Responsible Authority including the replacement of any diseased or dead plantings.

7. Noise Control

The use hereby permitted must be conducted such that noise levels generated do not exceed permissible noise levels established in accordance with *Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011)* or as amended.

Not more than six months after the occupation of the development noise measurements of actual in operation noise levels must be undertaken at the permit holders expense to determine if the use is achieving compliance with NIRV. If the monitoring finds compliance is not be achieved with NIRV additional noise mitigation measures must be implemented without delay to the satisfaction of the responsible authority.

In the event of unreasonable noise being generated by activities conducted on from the subject land and being established by Council planning officers as likely to be causing a disturbance to nearby property, then further noise testing by a suitably qualified acoustic consultant must be undertaken to assess whether activities on the site are breaching the EPA permissible noise levels and to advise what measures must be implemented to minimise the problem to the satisfaction of the responsible authority.

8. **General Amenity**

The use and development of the land must not adversely affect the amenity of the area, by way of:

- a) processes carried on the land;
- b) the transportation of materials, goods or commodities to or from the land;
- c) the appearance of any buildings, works or materials;
- d) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit, or oil;
- e) the presence of vermin, or otherwise.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

The use of the Materials Recycling facility must operate during the following hours:

Operating hours	Days of the week	Extent of use/operation
7.00am – 5.00pm	Monday to Friday	All materials recycling operations in accordance with conditions in this permit.
5.00am – 7.00am	Monday to Friday	Only the departure of vehicles travelling to external work sites.
Nil	Weekends and public holidays	No materials recycling operations.

These operating hours must not be altered without the prior written consent from the responsible authority.

9. **Environment Protection Authority**

- a) There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:
 - the environment in the area around the premises; and
 - the wellbeing of persons and/or their property in the area around the premises.
- b) The permit holder must ensure that nuisance dust and/or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises.

Additional comments

The permit holder is also reminded to meet their obligations to comply with the *Environment Protection Act 1970* at all times including but not limited to:

1. **Section 38** - Discharges of water to comply with policy including State Environment Protection Policy (Waters).
2. **Section 41** - Pollution of atmosphere including offences for discharging offensive odours to the sense of human beings.
3. **Section 46** - Emission of noise to comply with policy including State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade).

10. Country Fire Authority Requirements

- a) The storage of combustible recyclable and waste materials must be undertaken in accordance with EPA's Waste Management Policy (Combustible Recyclable and Waste Materials).
- b) Prior to the commencement of operations, an Emergency Management Plan (EMP) must be submitted to the satisfaction of CFA and EPA, the plan must: Incorporate a Fire Management Plan that has been prepared in accordance with EPA's *Management and Storage of Combustible Recyclable and Waste Materials Guideline 2018* (1667.2).
 - Identify risks and demonstrate how they will be managed, this includes relevant risk management processes and procedures.
 - Specifically address fire risks, both on-site and off-site.
 - Include a temperature monitoring procedure and/or system of work for stockpiles of combustible recyclable waste material. The process/system must:
 - Include benchmarks (based on evidence) that set acceptable temperature limits;
 - Ensure that continued monitoring is undertaken following elevated temperature readings; and
 - Demonstrate how elevated temperatures will be managed. This must include notification to CFA.
 - Include a 'hot works' policy that demonstrates how the management of ignition sources and site activities will be undertaken on days of severe and above Fire Danger Ratings or Total Fire Ban.
 - Include a Traffic Management Plan and Fire Brigade Access
- c) A fire protection system must be provided at the site, the system must be:
 - Designed to adequately respond to the risks and hazards evident at the site;
 - Designed with reference to 'combustible waste' as a special hazard under Part E1.10 and E2.3 of the National Construction Code;
 - Provided in accordance with Australian Standard 2419.1.

- Be to the satisfaction of CFA and not be altered unless otherwise approved by CFA.
- d) All stockpiles at the site must be temperature monitored and results recorded and retained.
- e) The site must be fully secured at all times and ongoing security monitoring measures must be implemented and documented.
- f) Emergency vehicle access must be provided at the site.
- g) Containment systems to prevent fire water runoff entering ground water or storm water must be provided.
- h) An Emergency Information Container must be installed at each road entry to the site. The container must be:
 - painted red and marked 'EMERGENCY INFORMATION' in white contrasting lettering not less than 25mm high.
 - installed at a height of 1.2m-1.5m above ground level.
 - unobstructed and accessible with a fire brigade standard 003 key.
- i) The Emergency Information Containers must contain an Emergency Information Book, consisting of:
 - An inventory of materials at the premises (e.g., types, location and volume of CRWM) that includes the information required in EPA's Management and Storage of Combustible Recyclable and Waste Materials Guideline 2018 – Chapter 5.3: Reducing the impacts of fire: Inventory.
 - Site plans that depict the layout of the entire site, including buildings, internal roads, CRWM piles, fire protection systems and equipment, dangerous goods storage areas, drains and isolation valves, neighbours and the direction of north.
 - Contact details for site personnel, regulatory authorities and site neighbours.
 - Procedures for management of emergencies, including evacuation, containment of spills and leaks, and fire procedures.

Notes

Compliance with the Environment Protection Authority (EPA) publication titled 'Management and Storage of Combustible Recyclable and Waste Materials Guideline' (publication 1667.2, October 2018 as updated from time to time) will be taken to mean compliance with the Waste Management Policy (Combustible and Recyclable Waste Materials).

11. Goulburn Valley Region Water Corporation Requirements

- (a) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;

- (b) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement.

The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted;

12. Goulburn Broken Catchment Management Authority Requirements

The finished floor level of the proposed warehouse and office is to be set at least 300 millimetres above the 1% AEP flood level of 114.9 metres AHD, i.e. 115.2 metres AHD.

13. Goulburn Murray Water Requirements

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in EPA Publication 275, Construction Techniques for Sediment Pollution Control (May 1991).
- b) No buildings or works may be erected or carried out within 30 metres of any Goulburn-Murray Water infrastructure (including irrigation channels and drains).
- c) All wastewater from the dwelling must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.
- d) No stormwater is to be discharged to any Goulburn-Murray Water channels or drains.

14. Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development and use are not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

NOTATIONS

Building Approval Required

Prior to the commencement of works approved by this permit, building approvals must be obtained.

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2020-153
Applicant Name:	Fisher Developments Pty Ltd
Date Received:	28-May-2020
Statutory Days:	75
Land/Address:	2-14 Walshe Street & 67-71 Casey Street TATURA VIC 3616
Zoning & Overlays:	C1Z LSIO HO156
Why is a permit required (include Permit Triggers):	Buildings and works in the C1Z under 34.01-4 Buildings and works including demolition in the HO under 43.01-1 Buildings and works in the LSIO under 44.04-2 Reduction in car parking requirements under 52.06-3 Waiver of end of trip bicycle facilities under 52.34-2 Sale of liquor under 52.27
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No
Was the correct application fee paid?	Yes \$8,700.90 – Development \$659.05 – Reduction in parking and liquor Total - \$9359.95

Proposal

The application proposes the redevelopment of an existing IGA supermarket, including the following:

- Partial demolition of a building within the Heritage Overlay
- A supermarket tenancy including a drive through bottle shop
- Speciality retail including a drive through convenience restaurant of 404.5sqm
- Construction of the supermarket, bottle shop and three speciality retail tenancies below the flood protection level
- 62 on site car parking spaces
- 32 new on street car parking spaces in Casey Street
- Loading dock to service the supermarket abutting Casey Street

Summary of Key Issues

- Development permission is sought for alterations and additions to an existing IGA supermarket.
- Officers received one objection to the application which submitted that an insufficient number of parking spaces is provided. Officers consider that a combination of on site parking (62 spaces) and on street parking in Casey and Walshe Street provide an acceptable amount of precinct wide parking for the development. On this basis officers do not consider that the objection warrants refusal of the application.
- All referral authorities have consented to the proposed application subject to various conditions.
- Council's traffic and drainage engineers have recommended the inclusion of a detailed civil works condition within the NOD.
- Officers assessment has found that the application implements planning policies and creates a net community benefit by improving supermarket offering and creation employment in Tatura.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2020-153 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 34.01-4, 43.01-1, 44.04-2, 52.06-3, 52.27 and 52.34-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 2-14 Walshe Street & 67-71 Casey Street TATURA VIC 3616, for the Partial demolition, buildings and works in association with an expanded Supermarket and retail tenancies, increase the area where liquor can be sold, reduction in the statutory car parking requirements and waiver of end of trip bicycle facilities in accordance with the Notice of Decision.

Moved by: Andrew Fletcher

Seconded by: Colin Kalms

That Council having caused notice of Planning Application No. 2020-153 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 34.01-4, 43.01-1, 44.04-2, 52.06-3, 52.27 and 52.34-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 2-14 Walshe Street & 67-71 Casey Street TATURA VIC 3616, for the Partial demolition, buildings and works in association with an expanded Supermarket and retail tenancies, increase the area where liquor can be sold, reduction in the statutory car parking requirements and waiver of end of trip bicycle facilities in accordance with the Notice of Decision.

Carried

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.



The site has a total area of about 6620 square metres and currently contains:

- An existing IGA supermarket and bottle shop with 22 on site car parking spaces. The development site fronting Walshe and Casey Street is occupied by three dwellings all of which are proposed to be demolished.

The main site/locality characteristics are:

- The land is on the eastern edge of Tatura's CBD and abuts a Telstra exchange and Post Office to the west. Other nearby uses include a hotel, ambulance station, fire station (soon to relocate) and a public park (open space).

The Photos below show the existing site:



View of Casey Street looking towards TMI



View of Casey Street nature strip abutting the land



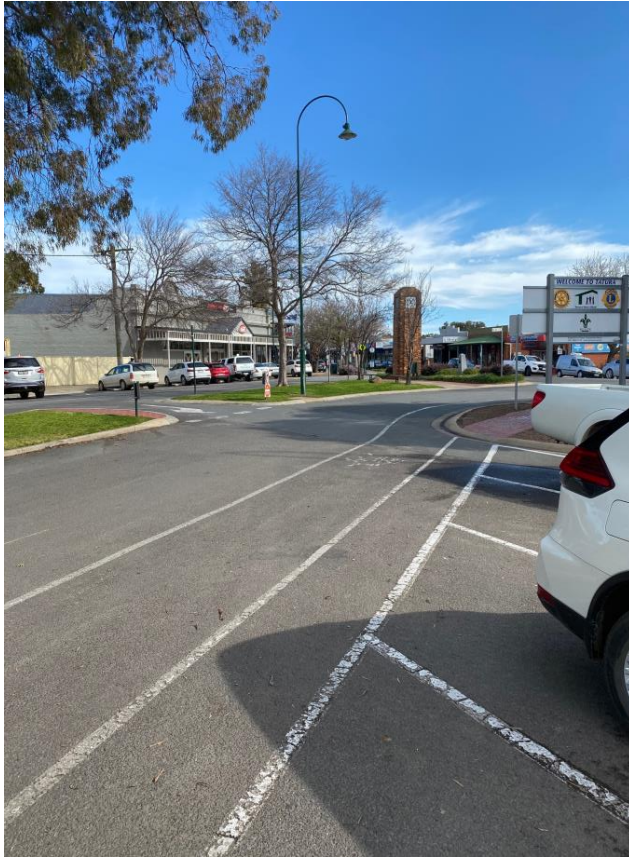
Existing power pole in Casey Street nature strip which provides overhead connection to a dwelling that is to be demolished.



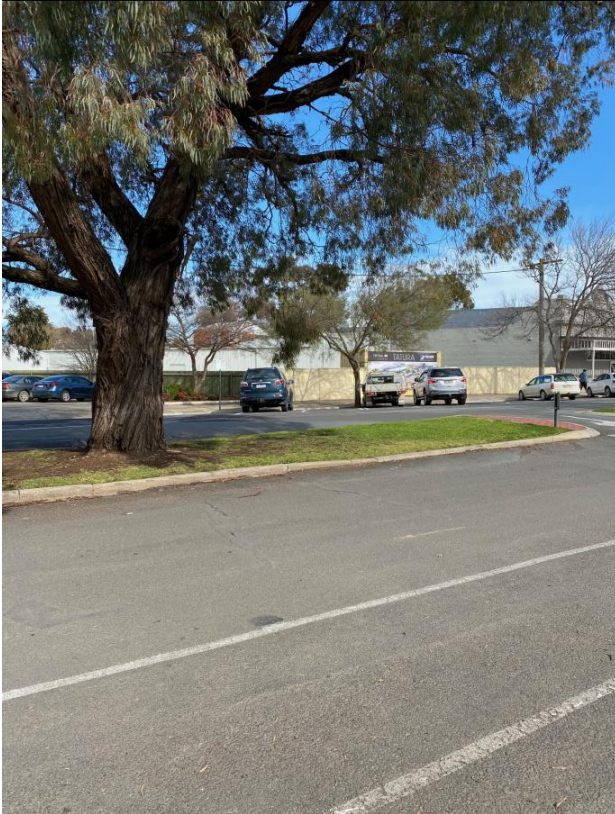
View of boundary fence on the lands western boundary to the Telstra Exchange



View of Walshe Street looking towards Hogan Street



View of the existing supermarket and clock tower memorial to Dr Park.



