

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

18 March 2014

**Agenda Item 9.2 Amendment C155 (Riverside Plaza Expansion) -
Consideration of Submissions**

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ATTACHMENT 1 - ^{DRAFT} PLANNING PERMIT + DRAWINGS

Planning and Environment Regulations 2005 Form 9

PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF THE PLANNING AND ENVIRONMENT ACT 1987

Permit No.: 2013-129

Planning Scheme: Greater Shepparton

Responsible Authority: Greater Shepparton City Council

ADDRESS OF THE LAND:

Part of 72A Riverview Drive, Kialla (Lot 2 PS633121) and 8025 Goulburn Valley Highway, Kialla (Lot 1 PS633121)

THE PERMIT ALLOWS:

Use of land for restricted retail premises, indoor recreation facility (go kart track) and amusement parlour

Buildings and works in the Commercial 1 Zone and Land Subject to Inundation Overlay

Removal of water and drainage easements

Erection and display of internally illuminated pylon business identification signage

Reduction in car parking requirements

Reduction in bicycle parking requirements

Re-subdivision of land

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Date Issued:

Date Permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the Responsible Authority

Permit No.: 2013-129

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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. The plan must be generally in accordance with the plan submitted (Pop Design Studio's Plan dated 16 July 2013 titled site plan option 15 and Pop Design Studio's Plan dated 8 April 2013 titled elevations) with the application but modified to show:

- a) Plan showing the location of the future four metre high acoustic fence on the western boundary of the land;
- b) Replacement of colourbond iron cladding with painted concrete wall on the western elevation
- c) Location and screening of an electrical substation if one is required;
- d) On site screened waste storage area;
- e) Details of all boundary fencing;
- f) The location of all street furniture in the development;
- g) Finished floor levels and building heights taking into account the flood levels applicable to the land;
- h) The location of air conditioning/heating equipment and location of service and utility provisions for all the buildings and screening;
- i) Bicycle parking facilities for staff and visitors in the amount of 20 spaces;
- j) End of trip bicycle provisions including staff shower and change room;
- k) The footpath abutting proposed development to the south (facades) shall provide canopies or awnings over footpath areas (or buildings should have extended verandas) to provide shelter and improved amenity for pedestrians;
- l) Painted treatment of all concrete panels on the western and northern elevations;
- m) All buildings constructed with non-reflective materials;
- n) Notation to show car park to be constructed at 113.3m AHD;
- o) Installation of traffic control measures to manage vehicles entering the western loading lane from the car park;

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- p) Increased size of loading bay dimensions to comply with clause 52.07 of the scheme

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. **Section 173 Agreement**

Before the occupation of any tenancy of the development, 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:

Noise Attenuation

- Prior to construction commencing for any residential purposes of the adjoining land to the west known as Riverview Park for residential purposes, the owner of the site is to construct and install a four metre high acoustic barrier on the western boundary of the land
- Prior to the installation of the acoustic barrier, detailed plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority.
- The design of the acoustic fence must be prepared in consultation by a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the responsible authority.

The said agreement is to be prepared by the Council. The 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. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

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4. Developer Contributions

Before the occupation of any tenancy of the development, the development contributions must be paid to the responsible authority under the Development Contributions Plan Overlay 2.

5. Subdivision

Before the development starts an application for certification of the plan of subdivision must be made to the responsible authority under the *Subdivision Act, 1988*.

Before the occupation of any tenancy of the development, the statement of compliance for the subdivision must be registered with Land Registry.

6. Drainage Plan and Installation Commercial

Before the commencement of any building works allowed by this permit, a properly prepared drainage plan with computations and a litter and pollutant control plan must be submitted to and approved by the responsible authority. The information submitted must be in accordance with the Infrastructure Design Manual. The plan must be generally in accordance with the drainage concept plan dated 2 May 2013 prepared by Caf Consulting, detailing how the works on the land are to be drained and must include:

- a) underground pipe drains conveying stormwater to the legal point of discharge at the existing pit at the southwest corner of the subject land;
- b) the discharge from the site shall be retarded on site to ensure a maximum discharge rate of 150 l/sec;
- c) details of discharge control device and onsite storage areas;
- d) details of the overland flow path to the north property boundary for stormwater runoff from this development and the adjacent existing property to the south;
- e) incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- f) provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the expected discharge quality emanating from the development and how this is to be treated within the existing wetland basin area;

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- g) litter trapping vegetated/gravel swales in the car parking areas;
- h) details of regular cleaning and maintenance of discharge control device and litter trapping areas;
- i) documentation demonstrating how drainage will be designed so neighbouring properties are not adversely affected by the development, including water flow to and from neighbouring properties.