View of the supermarket development area and existing car park



View of the supermarket car park fronting Walshe Street



View of corner of Walshe and Albert Street

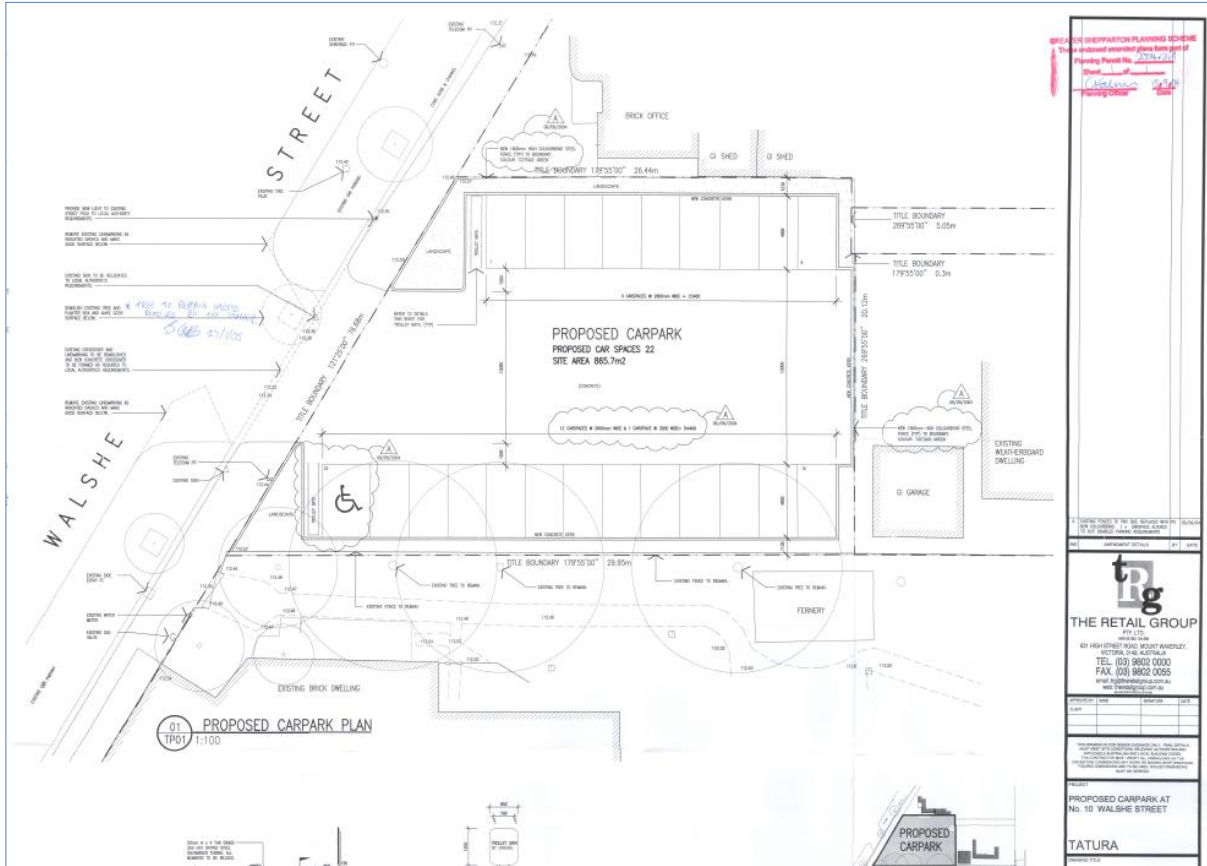


View of Albert Street which has no kerb and channel

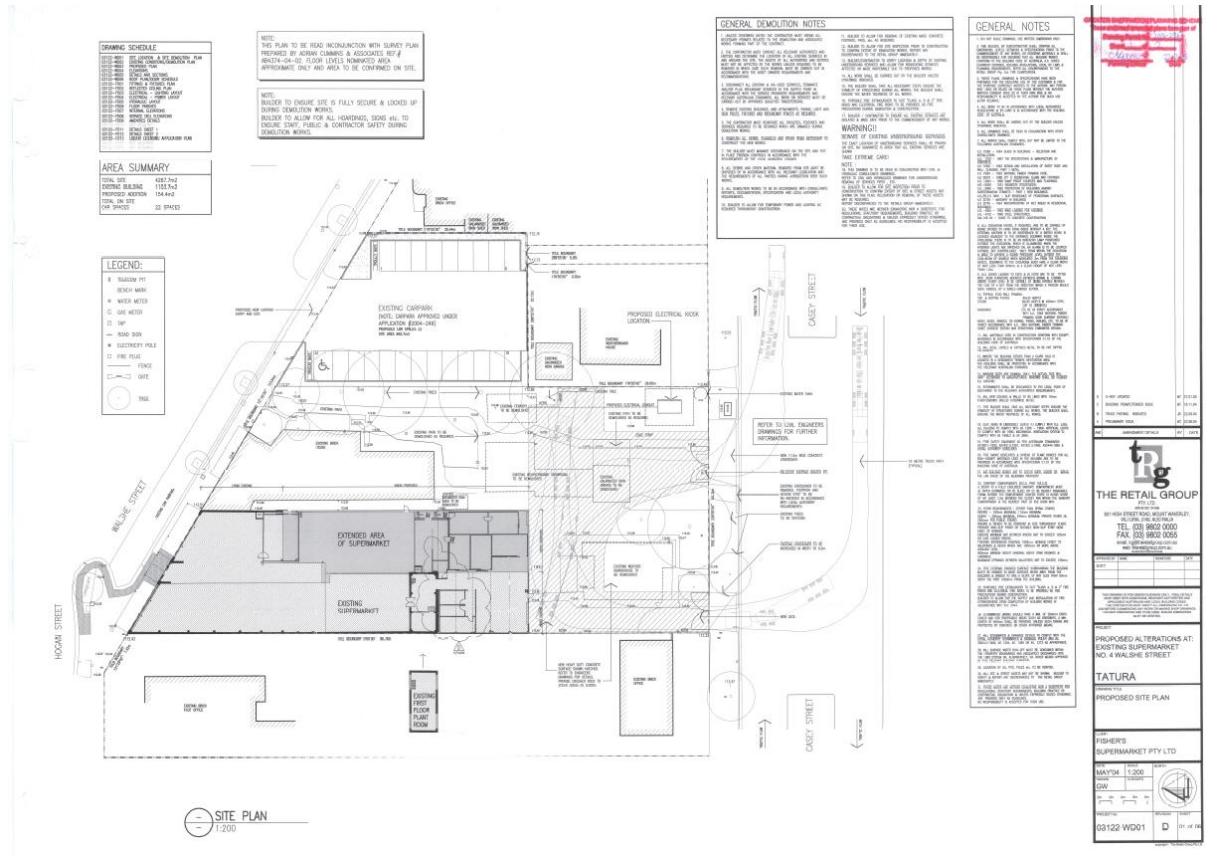
Permit/Site History

The history of the site includes:

- Planning permit 2004-249 was issued on 2 September 2004 and allowed a car park for 22 vehicles



- Planning permit 2004-296 was issued on 3 November 2004 and allowed an extension to an existing supermarket.



Further Information

Was further information requested for this application? No

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description buildings and works (including demolition) in the Heritage Overlay, reduction in car parking requirements and sale of liquor all associated with a supermarket redevelopment, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.



The application was exempt from being advertised in accordance with Clause 34.01-7, 44.04-6 and 52.34-3 of the planning scheme.

Objection

The Council has received one objection to date. The objection raises nine points all of which relate the development proposed reduction in car parking. A parking and objection assessment are undertaken later within this report.

Title Details

The titles do not contain a Restrictive Covenant or Section 173 Agreement

Consultation

Consultation was not undertaken.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
CMA	44.04-7	Recommending	CMA consented to the application subject to floor level requirements.

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVW	GVW consented to the proposal subject to standard conditions.
Powercor	Powercor consented to the proposal subject to standard connection conditions.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council's development engineers consented to the application subject to detailed civil works conditions.
EHO	The EHO's consented to the development subject to standard conditions relating to the Food Act.
Heritage	<p>Council's heritage architect reviewed the proposal and provided the following comments:</p> <p><i>The plans and elevations show that the significant building is largely unchanged.</i></p> <p><i>The major changes to this heritage overlay area appear to be from additions to the rear and side. These additions are extensive. However, most of the works are of a similar scale and have a complementary streetscape character. The return of the street at this junction also assists in modifying the impact on the significant building.</i></p> <p><i>The proposed design for the supermarket has included a recess at the junction between the new and old with some scope for landscaping. This is supported and will assist in separating the old from the new.</i></p> <p><i>The adjacent wall (to the heritage place) could be designed with more regard to its location as it will be viewed obliquely from the main street (Hogan Street) as well as from Walshe Street.</i></p> <p><i>The redevelopment will have some impact on the heritage place but it will not markedly diminish the cultural heritage significance of the place.</i></p>

Assessment

The zoning of the land
C1Z

Purpose

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

Decision guidelines are at 34.01-8 and include:

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The interface with adjoining zones, especially the relationship with residential areas.

Building and works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

Relevant overlay provisions

LSIO

The land is within the LSIO.

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local

drainage conditions and will not cause any significant rise in flood level or flow velocity.

- To reflect any declaration under Division 4 of Part 10 of the *Water Act, 1989* where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Decision guidelines are at 44.04-8.

Heritage Overlay

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

43.01-8

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.

- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.
- Whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place.

HO156 turns on the following controls:

- External paint
- Tree control
- GSHIP

Greater Shepparton Heritage Incorporated Plan (incorporated document in the planning scheme)

1.4 - External Paint Controls only apply to the following places:

1.4.2 Tatura Township Precinct (HO156):

- Irrigation and War Camps Museum, 49 Hogan Street, Tatura;
- Sacred Heart Roman Catholic Church, 65-75 Hogan Street, Tatura;
- St Mary's College & Sacred Heart Convent, 70-82 Hogan Street, Tatura;
- Mechanics' Institute, 77-79 Hogan Street, Tatura; and
- Victory Hall, 81-83 Hogan Street, Tatura.

On this basis external paint controls do not apply to the land.

1.5 Tree Controls only apply to the following places:

1.5.2 Tatura Township Precinct (HO156):

- Commercial Hotel, 42-50 Hogan Street, Tatura; and
- St Mary's College & Sacred Heart Convent, 70-82 Hogan Street, Tatura.

Tree controls do not apply to the land.

Planning Policy Framework (PPF)

11.01-1S Settlement

Objective

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

Strategies

- Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.
- Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.
- Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.
- Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.
- Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.
- Create and reinforce settlement boundaries.
- Provide for growth in population and development of facilities and services across a regional or sub-regional network.
- Plan for development and investment opportunities along existing and planned transport infrastructure.
- Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.
- Strengthen transport links on national networks for the movement of commodities.
- Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:
 - Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
 - Developing settlements that will support resilient communities and their ability to adapt and change.
 - Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
 - Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
 - Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.
 - Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
 - Improving transport network connections in and between regional cities, towns and Melbourne.

- Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.
- Limit urban sprawl and direct growth into existing settlements.
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.
- Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
- Ensure retail, office-based employment, community facilities and services are concentrated in central locations.
- Ensure land that may be required for future urban expansion is not compromised.

11.01-1R
Settlement - Hume
Strategies

- Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta, Wodonga and Benalla.
- Facilitate and strengthen the economic role of Seymour, while supporting population growth.
- Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.
- Support improved access to a range of employment and education opportunities, particularly in key urban locations such as Benalla, Seymour, Shepparton, Wangaratta and Wodonga.

11.03-1S
Activity centres
Objective

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

13.03-1S
Floodplain management
Objective

To assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river health.

13.05-1S Noise abatement

Objective

To assist the control of noise effects on sensitive land uses.

Strategy

Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

13.07-1S Land use compatibility

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

15.01-1S Urban design

Objective

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

Strategies

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Promote good urban design along and abutting transport corridors.

15.03-1S Heritage conservation

Objective

To ensure the conservation of places of heritage significance.

Strategies

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the protection of natural heritage sites and man-made resources.
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- Support adaptive reuse of heritage buildings where their use has become redundant.
- Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

17.01-1S

Diversified economy

Objective

To strengthen and diversify the economy.

Strategies

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.
- Support rural economies to grow and diversify.

17.02-1S Business

Objective

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

Strategies

- Plan for an adequate supply of commercial land in appropriate locations.
- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
- Locate commercial facilities in existing or planned activity centres.
- Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
- Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.
- Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.
- Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.
- Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.

18.02-4S

Car parking

Objective

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

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

21.04-4 Urban Design

Objectives - Urban design

- To achieve a high standard of sustainability in the design and development of new buildings and subdivision.
- To promote a high standard of architectural, landscaping and urban design for built form and public spaces throughout the municipality.
- To ensure development implements the “Urban Design Framework- Shepparton North and South Business Areas”.
- To improve the amenity and image of the Shepparton CBD through the quality of its streetscape design, thereby creating an attractive CBD in which to work, study and live.
- To develop an image for Shepparton as a municipality that fosters innovative and sustainable contemporary design, particularly within the Shepparton CBD.
- To support public art in the Shepparton CBD that projects the character and uniqueness of Shepparton, enlivens public spaces and raises awareness of the indigenous and post-settlement history.
- To promote the principles of environmentally sustainable design.

- To control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment or the built form in the municipality.

Strategies - Urban Design

- Promote the highest design standards of residential development.
- Ensure the design of new development contributes to local character and enhances the public realm while minimising impacts on neighbouring properties.
- Promote energy efficient and sustainable designs for subdivision, new development and redevelopment of existing buildings and spaces.
- Encourage Water Sensitive Urban Design features in new and existing residential areas.
- Ensure development within the five designated precincts in the “Urban Design Framework- Shepparton North and South Business Areas” implements the directions of the framework.
- To ensure development implements the Shepparton CBD Strategy October 2008 and the Design and Development objectives and requirements of Schedule 1 to the ACZ.
- Promote architectural and urban design excellence throughout the CBD to improve its image as a regional centre.
- Facilitate landmark architecture on gateway sites and key sites in the CBD.
- Define gateways to the CBD through urban design and architecture, signage, complementary landscaping and public art.
- Ensure that buildings in the vicinity of the river are oriented towards the riverside environment.
- Design building frontages in the core retail areas and along main pedestrian streets to have 75 per cent ‘active’ frontages to add to the activity and vitality of the streets. This can be achieved through clear glazing, locating entrances off principal street spaces and providing balconies or terraces at the upper levels.
- On larger sites, avoid expanses of blank walls. Provide visual interest through a range of colours or textures, installing displays or through variations in the form of the building.
- Ensure the scale, mass and height of new commercial developments respects the prevailing neighbourhood character.
- Ensure building frontages avoid long expanses of solid walls and incorporate design elements and a variety of materials that create articulation and visual interest.
- Protect vistas to historic or significant buildings forming part of the streetscape.
- Ensure the creation of ‘walkable neighbourhoods’ that afford priority to pedestrians and provide safe and sheltered pedestrian routes within and through residential neighbourhoods and commercial centres.
- Ensure a high degree of connectivity and access within and between neighbourhoods for all modes of transport.
- Ensure subdivision design incorporates a variety of high-quality and useable open spaces that are well integrated with surrounding development.
- Ensure the design of new development contributes to the safety of its surroundings.
- Ensure new subdivisions respect and respond to valued local ecological qualities.
- Encourage landscaping of sites to retain existing vegetation where practical.
- Encourage the use of indigenous and low maintenance plant species.
- Ensure that the location, form and size of signs complement the dominant character of any urban or rural landscape, building, site or area on which they are erected.

- Control the location, size and scale of advertising signage, especially in key precincts of the Shepparton CBD and town centres.

21.05-4 Cultural Heritage

Objectives - Cultural Heritage

- To ensure that places of cultural heritage significance are conserved or restored.
- To discourage the demolition of places of cultural heritage significance that are designated as Individually Significant or Contributory in heritage precincts.
- To ensure that development does not adversely affect places of cultural heritage significance.
- To conserve the historic low-scale, low-density and homogenous character of any precinct and ensure that development is compatible with this character.
- To ensure that new development does not become the visually dominant element in any precinct. This includes external additions and alterations.
- To ensure that places that are designated as Non-Contributory in heritage precincts are developed in a manner that is sympathetic to, and does not detract from, the cultural heritage significance of a heritage precinct.
- To conserve and enhance significant views and settings in any heritage precinct.
- To ensure that archaeological remains are not inadvertently damaged or destroyed.
- To encourage sympathetic re-use of places of cultural heritage significance, including the consideration of uses which would normally be prohibited (where permitted in the Schedule to Clause 43.01), so that such places are maintained and enhanced.

Tatura Township Precinct (HO156)

The history and description for this precinct and found in each contributory citation are the source of evidence for the following statement of significance.

Statement of Significance

What is significant?

The Tatura Township Precinct is significant as it assists in demonstrating the development of Tatura from the 1860s and through to the post World War Two period. The Tatura Precinct is associated with the Land Selection Acts, Closer Settlement, the development of irrigation, the increasing intensification of agriculture in the region and post war migration.

Physical evidence of the changes associated with the continued settlement of Tatura from its beginning as the Whim to the post war development of the township is significant.

The evolution of the settlement pattern of Tatura is of note. Casey Street was originally designated as the main commercial street but Hogan Street (as a thoroughfare) evolved into the commercial centre of Tatura.

Hogan Street is distinctive for its eclectic mix of residential, ecclesiastic, public buildings and commercial architecture. This eclectic mix is in part a result of the change from a residential street in the 19th century to the main commercial street in the 20th century. This has created a distinctive character that exists for most of the length of Hogan Street.

Of note within the precinct are:

- the shops with attached residences at the west end of Hogan Street;
- the presence of the Catholic Church, and this includes the schools and former convent are defining architectural and historic elements within the township;

- the two houses [123 & 125] located within the commercial centre demonstrate the early residential character of Hogan Street;
- the Interwar shopfronts including the shop fronts that have retained a high degree of integrity;
- the former Rodney Shire Offices;
- the Commercial Hotel with its distinctive Interwar architecture; and
- the typical regional architectural expressions that are associated with the commercial development of Hogan Street.

The commercial centre is unified by the extent of modest and architecturally restrained 19th and 20th century shop fronts. The post-World War II infill places contribute to the scale of commercial development that was established during the turn of the 20th century and the Interwar period. The Interwar period shop fronts while modest in scale provide a strong architectural character within the township. The architecture associated with post war development has a spare and utilitarian character that is inspired by the stripped aesthetics that are associated with modernist ethics.

Places that contribute to the cultural heritage significance of the precinct include: Hogan Street; 42 - 50 [Commercial Hotel on the Tatura-Rushworth Road], 49 [Irrigation & POW Museum], 54 - 56, 58, 60, 61, 62 - 64, 65 - 75 [including the Sacred Heart Roman Catholic Church & Sacred Heart School, and those lots addressing Hunter Street], 70 - 82 [Convent of Mercy & St Mary's School], 77 - 79 [Mechanics' Institute], 81 - 83 [Victory Hall], 84 - 86, 85, 95 - 101 [73 - 77 Park Street], 1/106, 107, 108-110, 109, 111&113, 115, 117, 123, 124, 125, 126 - 128, 130, 132 - 134, 133, 137, 139, 141, 143, 145 - 147, 148, 152 and 158 - 162 [Criterion Hotel].

Hunter Street; [Sacred Heart Church & School 65 - 75 Hogan Street].
 Park Street; 73 - 77 [95 - 101 Hogan Street].
 Walshe Street; 2 - 10.

How is it significant?

The Tatura Precinct is of local historic, aesthetic and social significance to the Greater Shepparton City.

Why is it significant?

The Tatura Township Precinct is of historic and social significance as it provides tangible physical evidence of the character and type of settlement from the late 1860s and through to the Post World War II period.

Tatura is of historic and social significance for its sustained development as a result of the success of Land Selection and Closer Settlement. The construction of the railway and the development of local water trusts for irrigation and the subsequent State Rivers and Water Supply Commission supported its continued growth. The distinctive turn of the 20th century character demonstrates the impact of irrigation combined with Closer Settlement and the subsequent doubling of the population.

The immediate post war period is of historic and social significance to the township of Tatura. Post war growth and post war migration resulted in a tangible physical and social change for Tatura.

Tatura has a demonstrable social significance that can be identified by its strong sense of community and civic pride that spans from 1870s up to the present day. Evidence for this is

the number of memorials to past residents and significant events and the strength of the local historical society.

HERCON Criteria A & G

The Tatura Precinct is of aesthetic significance for its distinctive ecclesiastic architecture; its representative late 19th and early 20th century architecture and its post war buildings.

HERCON Criteria D & E

Volume 3: Greater Shepparton City Council Heritage Study Stage IIB

HERITAGE CITATION REPORT

Name	2-10 Walshe Street, Tatura	Significance Level	Contributory
Address	2-10 Walshe Street TATURA		
Place Type	Commercial Office/Building		
Citation Date	2011		



2-10 Walshe Street, Tatura

Recommended Heritage Protection	VHR - HI - PS Yes	Architectural Style	Federation/Edwardian Period (1902-c.1918)
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History and Historical Context

Part of the site is associated with Dr James Park. He had a Surgery and residence at Walsh Street from c1922 until his death in 1938. The brick clock tower in Hogan Street is a memorial to Dr Park who was known for his kindness and charity. His interest in the welfare of children encouraged the building of kindergarten room at the Presbyterian Sunday School - where a memorial photo was later unveiled. On his death flags were flown at half mast on all public and other buildings in town.

Description

Physical Description

The building occupies a corner site (Walsh & Hogan Street). The former residence has been demolished. The Hogan street facade of this building has been modified and extended to become a supermarket. It is constructed from rendered

2-10 Walshe Street, Tatura	23-May-2013	05:38 PM
Hermes No 44053	Place Citation Report	

94

HERITAGE CITATION REPORT

masnory. It includes shop front windows, a verandah and cement decorative elements to the parapet area. The verandah is a dominant architectural feature and provides a contiguous element between the old and new fabric.

Site Context

The former doctor's residence and doctor's surgery are located in a commercial area with a carpark and supermarket their immediate neighbours.

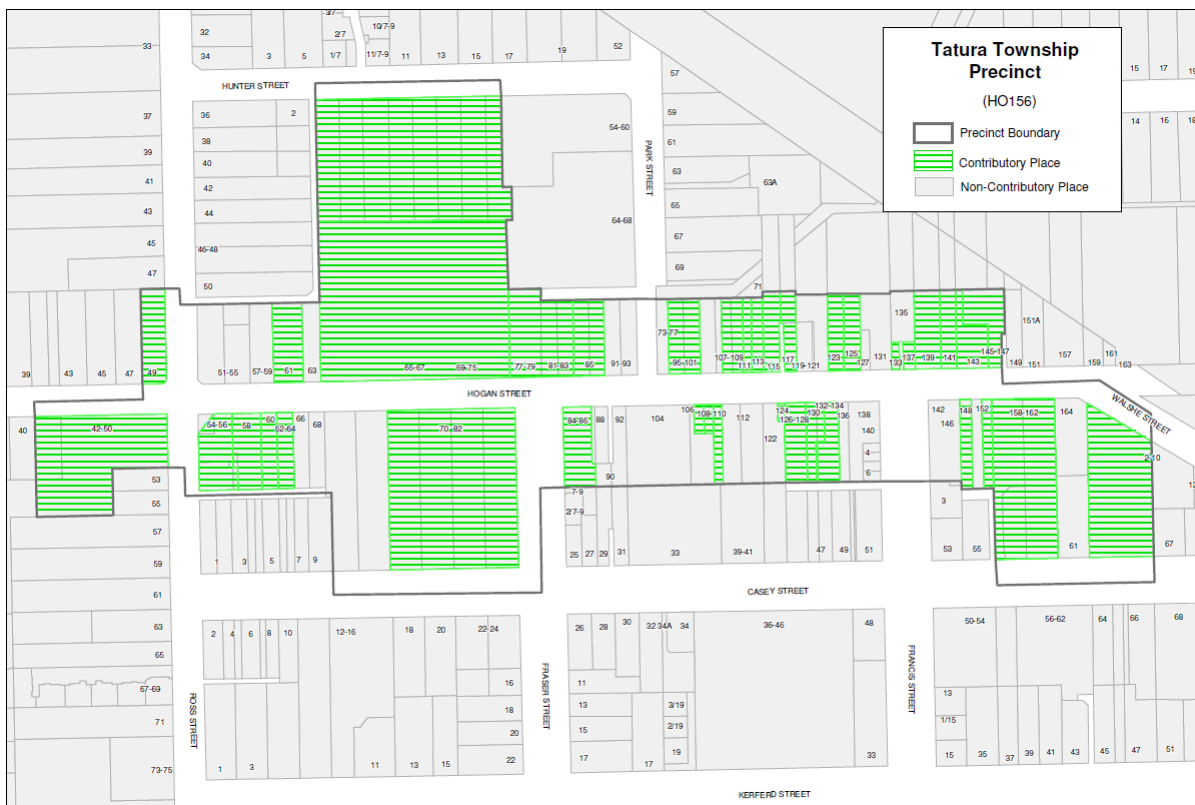
Statement of Significance

A contributory place within the Tatura Precinct. Please refer to the precinct citation (Hermes Record # 64225) for information about the significance of the place.

HERCON Criteria A, G, D

Recommendations 2011

External Paint Controls	No
Internal Alteration Controls	No
Tree Controls	No
Fences & Outbuildings	No
Prohibited Uses May Be Permitted	No
Incorporated Plan	-
Aboriginal Heritage Place	No



21.06-5

Commercial/Activity Centres

The city's commercial and retailing centres fulfil both local shopping and discretionary shopping needs, and provide services at the regional level. The Greater Shepparton 2030 Economic Development Report noted that no foreseeable demand exists in the long term for new major freestanding centres, other than in the north and south growth corridors, and for suitably accommodating bulky goods activities. The *Commercial Activity Centres Strategy, November 2015* identified that retail floorspace in Greater Shepparton is forecast to increase by between 35,000 and 55,000 square metres between 2015 and 2036. The *Commercial Activity Centres Strategy November 2015* identifies the following updated Activity Centre Hierarchy:

Activity Centre Hierarchy Description

Level in Hierarchy	No. of Centres in Shepparton	Centre
Shepparton Central Activities District	1	Shepparton CBD
Regional Retail Centre	1	Shepparton Marketplace
Sub-Regional Centre	3	Riverside, Mooroopna CBD, Shepparton North
Neighbourhood Centre or Town Centre	3	Echuca Road (Mooroopna North), Rowe Street East (Shepparton Plaza), Tatura
Local Centre or Township Centre	29	Branditt Ave, Graham St, Parkside Drv, King St, Dunkirk Ave, Conifer St, Parker St, Macintosh St, Swallow St, Michel St, Poplar Ave, Archer St, Colliver Rd, Guthrie St, Longstaff St, Kialla Lakes, Joseph St, MacIsaac Rd, St Georges Road, Murchison, Dookie, Toolamba, Tallygaroopna, Undera, Shepparton East, Lemnos, Congupna, Katandra West, Merrigum
Enterprise Corridor	3	Benalla Road, Gateway North (Numurkah Road), Gateway South (Melbourne Road)

Source: Essential Economics

Relevant Particular Provisions

52.06 Car Parking

CAR PARKING

Purpose

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Decision guidelines are at 52.06-10.