Before the occupation of any tenancy of the development, the drainage works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

An endorsed copy of the plan and computations will form part of this permit.

Drainage must be managed in accordance with the approved drainage plan to the satisfaction of the responsible authority.

7. Landscape Plan

Before the development starts a landscape plan 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. The landscaping plan must show:

- a) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- b) tree buffer on the abutting lot to the west as shown on the endorsed plan
- c) the method of preparing, draining, watering and maintaining the landscaped area;
- d) landscaping and planting within all open areas of the site;
- e) the sewer and water supply connection points;
- f) the weed management program;
- g) garden bed heights above car-park surface;

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- h) all areas where vehicle overhang will occur;
- i) all landscaped areas to be used for stormwater retardation;

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 any tenancy of the development or by such a later date as is approved by the responsible authority in writing, landscaping work (excluding the tree buffer under condition 6b) shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

8. Car Park Plan

Before the development commences, a car park plan must be submitted to and approved by the responsible authority. When approved, the plan will then form part of the permit. Three copies of the plan must be submitted. The plan must provide but is not limited to the following:

- a) the car park must be constructed at 113.3m AHD;
- b) surfaced with an all-weather seal coat;
- c) drained in accordance with an approved drainage plan;
- d) line-marked to indicate each car parking space and all access lanes;
- e) properly illuminated with lighting including all parking areas, access aisles and loading bays designed, baffled and located to prevent any adverse effect on adjoining land;
- f) areas designated for staff car parking;

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- g) treated with measures to prevent damage to fences or landscaped areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing;
- h) treated with traffic control signage and or structures as required;
- i) security arrangements for car parking areas;
- j) location of disabled car parking bays;
- k) detailed plan of the car park with no less than 780 car parking spaces, unless a lesser number of car parking spaces is approved in writing by the responsible authority on account of accommodating landscaping, drainage or shade cloth structures pursuant to endorsed drainage and or landscape plans;
- l) plans indicating car parking spaces under shade sails.

This car park plan must be to the satisfaction of the responsibility authority.

Once approved the Car Park Plan will be endorsed to form part of this permit.

The approved plan can be amended to the satisfaction of the responsible authority. The car park must be managed in accordance with the approved Car Park Plan to the satisfaction of the responsible authority.

Before the occupation of any tenancy of the development, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be constructed to the satisfaction of the responsible authority; including

- a) Surfaced with an all-weather seal coat;
- b) Drained in accordance with an approved drainage plan;
- c) Line-marked to indicate each car parking space and all access lanes;
- d) Properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
- e) Measures taken to prevent damage to fences or landscaped areas of adjoining

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properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;

- f) Provision of traffic control signage and or structures as required;
- h) Provided with signage directing drivers to the area set aside for car parking. Such signs are to be located and maintained to the satisfaction of the responsible authority. This sign must not exceed 0.3 square metres.

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

9. Environmental Sustainable Design

Prior to the commencement of the development, a report and schedule of all Environmentally Sustainable Design principles, materials and devices showing that the development will comply with the performance requirements of Section J (Energy Efficiency) of the Building Code of Australia, and the incorporation of any Ecologically Sustainable Development Initiatives, must be submitted to the satisfaction of the responsible authority. Such plans and report must provide but is not limited to the following:

- a) Energy efficiency measures to enhance thermal performance of the building.
- b) Location and capacity of tanks to collect roof runoff and connections to the reuse systems.
- c) Location and design of passive heating and cooling systems including natural ventilation where appropriate.
- d) Provision of energy saving circuits and switches throughout the development.

The Ecologically Sustainable Development Initiatives will include technical measures to improve the environmental performance of the following elements of the development:

- air conditioning
- hydraulics

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- ventilation and exhausts
- refrigeration
- lighting/electrical
- thermal
- waste.

Before the occupation of any tenancy of the development, the environmentally sustainable design principles must be incorporated into the buildings to the satisfaction of the responsible authority.