52.27

LICENSED PREMISES

Purpose

To ensure that licensed premises are situated in appropriate locations.

To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

52.34

BICYCLE FACILITIES

Purpose

To encourage cycling as a mode of transport.

To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Table 1 to Clause 52.34-5 Bicycle spaces

Use	Employee/Resident	Visitor/Shopper/Student
Convenience restaurant	1 to each 25 sq m of floor area available to the public	2
Shop	1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres

Table 2 to Clause 52.34-5 Showers

USE	Employee/Resident	Visitor/Shopper/Student
Any use listed in Table 1	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	None

Table 3 to Clause 52.34-5 – Change rooms

USE	Employee/Resident	Visitor/Shopper/Student
Any use listed in Table 1	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.	None

The decision guidelines of Clause 65

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Officers Assessment

1. Under the zone being the C1Z a permit is triggered for development of the land. The proposed development of the land for a supermarket based shopping centre is considered to satisfy the zone purpose of encouraging the creation of a vibrant mixed

use commercial centre. The proposed development removes dwelling stock fronting Casey and Walshe Street and integrates the streets into the supermarket based shopping centre.

2. The use of land for supermarket and smaller shop tenancies are as of right uses in the C1Z.
3. The first decision guideline in the C1Z relates to consideration of MPS and PPF.
4. The PPF seeks to focus investment and growth in places of state significance such as Shepparton. Officers consider that Shepparton's suburbs being Kialla, Mooropna and Tatura are also a focus for investment and growth. Clause 11.01-1R reinforces the policy direction to facilitate growth and development specifically in Shepparton.
5. The objectives to guide the structure and character of Tatura and to balance strategic objectives to achieve improved land-use and development outcomes at the local level, is reflected in Council's local policy under the activity centre hierarchy, which encourages Tatura to function as a town centre.
6. Activity centre policies at 11.03-1S encourages the concentration of major retail into activity centres. Officers consider that Hogan Street is the retail hub of Tatura and the appropriate location for developments such as this proposal.
7. 13.03-1S and 21.05-2 seek to manage flooding within the community. The proposed development is largely proposed to be constructed below the flood protection level so that existing levels within the heritage buildings can be maintained. CMA have consented to this level reduction subject to specific construction methods to manage flood impacts. Officers also recommend that a S173 be placed on title to alert future owners of the level of the building.
8. 13.05-1S (Noise) and 13.07-1S (Land use compatibility) purposes are to manage amenity conflicts between land uses. The land is within a C1Z and is setback about 53m to the nearest residential zoned land. Officers acknowledge that no use permission is triggered, despite this officers consider that the separation between the uses and residential zoned land is appropriate. The main amenity impact is likely from the loading dock associated with the supermarket which is at the western end of the site. The submitted planning report states that loading activities is limited to 7am to 7pm daily.



9. State and local policy at clause 15.01-1S and 21.04-4 seek that developments produce a high standard of urban design. The proposed commercial development has been architecturally designed. Officers consider that the design seeks to create interest in building facades including the Casey Street loading area which had the potential to be a blank supermarket wall. Officers are pleased that the large water tanks for firefighting purposes are screened. Officers note that the submitted plans make provision for public art, officers encourage the applicant to implement this design idea into the project.
10. Part of the site is within a HO and is an important site for Tatura. Initially developed with a surgery. Dr James Park occupied the site from 1922 to his death in 1938. The brick clock tower adjacent to the land in Hogan Street is a memorial to Dr Park. Heritage policies generally seek to discourage demolition of heritage buildings. Despite this, Council's heritage architect is satisfied that the proposal demolition is acceptable and unavoidable to enable the enlarged supermarket.
11. 17.01-1S (Diversified economy) and 17.02-1S (Business) are economic based policies such as 'support rural economies to grow and diversify' and 'locate commercial facilities in existing or planned activities centres'. Officers consider that this proposed development implements policy direction of these clauses by providing improved retail options within Tatura's town centre.
12. The State objective for urban stormwater drainage system measures to reduce peak flows, treat stormwater and incorporate water-sensitive urban design techniques into developments are achieved by the Council requirement for all developments to submit a drainage design that incorporate best practice measures.

The State objective is expanded in the local policy Clause 21.07-3 which refers to compliance with the Infrastructure Design Manual. The local policy also refers to best practice in both the Greater Shepparton Stormwater Management Plan and the Urban Stormwater Best Practice Management Guidelines for the design of new developments.

Decision Guidelines C1Z

The interface with adjoining zones, especially the relationship with residential areas.

13. The land is within the C1Z and is setback about 57m to the nearest residential zone (GRZ). Separating the subject site to the residential zone is Casey Street which is a two way divided road. The nearest residential zoned land to the site is currently undeveloped.
14. Land on the southern side of Casey Street is within the C1Z. It is considered that the supermarket based shopping centre will not unreasonably impact on either the residential zoned land or the C1Z land on the south side of Casey Street.

The effect that existing uses may have on the proposed use.

15. No use permission is required for the proposal. Despite this officers consider that existing uses which are mainly commercial will not impact on the development. Officers were initially concerned about existing CFA station access on Casey Street, however CFA are relocating to a new site in Tatura.

The drainage of the land

16. Council's drainage engineers have reviewed the proposal and the drainage network within the catchment. Those officers are satisfied that acceptable drainage solutions are achievable. Permit conditions will require the submission of a detailed drainage plan dealing with retention, water treatment and connection to Council's drainage network.

The availability of and connection to services

17. The land is within the existing built up area of Tatura and has access to all services.

The effect of traffic to be generated on roads

18. The application was accompanied by a traffic report. Council's traffic engineer reviewed the application and required two revisions to the proposal being:
 - The convenience restaurant tenancy drive through be accessed internally through the car park rather than from Albert Street
 - Centre of road car parking in Casey Street be horizontal parking

Permit conditions are recommended to implement these recommendations from Council's traffic engineer.

The interim use of those parts of the land not required for the proposed use

19. The proposal seeks to develop all of the site.

The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

20. The submitted plans provide for a central footpath connecting the car park to the store entry by raised pedestrian crossing. Footpaths are proposed on each street frontage abutting the development. A supermarket loading dock is proposed on the Casey Street frontage.

The provision of car parking and consideration of objection

21. The application seeks permission to reduce the statutory parking requirements. The single objection to the application is about car parking issues.

22. Plans indicate that 62 on site parking spaces are provided.

23. The applicant submits that the statutory parking requirement is 72 spaces for supermarket, 17 spaces for shop and 3 spaces for the convenience restaurant, meaning a total of 92 spaces. Based on the applicants assessment a parking shortfall of 30 spaces exist.

24. The objection letter sets out that the statutory parking requirement is 154 spaces. Based on the objectors assessment a parking shortfall of 92 spaces.

25. Starting at first principles (which is the objectors approach) the development requires 153 spaces, as calculated below:

- 127 spaces for a 2558sqm supermarket
- 23 spaces for 593sqm of shop
- 3 spaces for a convenience restaurant

26. Existing on the land is an authorised supermarket and bottle shop consisting of 1374sqm of floor space (based on plans, reports refer to 1268sqm). To cater for this 1374sqm of floor space 22 onsite parking spaces are provided.

27. Clause 52.06-5 states:

Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced.

28. Based on increased floor areas the parking requirement is:

Supermarket increases by 1445sqm = 72 spaces

Shop increases by 443sqm = 17 spaces

Convenience restaurant = 3 spaces

Total parking requirement for increased floor space is 92 spaces.

29. Officers consider that the existing floor space of 1374sqm also requires car parking at the rate authorised by the 2004 permit, being 22 spaces. If this is not the case, it would mean the existing floor space does not need to provide any parking.
30. Based on this assessment officers consider the statutory parking requirement is the existing parking obligation (22 spaces) plus the parking obligation for the new floor area (92 spaces). The parking requirement is 114 spaces, meaning a parking shortfall of 52 spaces.

Is the parking shortfall acceptable?

31. 62 car parking spaces are to be provided on the land.
32. 32 new car parking space are provided in Casey Street and one new car parking space in Walshe Street.
33. In addition to these 94 car parking spaces, 32 existing car parking spaces are within Walshe Street. The total parking available within the precinct is 126 spaces.
34. Officers consider that this precinct wide parking provision of 126 spaces will satisfy the developments parking requirement. It is noted that town centres such as Tatura often rely on Council car parking to assist in meeting uses parking demand, for instance commercial uses on the north side of Hogan Street have substantial off street parking in Little Hogan Street. Land on the south side of Hogan Street is serviced by off street Council car parking in Francis Street and at 122 Hogan Street.
The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.
35. The application has been accompanied by properly prepared plans which demonstrate that the proposed building will positively contribute to Tatura's streetscape. Officers consider that the mix of building materials, creation of interest points on what would otherwise be blank walls, use of public art and landscaped walls produce an acceptable design response to the site.

The storage of rubbish and materials for recycling

36. Submitted plans show an internal refuse room in the loading dock area of the supermarket.

Defining the responsibility for the maintenance of buildings, landscaping and paved areas

37. Officers consider the ongoing maintenance of the land will be a responsibility of the shopping centre. Permit conditions will require that landscaping be maintained to the satisfaction of the responsible authority.
38. Whilst not a planning matter, officers note that the convenience restaurant canopy will be partly within the Road Reserve. It will be necessary for the applicant to obtain a licence from Council for this encroachment into the Road Reserve.

The availability of and connection to services

39. All urban services are available and appropriate conditions would be included in any permit for development. Officers will require that redundant electricity infrastructure in Casey Street be removed and that any on site electrical kiosk be screened.

The design of buildings to provide for solar access

40. The submitted plans propose the installation of roof top solar panels for electricity generation, which is commended.

Landscaping

41. A detailed landscape plan was submitted with the application. Officers consider that the proposing landscaping is acceptable subject to canopy trees being planted in the garden area between the Casey Street and the on site car park.
42. Permit conditions will also require that the landscape plan be revised so that it is consistent with the development layout.

Liquor

43. Permission is sought for a supermarket bottle shop. Officers consider that it is normal and expected for a bottle shop to be incorporated into a supermarket.

Bicycle Parking

44. 52.34-1 requires that the floor area of an existing use must not be increased until the required bicycle facilities has been provided on the land. 52.34-5 requires bicycle spaces for a convenience restaurant and shop as follows:

Table 1 to Clause 52.34-5 Bicycle spaces

Use	Employee/Resident	Visitor/Shopper/Student
Convenience restaurant	1 to each 25 sq m of floor area available to the public	2
Shop	1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres	1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres

Table 2 to Clause 52.34-5 Showers

USE	Employee/Resident	Visitor/Shopper/Student
Any use listed in Table 1	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.	None

Table 3 to Clause 52.34-5 – Change rooms

USE	Employee/Resident	Visitor/Shopper/Student
Any use listed in Table 1	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.	None

45. The statutory bicycle requirement is 10 spaces (6 for shop and 4 for convenience restaurant). 5 spaces are required for employees and 5 for visitors. 12 bicycle spaces are proposed, therefore the application complies with its bicycle parking requirements.
46. The application seeks permission to waive its end of trip bicycle facilities under 52.34-1. The traffic report provides no commentary on end of trip facilities. Officers consider that it is likely that staff will ride to work, despite this officers will not require through a permit that end of trip facilities be provided. Officers will leave this issue to the employer and employees.

Relevant incorporated or reference documents

Heritage Study

Local Floodplain Development Plan

IDM

Other relevant adopted State policies or strategies policies

Nil

Relevant Planning Scheme amendments

Nil

Are there any significant social & economic effects?

Nil

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Discuss any other relevant Acts that relate to the application?

Nil

Conclusion

Officers having undertaken a detailed assessment of the application recommended that an notice of decision issue for the supermarket development. Despite there being a shortfall of 52 car parking spaces officers are satisfied that the car parking provision is adequate given the provision of 126 car parking spaces within the precinct. Officers consider that the proposal implements planning policies and creates a net community benefit through improved retail offering and job creation in Tatura.

Draft Notice Of Decision

APPLICATION NO: 2020-153

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 2-14 WALSHE STREET & 67-71 CASEY STREET TATURA VIC 3616

WHAT THE PERMIT WILL ALLOW: PARTIAL DEMOLITION OF BUILDING WITHIN THE HERITAGE OVERLAY, BUILDINGS AND WORKS IN ASSOCIATION WITH AN EXPANDED SUPERMARKET AND RETAIL TENANCIES, INCREASE THE AREA WHERE LIQUOR CAN BE SOLD AND A REDUCTION IN THE STATUTORY CAR PARKING REQUIREMENTS

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. Such plans must be generally in accordance with the advertised plans but modified to show:

- g) Vehicle entry to the drive through tenancy abutting Albert Street via the supermarket car park only
- h) Directional signage indicating entry only from Walshe Street to the bottle shop
- i) A landscape plan to be consistent with the architectural plans and provision of canopy trees within the garden area abutting Casey Street
- j) Removal of the on street car park on Walshe Street between the vehicle entry to the bottle shop and car park

- k) Details of flood proof building materials that are to be used up to the nominal flood protection level of 112.95 metres AHD on all buildings except for the convenient restaurant
- l) 2m wide footpath along the lands frontage to Casey Street
- m) The centre of road car parking in Casey Street be changed to parallel car parking
- n) Removal of two 45 degree car parks in the centre of Casey Street near the Albert Street intersection

2. **Layout Not Altered**

The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

3. **Buildings and works on endorsed plans to be completed prior to occupation**

Before the development is occupied (except for the existing supermarket), all buildings and works including landscaping on the endorsed plans must be completed to the satisfaction of the responsible authority unless otherwise agreed in writing by the responsible authority.

4. **Civil Construction Requirements**

Before any of the development starts, detailed plans with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information submitted must show the details listed in Council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual.

- a) a detailed drainage discharge plan in accordance with the IDM;
- b) unless agreed in writing by the responsible authority, measures to enhance stormwater discharge quality from the site and protect downstream waterways, including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- c) detailed construction plan of the car park with no less than 62 on site car parking spaces, including two disable bays unless a lesser number of car parking spaces is approved in writing by the responsible authority on account of accommodating landscaping pursuant to the landscape plan requirements under this permit;
- d) details of lighting within the on site car park;
- e) provision of a signage and line marking plan for the internal access ways
- f) provision of not less than 11 on site bicycle spaces and rails and one end of trip facility for employee use including change room with shower
- g) details of proposed road works in Casey Street to accommodate on street car parking and the supermarkets loading bay;

- h) detailed constructions plans of the vehicle crossings to the land;
- i) details of the kerb and channel installations in Albert and Casey Street;
- j) design detail of all redundant vehicle crossings be removed and replaced with concrete kerb and channel;
- k) removal of timber power pole and associated wires in Casey Street that provides overhead power connection to dwellings which are to be demolished as part of this development;
- l) electricity connection to the building is to be undergrounded and any on site substation is to be screened.

Before the development is occupied (except for the existing supermarket) all buildings and works must be completed as shown on the endorsed civil plans to the satisfaction of the responsible authority.

Car parking areas must be constructed, and drained to prevent diversion of flood or drainage waters and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Car spaces, access lanes and driveways must not be used for any other use, to the satisfaction of the responsible authority.

The loading and unloading of goods from vehicles is association with the use on the land, must only be carried out on the land within the designated loading bays to the satisfaction of the responsible authority.

Within 1 month of the development being occupied (except for the existing supermarket) as constructed drainage plans must be submitted to the responsible authority.

5. Section 173 Agreement

Before the development is occupied (except for the existing supermarket), the owner must enter into an agreement with the responsible authority, pursuant to Section 173 of the *Planning and Environment Act 1987*. This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide that:

- c) **The owner agrees and acknowledges that, as a result of the finished floor level of the building being constructed below the prescribed floor level, it is more likely that the building will be inundated in times of flood, and the owner, on behalf of future owners and / or occupiers of the building accepts full responsibility for and indemnifies GBCMA and Council in respect of any loss or damage due to flooding of the building, as a result of the floor level being below the prescribed floor level.**

The said agreement is to be prepared by Council. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated

with the preparation and registration of the agreement shall be borne by the applicant including Council's administration fee. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

6. Consolidation

Before the development is occupied (except for the existing supermarket) all lots comprising the land must be consolidated into one lot.

7. Health Requirements

- d) The applicant shall lodge with Council's Environmental Health Department detail plans demonstrating that the area of the building proposed to be used for storage, preparation and sale of food are adequate for the type of food to be sold at the premises and that the structure and fittings installed complies with the requirements of Food Standards Australia and New Zealand Food Safety Standards 3.2.3 – Food Premises and Equipment.
- e) Prior to commencing construction of any food preparation area, the owner must seek the advice of the Council's Environmental Health Officer.
- f) Prior to commencing the business the applicant shall make application to the Council Environmental Health Department for the registration of the premises under the Food Act 1984.
- g) At the time of making application for registration under the Food Act 1984, the applicant shall lodge a copy of their Food Safety Program as required by the Act and the name and accreditation details of their nominated Food Safety Supervisor.

8. Goulburn Broken Catchment Management Authority Requirements

- c) The finished floor level of the proposed supermarket extension, including all attached shops, must be set no lower than the existing floor level and where flood proof building materials are used up to the nominal flood protection level of 112.95 metres AHD;
- d) The finished floor level of the proposed Convenience Restaurant must be constructed at least 300 millimetres above the 100-year ARI flood level of 112.65 metres AHD, i.e. 112.95 metres AHD, or higher level deemed necessary by the responsible authority.

9. Goulburn Valley Region Water Corporation Requirements

- Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;
- Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;

- Disconnection of any existing house connection drains no longer required.
- Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement

The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted;

Please note,

4. Should the applicant wish to subdivide each tenement onto separate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development.
 The applicant should contact the Corporation to discuss current and future proposals for this development.
5. The new crossovers will pass over existing 100 AC water reticulation main. Please supply detailed civil works plans of this crossing for Goulburn Valley Water for comment.
6. Please note any structures to be built must be clear of any easement in favour of the Corporation and one metre laterally clear of the edge of any assets of the Corporation. This includes sewer connection points.

10. Powercor Requirements

- j) This letter shall be supplied to the applicant in its entirety.
- k) The applicant shall negotiate for an electricity supply to the development in accordance with the Distributor's requirements and standards. **Notes:** Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.
- l) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). **Notes:** Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.
- m) The applicant shall, when required by the Distributor, set aside areas on the title for the purposes of establishing a substation or substations. **Notes:** Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
 - SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.
- n) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- o) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- p) Apply for a site visit and permit to work assessment. This can be done via the Powercor website.
- q) The property owner/builder should contact Dial before you Dig, before any excavation works are undertaken on the property.
- r) The applicant shall establish easements on the title, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements. **Notes:**
- Existing easements may need to be amended to meet the Distributor's requirements
 - Easements required by the Distributor shall be specified on the title and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

11. Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development has not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2020-129
Applicant Name:	Goulburn Valley Grammar School
Date Received:	06-May-2020
Statutory Days:	43
Land/Address:	455 Verney Road SHEPPARTON NORTH VIC 3631
Zoning & Overlays:	SUZ8 Abuts RDZ1
Why is a permit required (include Permit Triggers):	Use of land for a child care centre and primary school under 37.01-1 Buildings and works in the SUZ8 under 37.01-4 Creation of access to a RDZ1 under 52.29-2
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No
Was the correct application fee paid?	Yes Development - \$8700.90 Use - \$659.05 Creation of access - \$659.05 Total - \$10,019

Proposal

The application is described by the proponent as:

Spiire acts on behalf of Goulburn Valley Grammar School (GVGS) in relation to this planning permit application for the establishment of an Education Centre to include an Early Learning Centre and younger years Primary School Campus at 455 Verney Road, Shepparton North.

The Education Centre will be a second campus for Goulburn Valley Grammar School (GVGS). The school is an independent, co-educational school founded in 1981 by local parents seeking a school striving academic excellence and well-rounded development in the independent school tradition. The school currently caters for approximately 700 students from Year 5 through to Year 12.

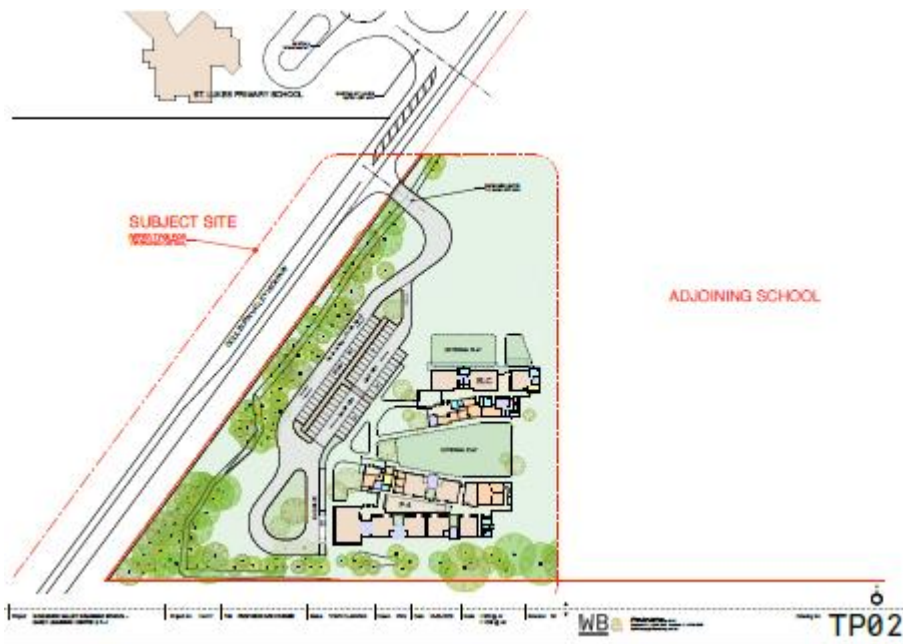
The proposed new campus for GVGS will build upon these educational offerings through the provision of an Early Learning Centre for pre-schooled aged children with a capacity of 60 children, and a Junior-Middle Years Primary Campus for Foundation (formerly known as Prep) to Year 4 comprising 5 classes with a capacity of 125 students.

The proposed development will include two large, single storey buildings, separated by an outdoor play area. The buildings will share a common access point from Goulburn Valley Highway and car parking area. Each building will contain interconnected classrooms, offices, meeting rooms, storerooms, staff and student amenities, meeting rooms and common areas.

The area of the proposed use and development is shown below.



Plans of the proposed development are shown below.





The application was advertised to neighbours and no objections were lodged. GVW and GBCMA consented to the development of the junior school.

The application proposes the creation of a vehicle access to the Goulburn Valley Highway (GVH). GVH is within the Road Zone Category 1. Department of Transport (DoT) acting as a determining referral authority objected to the application for the following reasons:

1. *The application fails the requirements of Schedule 8 to Clause 37.01 Special Use Zone as an approved School Master Plan has not been prepared for the subject land and therefore is not orderly planning.*
2. *The application fails clause 18.01-1S as the application does not consider this clause and does not adequately assess the impact or seek to minimise adverse impacts on existing transport networks*
3. *The further information response prepared by Traffix Group dated 1 July 2020 provides only a cursory review of the need for pedestrian facilities and does not undertake an assessment in accordance with Austroads Guidelines. Further it does not recommend any mitigating works to provide Safe System treatment options that would allow pedestrians to safely cross the Goulburn Valley Highway.*

As a determining referral authority has objected to the application, DHP must decide to refuse to grant a permit.

Despite the recommendation to refuse the application, officers are of the view that should DoT in the future withdraw its objection, officers would support the issuing of a permit.

Officers consider that the development of the land for a junior school is consistent with planning policies including the zone, which is a special use zone to facilitate school development.

Officers consider that a pedestrian crossing of GVH has been and remains an issue that requires resolution. Officers have engaged GTA who are investigating what a safe pedestrian crossing of the GVH may be. Officers will share these recommendations with GVGS and DoT once GTA have completed their work.

Officers encourage DoT and GVGS to co-operate with Council so that this proposed development can proceed in the short term, if not, a VCAT determination will be required.

Summary of Key Issues

- Permission is sought to use and develop the land for a junior school which forms part of GVGS. The early child centre accommodates 60 children and 125 students from prep to grade 4.
- The application was advertised to neighbours and no objections were lodged.
- DoT acting as a determining referral authority objected to the grant of a permit. On this basis, it is recommended that DHP refuse to grant a permit.
- Officers encourage DoT and GVGS to re-commence discussions with Council to attempt to resolve the DoT objection.
- Officers consider that an agreement needs to be reached on how pedestrian safely cross the GVH.

Recommendation

Refusal

That the Council having caused notice of Planning Application No. 2020-129 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of 37.01-1, 37.01-4 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 455 Verney Road SHEPPARTON NORTH VIC 3631, for the Use and development of land for an education centre (early learning and prep-year 4) and creation of access to Road Zone Category 1.

Moved by: Jonathan Griffin**Seconded by: Colin Kalms****Refusal**

That the Council having caused notice of Planning Application No. 2020-129 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of 37.01-1, 37.01-4 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 455 Verney Road SHEPPARTON NORTH VIC 3631, for the Use and development of land for an education centre (early learning and prep-year 4) and creation of access to Road Zone Category 1.

Carried**For the following reasons:**Department of Transport

1. The application fails the requirements of Schedule 8 to Clause 37.01 Special Use Zone as an approved School Master Plan has not been prepared for the subject land and therefore is not orderly planning.
2. The application fails clause 18.01-1S as the application does not consider this clause and does not adequately assess the impact or seek to minimise adverse impacts on existing transport networks
3. The further information response prepared by Traffix Group dated 1 July 2020 provides only a cursory review of the need for pedestrian facilities and does not undertake an assessment in accordance with Austroads Guidelines. Further it does not recommend any mitigating works to provide Safe System treatment options that would allow pedestrians to safely cross the Goulburn Valley Highway.

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken by Andrew Dainton and Jon Griffin on 20 May 2020.



Figure 2: Aerial photograph of subject site

Source: Nearmap

The site has a total area of 16.8ha and currently contains:

- An existing school with vehicle access from Verney Road that accommodates 700 students from grade 5 to year 12. The land is connected to reticulated sewerage.
- Established perimeter tree plantings have been undertaken by the school and create separation between abutting residential lots to the south

- The area of the proposed development is clear flat land that appears to have been filled. Separating the proposed junior school and senior school is a wetland and grounds keeper areas
- The proposed vehicle access point from the GVH is located to avoid tree removal in the road reserve and on the school grounds

The main site/locality characteristics are:

- Abutting the land to the south is a number of large dwelling lots that have a rural feel, including open drains, dams and fenced paddocks.
- The south boundary fence consists of a post and wire fence
- Opposite the land on the western side of the GVH is a new residential estate and St Luke's primary school

Permit/Site History

The history of the site includes:

- Since the establishment of the school in the 1980's numerous permits have issued for additions to the school.