10. Road Upgrading

Before the development starts, detailed construction 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 include unless otherwise agreed in writing by Vic Roads and the responsible authority:

- a) Dual right turn lanes in the north highway approach with an average length of 70m
- b) Two departure lanes in the Riverview Drive west leg and conversion of the L turn approach lane to a combined L and R turn lane
- c) Construction of separate right turn openings in the highway median and outer separator opposite access A (southern most access from the land to the Goulburn Valley Highway service road), including a 60m long R turn storage lane indented in the median
- d) Modification of the service road to create an exit onto the highway immediately upstream from Access B (northern most access from the land to the Goulburn Valley Highway service road) and block through traffic beyond this point

Before the occupation of any tenancy of the development, these road works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

11. Detailed Construction Plan

Before any road, drainage or landscaping works associated with the development, detailed construction 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 include:

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- a) Fully sealed pavement with kerb and channel;
- b) Cross sections of the internal access ways;
- c) Pedestrian paths, internal and external access ways, and loading bays showing traffic movements and truck turning paths;
- d) Line marking plans and signage for all roads, car parking, access ways, disabled car parking and pedestrian crossings;
- e) Street lighting layout for all car parking, loading areas and access ways. All lighting must be designed and baffled to ensure that no direct light is emitted outside the north and west boundaries of the subject land;
- f) The location of Tactile Ground Surface Indicators (TGSIs) provided in accordance with Australian Standard AS1428.4 'Design for Access and Mobility – Part 4: Tactile Indicators';
- g) Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road;
- h) Signage for staff car parking;
- i) Traffic calming measures within the car park;
- j) Car park to be constructed to 113.3m AHD;
- k) Installation of concrete island to prevent vehicles entering the western loading lane from the car park;
- l) Removal of service land access from the Goulburn Valley Highway to the caravan park and reinstatement of vegetated verge;
- m) Installation of directional signage for the caravan park;
- n) Riverview Drive road works;
- o) Signal phasing;

This detailed construction plan must be to the satisfaction of the responsible authority.

Fees

- a) payment to the responsible authority of an amount up to 2.5% of the actual

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cost of civil works, being for costs of the responsible authority supervision of the works, as determined by the responsible authority;

- b) payment to the responsible authority of an engineering design checking fee of an amount up to 0.75% of the value of documented civil works.

Before the occupation of any tenancy of the development, the civil construction as shown on the endorsed plans and payment of fees must be completed to the satisfaction of the responsible authority.

All road, drainage and landscaping works must be constructed in accordance with the endorsed plans.

12. General Exterior Treatment

Before the development commences, a schedule of materials, external finishes and colours to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.

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

13. Construction Phase

Before the commencement of any works on site, a construction management plan must be submitted to and approved by the responsible authority. The plan must address but is not limited to:

- a) Fencing to contain all litter, restrict vehicle access and deter unauthorised access to the site;
- b) Temporary fencing of the site during construction;
- c) Construction vehicle access point to the site during construction;
- d) Parking facilities for construction workers;
- e) Erosion and sediment control during construction. All works must be undertaken in a manner which controls sediment from the land and in accordance with EPA guidelines for Environment Management, "Doing It Right

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On Subdivisions" Publication 960, September 2004, to the satisfaction of the responsible authority;

- f) Control of mud on roads during construction;
- g) Control of dust generation during construction;
- h) Details including contact details of a liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced during construction.

Once approved the Construction Management Plan will be endorsed and form part of this permit.

14. Council Assets

Unless identified in a written report, any damage to public infrastructure adjacent to the land at the conclusion of construction on the land will be attributed to the land. The owner/operator of the land must pay for any damage to the Council's assets/Public infrastructure by way of the development.

15. Loading and Unloading Times and Operation

The loading and unloading of goods from vehicles must only be carried out in the allocated loading and unloading bays and must only be made during the following times:

- 7.00am to 10pm on Monday to Saturday;
- 9.00am to 6.00pm on Sundays and public holiday.

to the satisfaction of the responsible authority.

Waste Collection must only be carried out in the allocated waste collection areas and waste collection must only be made during the following times:

- 7.00am to 6.00pm on Monday to Friday;
- 7.00am to 1.00pm on Saturdays.

to the satisfaction of the responsible authority

Noise Testing

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16. Within six months of the use commencing, an acoustic report must be submitted to the responsible authority giving details of noise measurements to achieve compliance with the NIRV or later replacement policies, and if necessary, to recommend additional measures (physical construction and/or operation modifications) required to ensure compliance. Such measures must then be implemented as soon as is practical to the satisfaction of the responsible authority.