Further Information

Was further information requested for this application? No

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description use and development for an Early Learning Centre for pre-schooled aged children with a capacity of 60 children, and a Junior-Middle Years Primary Campus for Foundation (formerly known as Prep) to Year 4 comprising 5 classes with a capacity of 125 students, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site (GVH frontage).



Officers confirmed that the sign was displayed on site as of 14 May 2020.



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 12 May to 26 May 2020.

The application was exempt from being advertised in accordance with Clause 52.29-5 of the planning scheme.

Objections

The Council has received no objections to date.

Title Details

The title does not contain a Restrictive Covenant or Section 173 Agreement

Consultation

Consultation was not undertaken.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
DoT	52.29-4	Determining	DoT objected to the grant of a permit.
TfV	66.02-11	Determining	TfV did not respond to the referral.

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GBCMA	CMA consented to the application subject to one condition requiring that the buildings be constructed to 110.4 m AHD
GVW	GVW consented to the application subject to standard connection conditions.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council's development engineers have recommended that standard drainage and internal access conditions be included in a permit.
EHO (for child care centre)	Council's EHO's consented to the application.

Assessment

The zoning of the land

SUZ8

PRIVATE EDUCATION ESTABLISHMENTS

Purpose

- To provide for the continued use and development of land for an educational centre and associated uses.
- To provide for the use and development of the land in accordance with an approved School Master Plan.
- To ensure that the development of an education centre takes place in an orderly and proper manner and does not cause loss of amenity to the neighbourhood.

Use decision guidelines

Decision Guidelines

Before deciding on an application to use land, the responsible authority must, (notwithstanding any approved Master Plan) consider:

- The effect the proposed use may have on existing or future neighbouring uses of the surrounding area.
- The effect the existing or future neighbouring uses may have on the proposed use.
- The effect of any additional traffic on the operation, convenience and efficiency of existing roads.
- Whether any proposed use will adversely affect the ongoing operation and expansion of adjoining and nearby uses.
- Whether any proposed use will be adversely affected by activities on adjacent and nearby lands due to dust, noise, odour, use of chemicals and farm machinery.

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any approved school master plan.
- The capability of the land to accommodate the proposed use or development.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses
- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- Whether use or development protects and enhances the environmental and landscape qualities of the site and its surrounds.
- The effect any proposed subdivision will have on the potential of the land to accommodate existing and future uses in accordance with the purpose of the zone and the approved School Master Plan.
- The movement of pedestrians and cyclists, supplies vehicles, waste removal, emergency service and public transport.
- The provision of car parking.
- The availability of and connection to services

Relevant overlay provisions

The land is within the LSIO and ESO, however the location of the proposed development is outside of these overlays.

Planning Policy Framework (PPF)

18.01-1S

Land use and transport planning

Objective

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

Strategies

- Develop integrated and accessible transport networks to connect people to jobs and services and goods to market.
- Plan urban development to make jobs and services more accessible by:
 - Ensuring equitable access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.
 - Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.
 - Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.
 - Focussing major government and private sector investments in regional cities and centres on major transport corridors, particularly railway lines, in order to maximise the access and mobility of communities.
- Integrate public transport services and infrastructure into new development.
- Improve transport links that strengthen the connections to Melbourne and adjoining regions.

18.02-1S

Sustainable personal transport

Objective

To promote the use of sustainable personal transport.

Strategies

- Ensure development and the planning for new suburbs, urban renewal precincts, greyfield redevelopment areas and transit-oriented development areas (such as railway stations) provide opportunities to promote more walking and cycling.
- Encourage the use of walking and cycling by creating environments that are safe and attractive.
- Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.
- Ensure cycling routes and infrastructure are constructed early in new developments.
- Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.
- Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.
- Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.
- Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.

- Ensure provision of bicycle end-of-trip facilities in commercial buildings.

18.02-3S Road system

Objective

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

19.02-2S Education Facilities

Objective

To assist the integration of education and early childhood facilities with local and regional communities.

Strategies

- Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.
- Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.
- Ensure childcare, kindergarten and primary school facilities provide safe vehicular drop-off zones.
- Locate secondary school and tertiary education facilities in designated education precincts and areas that are highly accessible to public transport.
- Locate tertiary education facilities within or adjacent to activity centres.
- Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.
- Develop libraries as community based learning centres

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

21.07-1 Transport

Objectives - Transport

- To ensure the safety and efficient functioning of the roads for a variety of users.
- To maintain air services to and from Shepparton.
- To ensure new developments incorporate appropriate bicycle infrastructure.
- To ensure parking that meets the demand and supply requirements of the CBD.
- To ensure that adequate parking is provided for all new uses and developments.
- To ensure that the use and development of land does not prejudice the levels of service, safety and amenity of the Goulburn Valley Highway.
- To minimise any adverse effects of noise from traffic using the Goulburn Valley Highway.

Relevant Particular Provisions

52.06 Parking

Purpose

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Table 1: Statutory Car Parking Assessment - Clause 52.06

Use	Size/No.	Statutory Parking Rate	Car Parking Req.
Primary School	125 students -	1 space to each employee that is part of the maximum number of employees on the site at any time	13 spaces ⁽¹⁾
Childcare Centre	60 children	0.22 spaces to each child	13 spaces
TOTAL			26 spaces

Note 1: A rate of 1 staff member to every 10 students has been assumed for the primary school.

Submitted plans provide 65 on site spaces, therefore compliance is achieved with the statutory parking requirement.

52.29 – Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a category 1 road

Purpose

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

52.29-6

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.

DoT have reviewed the application and objected to the issuing of a permit.

52.34 BICYCLE FACILITIES

Purpose

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Use	Size/No.	Statutory Bicycle Parking Requirement		No. Bicycle spaces required
		Employees	Visitors	
Primary School	13 staff 125 x P.S. Students	1 to each 20 employees	1 to each 5 pupils over year 4	1 Employee 5 x P.S. Visitors ⁽¹⁾
TOTAL				6 spaces
Note 1: Single classroom for year 4 students with an allowance for 25 students				

Officers will require that plans be amended to show bicycle parking for not less than 6 spaces.

The decision guidelines of Clause 65

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Relevant incorporated or reference documents

IDM

Other relevant adopted State policies or strategies policies

Nil

Relevant Planning Scheme amendments

Nil

Are there any significant social & economic effects?

Nil

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Discuss any other relevant Acts that relate to the application?

Nil

Conclusion

DoT as a determining referral authority have objected to the application, on this basis it is recommended that the DHP refuse to grant a permit.

DRAFT REFUSAL TO GRANT A PERMIT

APPLICATION NO:	2020-129
PLANNING SCHEME:	GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY:	GREATER SHEPPARTON CITY COUNCIL
ADDRESS OF THE LAND:	455 Verney Road SHEPPARTON NORTH VIC 3631
WHAT HAS BEEN REFUSED:	Use and development of land for an education centre (early learning and prep-year 4) and creation of access to Road Zone Category 1

WHAT ARE THE REASONS FOR THE REFUSAL?

Department of Transport

1. The application fails the requirements of Schedule 8 to Clause 37.01 Special Use Zone as an approved School Master Plan has not been prepared for the subject land and therefore is not orderly planning.
2. The application fails clause 18.01-1S as the application does not consider this clause and does not adequately assess the impact or seek to minimise adverse impacts on existing transport networks.
3. The further information response prepared by Traffix Group dated 1 July 2020 provides only a cursory review of the need for pedestrian facilities and does not undertake an assessment in accordance with Austroads Guidelines. Further it does not recommend any mitigating works to provide Safe System treatment options that would allow pedestrians to safely cross the Goulburn Valley Highway.

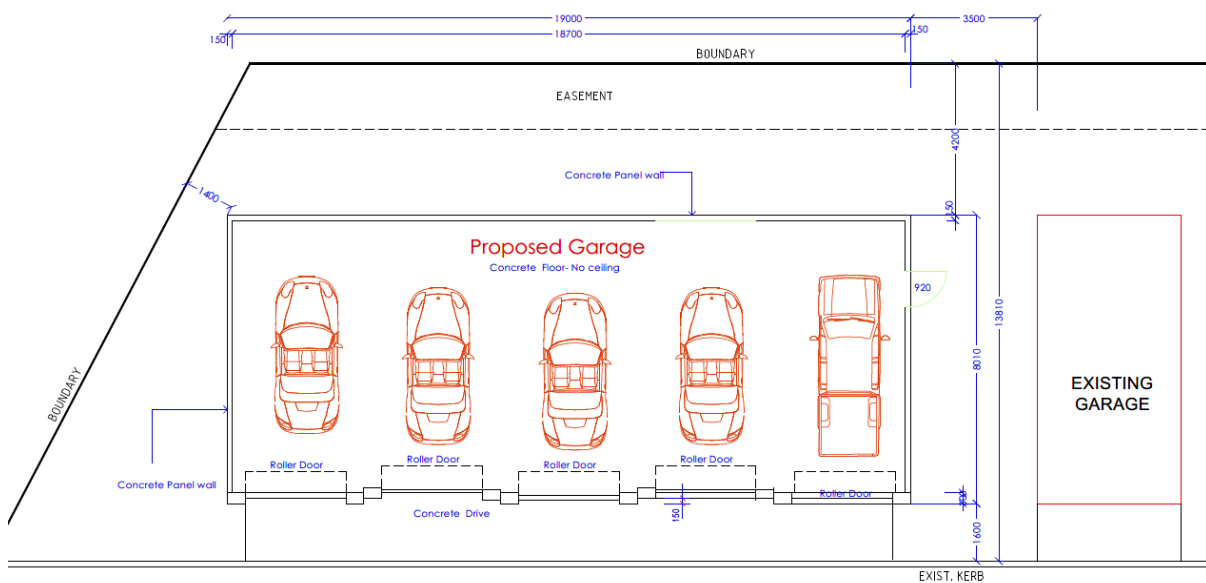
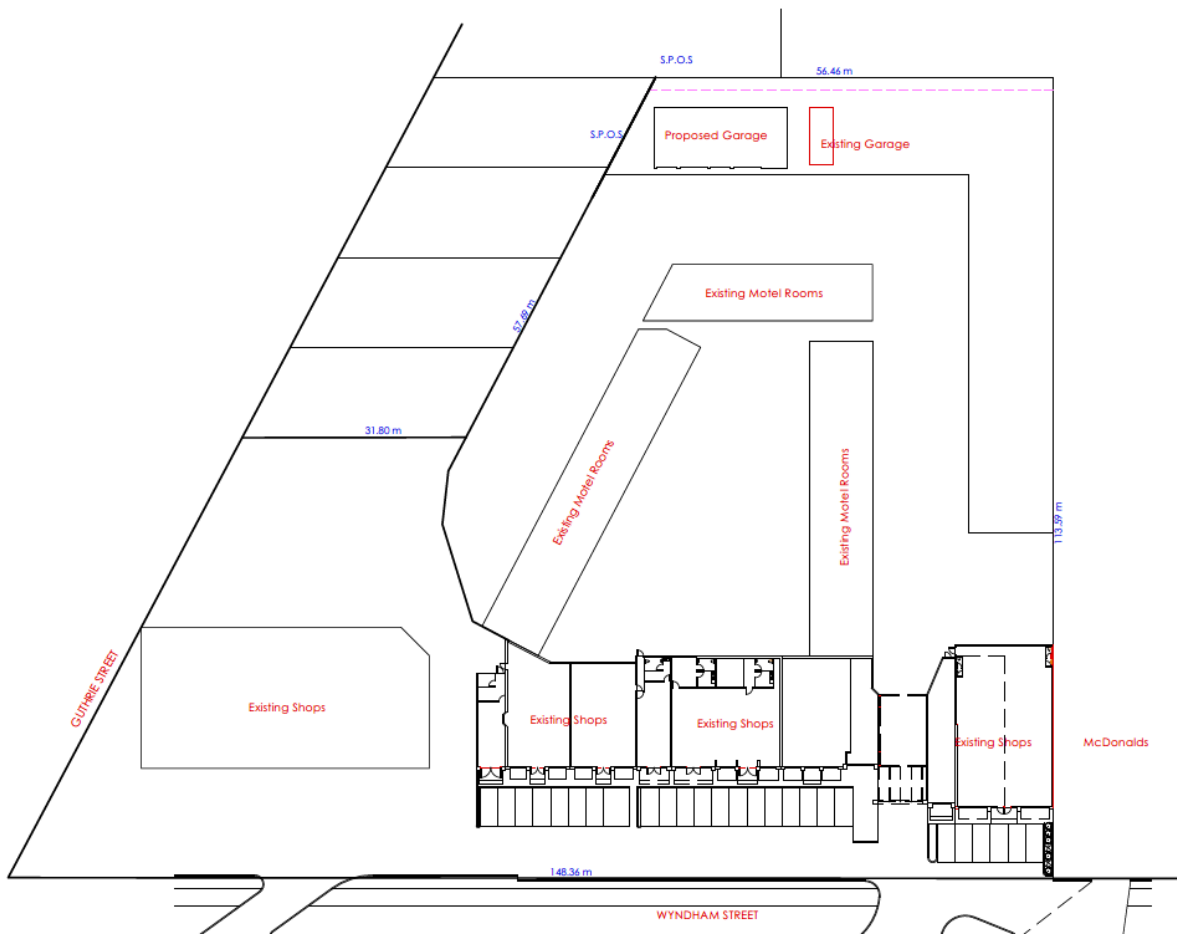
Application Details:

Responsible Officer:	Braydon Aitken
Application Number:	2020-12
Applicants Name:	Bruce Mactier Building Designers
Date Application Received:	17 January 2020
Statutory Days:	49 as at 24/8/20
Land/Address:	634B Wyndham Street SHEPPARTON VIC 3630
Zoning and Overlays:	Commercial 1 Zone (C1Z) Design and Development Overlay- Schedule 6 (DDO6) Land Subject to Inundation Overlay (LSIO) Adjoins a Road Zone Category 1 (RDZ1) Abuts the Neighbourhood Residential Zone (NRZ1)
Why is a permit required (include Permit Triggers):	34.01-1 Use of part of the land for a vehicle store in the C1Z 34.01-4: Building and works in the C1Z 43.02-2: Building and works in the DDO6 – variation to rear setback requirement 44.04-2: Building and works in the LSIO
Are there any Restrictive Covenants on the title?	No

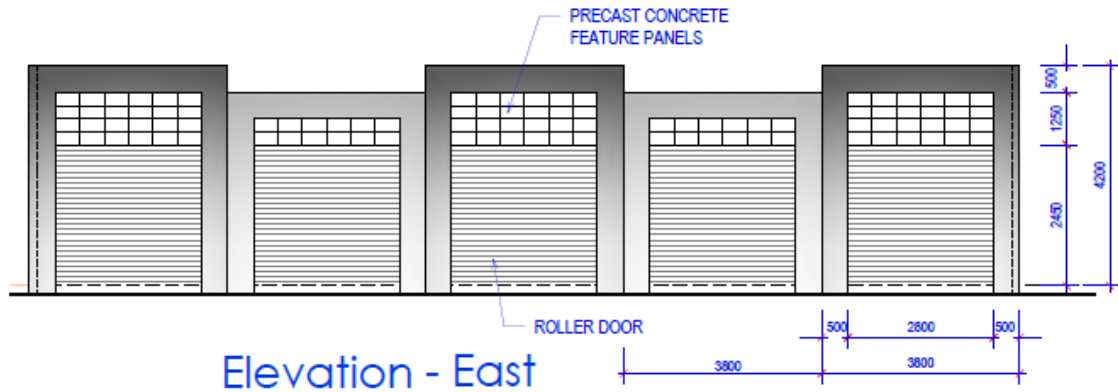
Proposal

The application originally sought planning permission for the construction of a garage associated with a residential motel.

The proposed garage was 153.9sqm in size (19m X 8.01m) and 4.2m at peak height. The submitted elevations and floor plan showed that it would consist of 5 roller doors (precast concrete feature plans incorporated) that will provide parking opportunities for 5 vehicles. A plan of the original proposal is shown below:



Proposed Floor Plan



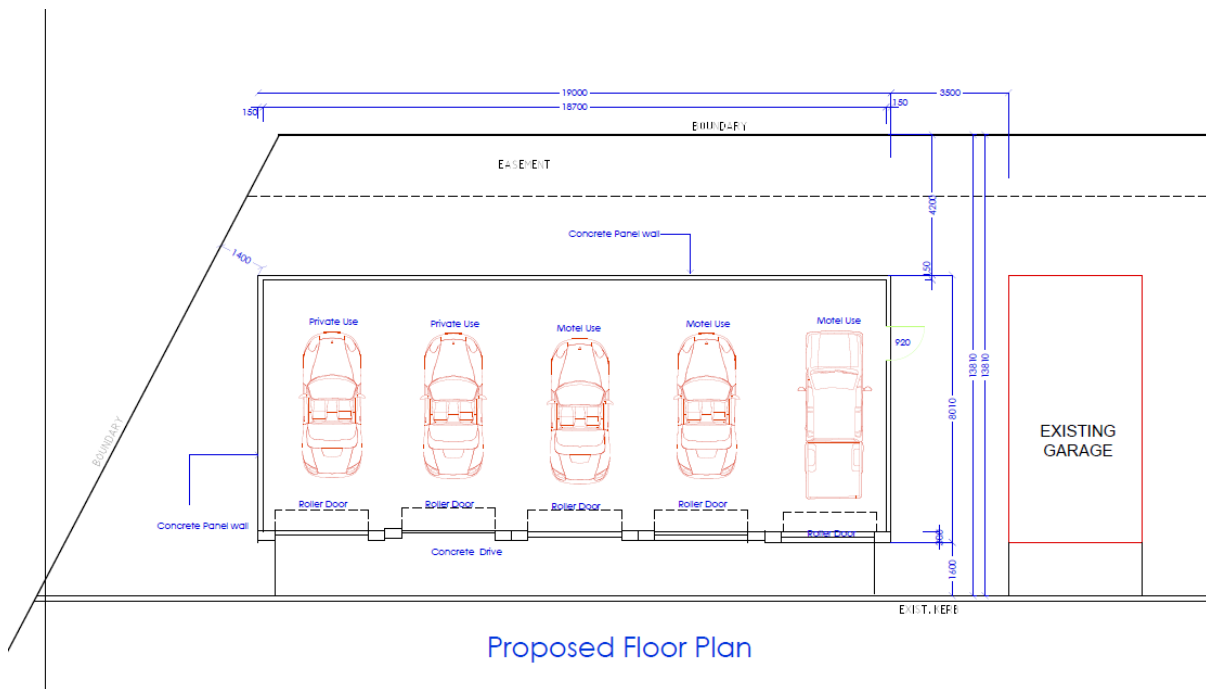
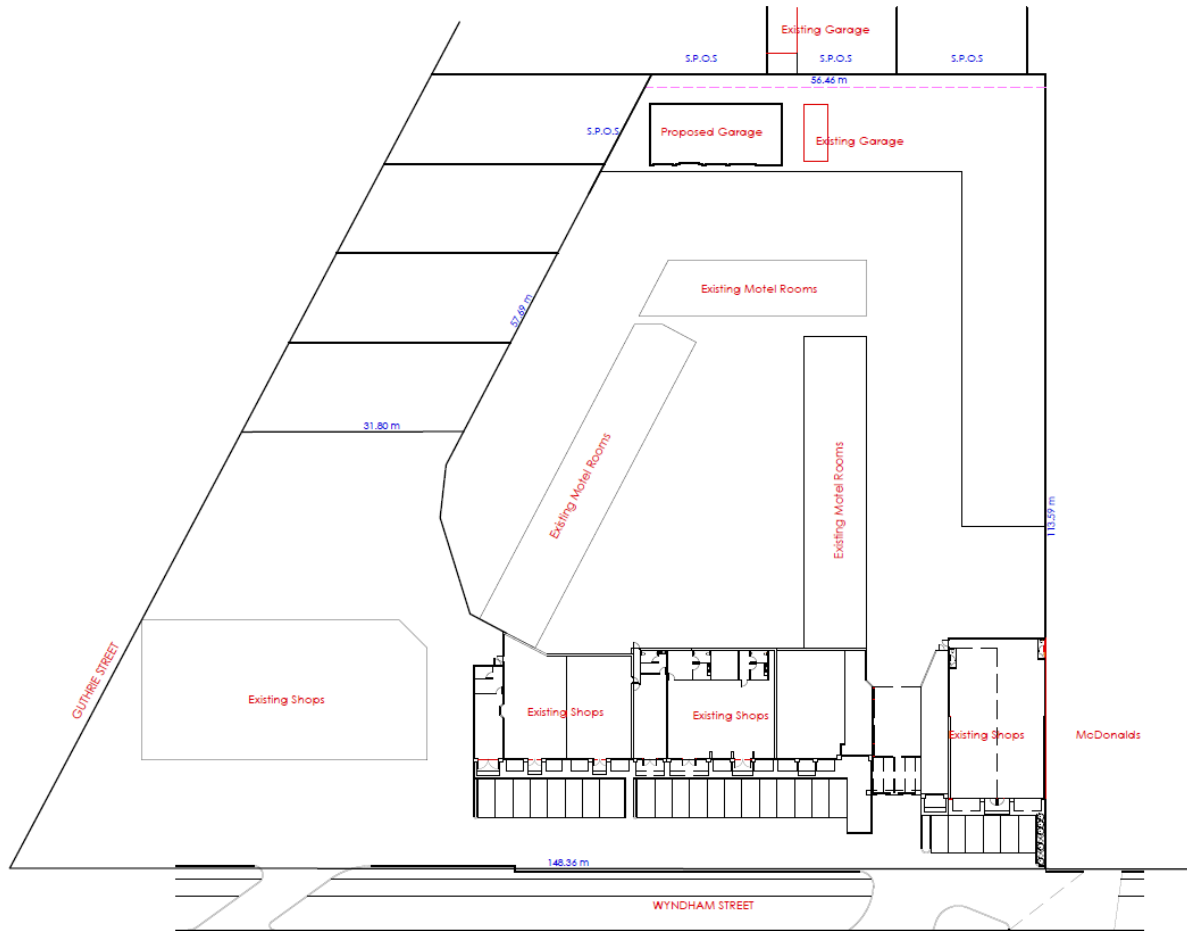
Following the public notice period one objection was received from a neighbour to the rear of the premises who had concerns about the location and height of the proposed garage. Officers met the applicant on site to discuss the objectors concerns. At this meeting it was also determined that the proposed garage would be used to store some private vehicles as well as vehicles of customers of the motel who are staying for extended periods of time.

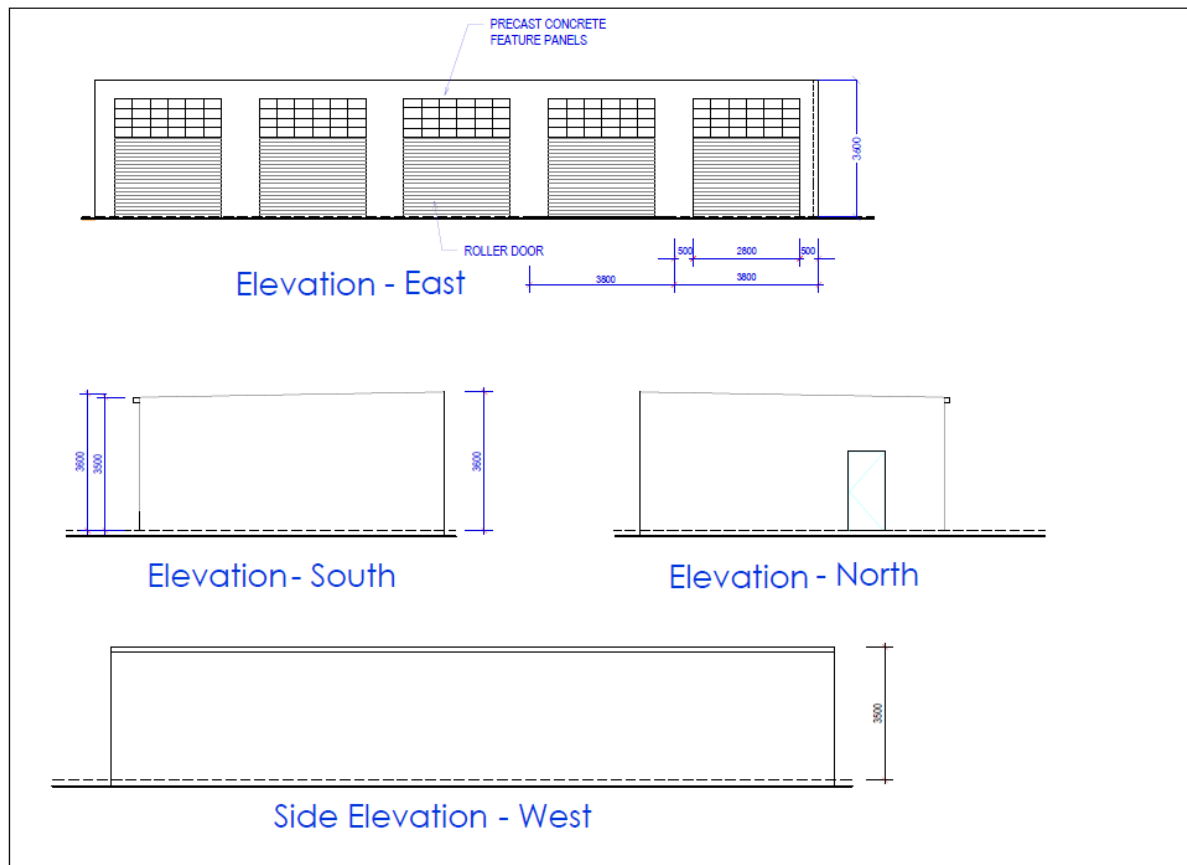
Based on this information planning permission is also required to use part of the land for a vehicle store.

Since the meeting the applicant has reduced the height of the vehicle store, from 4.2m to 3.6m, in an attempt to address some of the objectors concerns.

The amended application was re-advertised to neighbours that abut the proposed garage/vehicle store. The application was not advertised as widely as the original application as no concerns were expressed by abutting properties not in close proximity to the proposed building during the original public notice period. No additional objections were received however the existing objection remains.

Plans of the amended application are shown below:





Summary of Key Issues

The key issue for consideration in this application is any potential impacts of the proposed use and development on abutting residential properties to the south and the west.