17. **Noise Control**

Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy Noise from Industry in Regional Victoria (NIRV).

In the event of complaints of noise from a nearby property, within two months of a request by the responsible authority, an acoustic report must be submitted to the responsible authority giving details of noise measurements to achieve compliance with the NIRV or later replacement policies, and if necessary, to recommend additional measures (physical construction and/or operation modifications) required to ensure compliance. Such measures must then be implemented as soon as practical to the satisfaction of the responsible authority.

Security Alarms

Before the building is occupied, 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 10 minutes, with no repeat sounding until manually reset and or silently wired to a security firm or Victoria Police.

18. **Advertising Signage**

Freestanding Signage

Freestanding signage on the site (other than those attached to individual tenancies) is limited to:

- one additional multi-tenanted pylon sign to a maximum height of 12 metres on the Goulburn Valley Highway frontage.

Before the commencement of any building works, full details of location, design, dimension, size, height, colour, materials of such freestanding signs are to be submitted to the responsible authority for approval. The location, design, dimension, size, height, colour, materials of such freestanding signs should complement the design and character of the development and building and should not dominate any building or structure to the satisfaction of the responsible authority.

All signs must be constructed in accordance with the endorsed plans and to the satisfaction of the responsible authority and maintained to the satisfaction of the

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responsible authority.

No additional signs, including flags, banners, bunting, streamers, sandwich-boards, windvanes or other devices considered to be used as advertising media shall be erected on the site without the prior written approval of the responsible authority.

19. **Site maintenance**

Maintenance of all buildings surrounds, common open space areas, landscaping, parking areas, roads and footpaths within the site must be carried out by the permit holder in such a manner to render the site to be neat, tidy and clean at all times to the satisfaction of the responsible authority.

20. **Form 13**

Before a Statement of Compliance is issued under the *Subdivision Act 1988* by the responsible authority the owner must provide a completed Form 13.

21. **Aerodrome Committee**

- a) Buildings to be constructed and maintained with non-reflective materials
- b) The owner acknowledges and accepts the proximity of the land to the Shepparton Aerodrome and consequently exposure to noise and visual intrusion by aircraft as a result of current and future use and development of the Shepparton Aerodrome
- c) No trees, buildings, or structures – permanent and / or temporary – to breach the Shepparton Aerodrome Obstacle Limitation Surface, any existing trees or structures that are breaching the obstacle limitation surfaces are to be removed
- d) Any proposal to build, erect, install, plant etc. in excess of five metres in height is to be referred to the Aerodrome Advisory Committee for consideration
- e) Landowners must not install and/ or use any device that may cause electrical or radio interference with Aviation Navigation Aids

22.

Referral Authority Requirements

- a) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the

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endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

- b) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easements or site is to be created.
- c) The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

23. Telecommunications Referral Condition

The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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24. VicRoads Requirement

The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.

25. Goulburn Broken Catchment Management Authority's Requirement

The finished floor level of the proposed building must be constructed at least 300 millimetres above the 100-year ARI flood level of 113.4 metres AHD, i.e. 113.7 metres AHD, or a higher level deemed necessary by the responsible authority.

26. Powercor's Requirements

- a) The buildings must comply with the clearances required by the *Electricity Safety (Network Assets) Regulations*.
- b) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- c) The Landowner/s must negotiate with Powercor Australia Ltd for an electricity supply to the development.
- d) The negotiations for the electricity supply may require a kiosk or indoor substation area, which would require a lease area and easements for electricity and carriageway.

27. Goulburn Valley Water's Requirements

- a) Payment of a new customer contribution for water supply to the development, such amount being determined by the Contribution at the time of payment.
- b) Provision of individual water supply metres to each allotment within the development.
- c) Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
- d) 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 AS3500.2 –

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'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section.

- e) 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.

28. Time for Starting and Completion

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

- a) the development is not started within **five years** of the date of this permit;
- b) the development is not completed within **seven years** of the date of this permit.

(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment

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IMPORTANT INFORMATION ABOUT THIS PERMIT**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

WHEN DOES THE PERMIT BEGIN?