Upon assessment of the application it has been determined that the proposed use and development will not lead to unreasonable amenity impacts on these properties.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2020-12** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **34.01-1, 34.01-4, 43.02-2 & 44.04-2** of the Greater Shepparton Planning Scheme in respect of the land known and described as **634B Wyndham Street SHEPPARTON VIC 3630**, for the **Use and development of part of the land for a vehicle store** in accordance with the Notice of Decision and the endorsed plans.

Moved by: Melissa Crane

Seconded by: Andrew Fletcher

That Council having caused notice of Planning Application No. **2020-12** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **34.01-1, 34.01-4, 43.02-2 & 44.04-2** of the Greater Shepparton Planning Scheme in respect of the land known and described as **634B Wyndham Street SHEPPARTON VIC 3630**, for the **Use and development of part of the land for a vehicle store** in accordance with the Notice of Decision and the endorsed plans.

Carried

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

Date: **3/2/20** Time: **4** pm

The site currently contains:

- A motel with car parking and standard on site amenities
- A landscape screen runs along the sites northern, western and southern boundaries. This landscape screen will effectively screen the majority of the building from abutting residential properties.
- GVW sewer easement runs along the rear of the land. The proposed garage will be located clear of the easement and Goulburn Valley Water (the relevant sewerage authority) have consented to the application.

The main site/locality characteristics are:

- A mixture of commercial and residential land
- McDonalds is located directly to the north of the land

The Photos below show the existing site:



Above photos show area of proposed garage looking south-west towards residential properties.



The above photo shows the approximate location of the proposed garage and the existing landscape screen



Above photos show existing shed, landscape screen and parking area to the rear of the motel.

Permit/Site History

The history of the site includes:



Objections

The Council has received 1 objection to date from the landowner at 37 Kirsten Street Shepparton who abuts the western boundary of the property in close proximity to the proposed garage. The key issues that were raised in the objections are.

- Poor quality documentation provided with application.
- Concerns about overshadowing of the rear yard as a result of the proposal.
- The location of the proposed garage in relation to the existing sewerage easement.
- Would like to see the garage moved to the northern side of the land abutting the existing McDonalds car park.
- The height of the proposed building exceeding 4metres.

Another neighbour at 85 Guthrie Street enquired about the application via e-mail. Officers have tried to contact the neighbour on a number of occasions but have had no success.

Title Details

The title does not contain a restrictive covenant or Section 173 Agreement.

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- A phone call between the planning officer and objector to understand objectors concerns

- A site meeting with applicant and owner to discuss objectors concerns. The applicant was not willing to move the proposed garage/vehicle store but agreed to a reduction in the height of the building.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	GBCMA – no objections and no conditions
Section 52 Notices	GVW – no objections and no conditions

Internal Council Notices	Advice/Response/Conditions
Development Engineers	No objections subject to a standard drainage plan condition

Assessment

The zoning of the land Commercial 1 Zone

Purpose

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

Use of land

The use of land for a vehicle store is a Section 2 use in the C1Z

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Buildings and works

A permit is required to construct a building or construct or carry out works in the C1Z.

As the land is within 30metres of the NRZ the buildings and works component of the application is not exempt from public notice.

Decision Guidelines

General

- The interface with adjoining zones, especially the relationship with residential areas.

Use

- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

Buildings and works

- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

The land adjoins a Road Zone Category 1 (Wyndham Street). Vehicle access to the land is existing and no new vehicle access is proposed.

Relevant overlay provisions

Design and Development Overlay – Schedule 6

A planning permit is required in the DDO to undertake buildings and works

Schedule 6 to the DDO is the Shepparton South Village Precinct

Design Objectives

- To ensure that developments respect and maintain the existing residential environment and reinforce a local village character.
- Ensure that building mass and bulk of new developments respect the existing domestic scale of the urban form.
- To ensure new developments maintain the low scale profile of the existing residential character.
- To ensure a sensitive and an appropriate interface is provided with adjoining streetscapes, buildings and residential areas

The proposed development does not exceed the maximum height requirement of two storeys (or 9 metres).

A variation to the rear setback of 14 metres is sought, this variation is discussed in the Officer Assessment section of this report.

The schedule also requires a landscape buffer along the rear boundaries of new development.

Design Requirements

- Building design should incorporate features to achieve the small residential character of the precinct. This may include the use of pitched roof (gables, half gables and hipped roofs), verandas, balconies and awnings characteristic of residential developments.

Decision Guidelines

- The effect of the development of proposed buildings on the amenity of abutting residents.
- The interface with existing residential dwellings.
- The inclusion of design elements which protect the amenity of abutting residents.
-

Land Subject to Inundation Overlay

Purpose

- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

A planning permit is required to construct a building and carry out works on the LSIO.

The application was referred to the relevant floodplain manager who had no objection to the application and required no conditions.

Decision Guidelines

- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.
- The susceptibility of the development to flooding and flood damage.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.

Planning Policy Framework (PPF) 13.07-1S Land Use Compatibility

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans

21.05-2 Floodplain and Drainage Management

To recognise the constraints of the floodplain on the use and development of land.

21.04-4 Urban Design

Ensure the scale, mass and height of new commercial developments respects the prevailing neighbourhood character.

Relevant Particular Provisions

There are no relevant Particular Provisions

The decision guidelines of Clause 65

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and
- road safety impacts.

This clause does not apply to a VicSmart application.

Officer Assessment

The key considerations in the assessment of the application are:

- the potential for the use of the proposed vehicle store to impact on abutting residential land, and;
- the potential for the location of the proposed building to impact on the amenity of these properties.

There will be no increase to the hours of operation on site as a result of the use of the vehicle store. The land currently operates as a motel and has done so for a number of years. It is not unusual for vehicles to be entering and leaving the existing car parking area to the rear of a motel in the evening or early morning.

Should a permit issue it is recommended that a general amenity condition be included on the permit to remind the operator of the need to consider the amenity of abutting residents. While ensuring any impacts on the amenity of abutting residents is minimised is important, this needs to be balanced by the fact that residents abutting commercial zoned land cannot expect a pristine level of residential amenity.

There will be no overlooking of residential land from the proposed garage/vehicle store. The applicant has provided overshadowing plans with the application that show existing overshadowing from the lands boundary fence and landscape screen exceeds any overshadowing that will occur from the proposed development.

The proposed building height of 3.6m is in keeping with a lower scale of development expected when transitioning from a commercial area into a residential zone. A 3.6m high garage used to store vehicles is not out of character for a residential area. It is not unusual to see a vehicle store in a residential area, in close proximity to a rear boundary that is partially obstructed by existing landscaping.

A reduced rear setback of 4.2m is sought for the proposed building. While this is a significant reduction from the 14m recommended under the DDO6 it is submitted that this reduction is justified for the following reasons:

- There is already an existing building on site with the same rear setback.
- There is an existing landscape screen along the rear boundary of the land that will screen the majority of the proposed garage/vehicle store from abutting residential land.

- It is recommended that a condition be included on any planning permit that issues that requires the painting of the southern, western and northern elevations of the building in a muted colour to further reduce the visual impact on abutting land
- It is not unusual to expect the parking of vehicles to the rear of a motel site.
- It is not unusual for a building for the parking of vehicles to be located close to the rear boundary of land within a residential area.

The application was referred to the Goulburn Broken Catchment Management Authority (GBCMA) who are the relevant floodplain management authority. The GBCMA are satisfied that the development will not impact on the free passage of floodwaters. It is recommended that any planning permit that issues include the requirement for the submission of a stormwater drainage plan that ensure any runoff from the development is directed to the legal point of discharge. This will ensure the development will not further impact on river and wetland health, waterway protection and flood plain health from the development.

Vehicle access to the site is existing and the proposed use and development will not impact on car parking availability on the land. Existing landscaping on the land is considered adequate given the location of the proposed building.

For the reasons outlined above it is submitted that the proposed use and development are compatible with abutting residential land and meet the relevant objectives and decisions guidelines of local and state planning policy, the applicable zone, overlay controls and Clause 65.

It is also submitted that the objector's concerns do not warrant refusal of the application for the following reasons:

- The level of information submitted with the application is sufficient to allow for an officer assessment against the relevant requirement of the Greater Shepparton Planning Scheme.
- The proposed building will have less of an impact on overshadowing of abutting residential properties than the existing landscape screen and boundary fence.
- Goulburn Valley Water have consented to the location of the building and the proposed setback from the existing sewerage easement.
- While the applicant is not willing to change the location of the proposed building they have reduced the height of the building to minimise the impact on abutting residential land and to provide for a lower scale of building more in keeping with the character of the area.
- It is not unusual for a building for the storage of vehicles to be located in close proximity to a residential boundary and have some level of visibility above existing landscaping and fencing.

Relevant incorporated or reference documents

There are no relevant incorporated or reference documents

Other relevant adopted State policies or strategies policies

There are no other relevant policies or strategies

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments

Are there any significant social & economic effects?

There are no significant social and economic effects

Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts.

Conclusion

Officers have assessed the application against the relevant requirements of the planning scheme and believe the application presents an acceptable planning outcome.

It is therefore recommended that a Notice of Decision to grant a planning permit be issued.

Draft Notice of Decision

APPLICATION NO: 2020-12

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 634B WYNDHAM STREET SHEPPARTON VIC 3630

WHAT THE PERMIT WILL ALLOW: USE AND DEVELOPMENT OF PART OF THE LAND FOR A VEHICLE STORE

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Layout Not Altered

The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

2. Drainage Discharge Plan

Before the development starts, a drainage plan with computations prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must be in accordance with Council's Infrastructure Design Manual and include:

- a) how the land will be drained;
- b) underground pipe drains conveying stormwater to the legal point of discharge;
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) a maximum discharge rate must be restricted to predevelopment flow;
- e) the details of the incorporation of water sensitive urban design, designed in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999, or as otherwise agreed;
- f) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements, or as otherwise agreed; and

- g) that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.

Before the use begins all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority

3. General Amenity

The use and development of the land must not adversely affect the amenity of the area, by way of:

- a) processes carried on the land;
 - b) the transportation of materials, goods or commodities to or from the building;
 - c) the appearance of any buildings, works or materials;
 - d) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit, or oil; and
 - e) the presence of vermin,
- to the satisfaction of the responsible authority.

4. General Exterior Treatment

Prior to the use commencing, the southern, western and northern elevations of the proposed building must be painted in a muted colour to the satisfaction of the responsible authority.

The exterior treatment of the building must be maintained to the satisfaction of the responsible authority

5. Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- d) the development and use are not started within **two (2) years** of the date of this permit;
- e) the development is not completed within **four (4) years** of the date of this permit.

NOTATIONS

Building Approval Required

Prior to the commencement of works approved by this permit, building approvals must be obtained.

Record of Assembly of Councillors

Record in accordance with Chapter 6, Part 106 of Council's Governance Rules

Councillor Briefing Session – 15 September 2020		
Councillors:	Cr Seema Abdullah, Cr Dinny Adem, Cr Bruce Giovanetti, Cr Chris Hazelman OAM, Cr Kim O'Keeffe, Cr Les Oroszvary, Cr Dennis Patterson, Cr Fern Summer and Cr Shelley Sutton	
Officers:	Peter Harriott	
Matter No.	Matters Discussed	Councillors Present for Discussion
1.	Financial Statements and Performance Statement Year Ended 30 June 2020	Cr Seema Abdullah (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Shelley Sutton
2.	Rail Projects Victoria Presentation	Cr Seema Abdullah (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Shelley Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

Record of Assembly of Councillors

Record in accordance with Chapter 6, Part 106 of Council's Governance Rules

CEO and Councillors Catch Up – 22 September, 2020		
Councillors:	Cr Seema Abdullah, Cr Dinny Adem, Cr Bruce Giovanetti, Cr Chris Hazelman OAM, Cr Kim O'Keeffe, Cr Les Oroszvary, Cr Dennis Patterson, Cr Fern Summer and Cr Shelley Sutton	
Officers:	Peter Harriott	
Matter No.	Matters Discussed	Councillors Present for Discussion
1.	COVID-19 Update	Cr Seema Abdullah (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Fern Summer Cr Shelley Sutton
2.	Our Ask of Government	Cr Seema Abdullah (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Fern Summer Cr Shelley Sutton
3.	Outdoor Dining	Cr Seema Abdullah (Chair) Cr Dinny Adem Cr Bruce Giovanetti Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Fern Summer Cr Shelley Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

Record of Assembly of Councillors

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CEO and Councillors Catch Up – 22 September, 2020		
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Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

Record of Assembly of Councillors

Record in accordance with Chapter 6, Part 106 of Council's Governance Rules

CEO and Councillors Catch Up – 29 September, 2020		
Councillors:	Cr Seema Abdullah, Cr Dinny Adem, Cr Bruce Giovanetti, Cr Chris Hazelman OAM, Cr Kim O'Keeffe, Cr Les Oroszvary, Cr Dennis Patterson, Cr Fern Summer and Cr Shelley Sutton	
Officers:	Peter Harriott	
Matter No.	Matters Discussed	Councillors Present for Discussion
1.	Bypass	Cr Seema Abdullah (Chair) Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Dennis Patterson Cr Shelley Sutton
2.	Ford Road funding	Cr Seema Abdullah (Chair) Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Dennis Patterson Cr Shelley Sutton
3.	On Street Parking	Cr Seema Abdullah (Chair) Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Dennis Patterson Cr Shelley Sutton
4.	Murchison Aged Care	Cr Seema Abdullah (Chair) Cr Chris Hazelman OAM Cr Kim O'Keeffe Cr Dennis Patterson Cr Shelley Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	