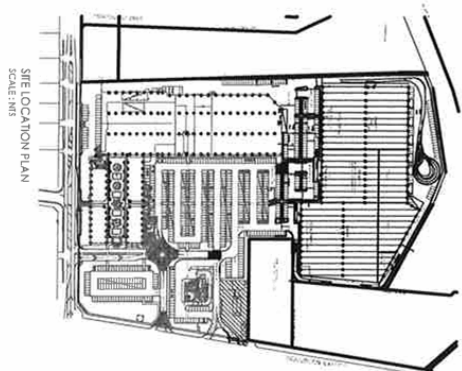
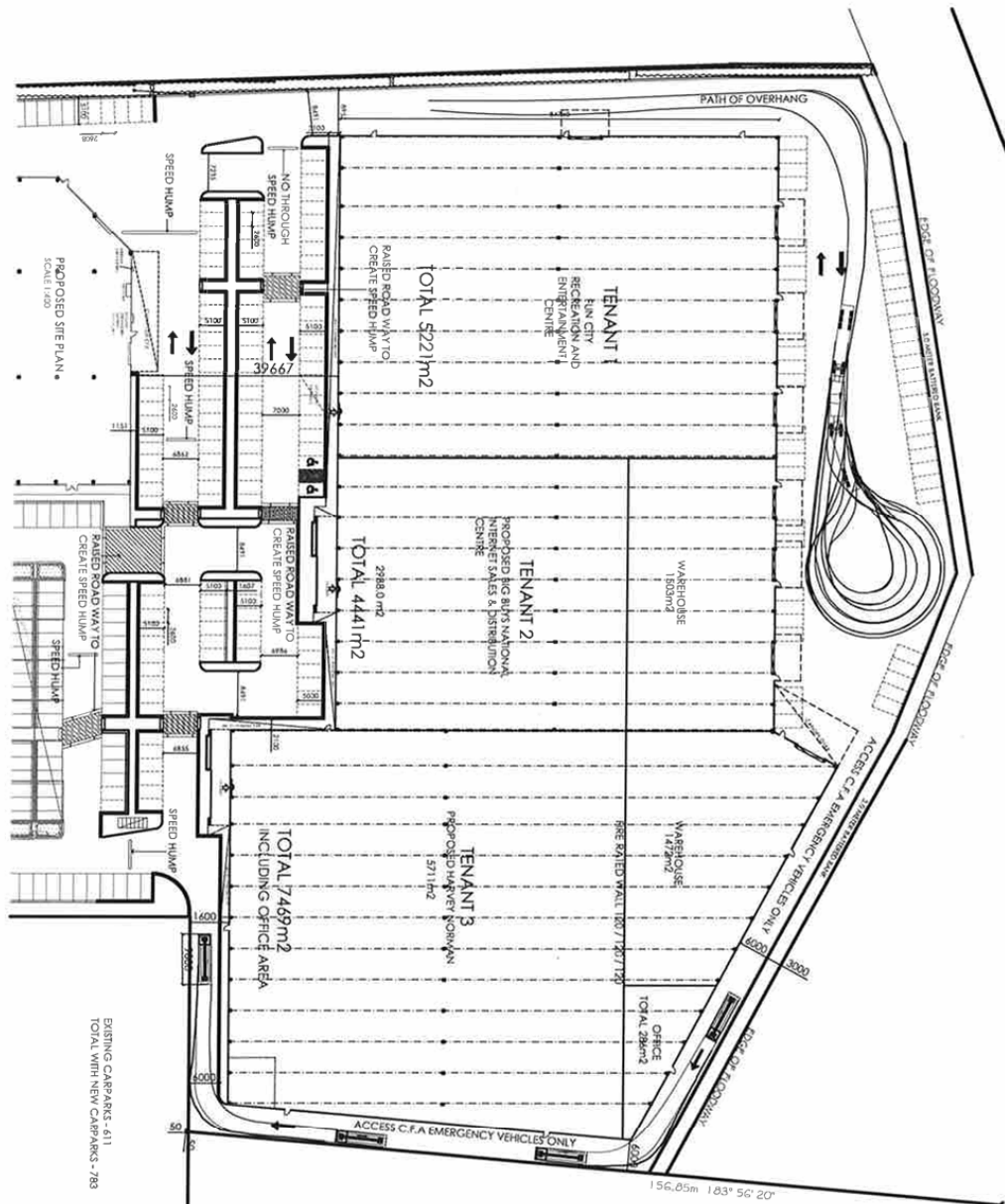
The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - * the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of -
 - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must also be served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.



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 100/101 Sturt Street
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PROJECT:
 KALLA
 VIC 30431

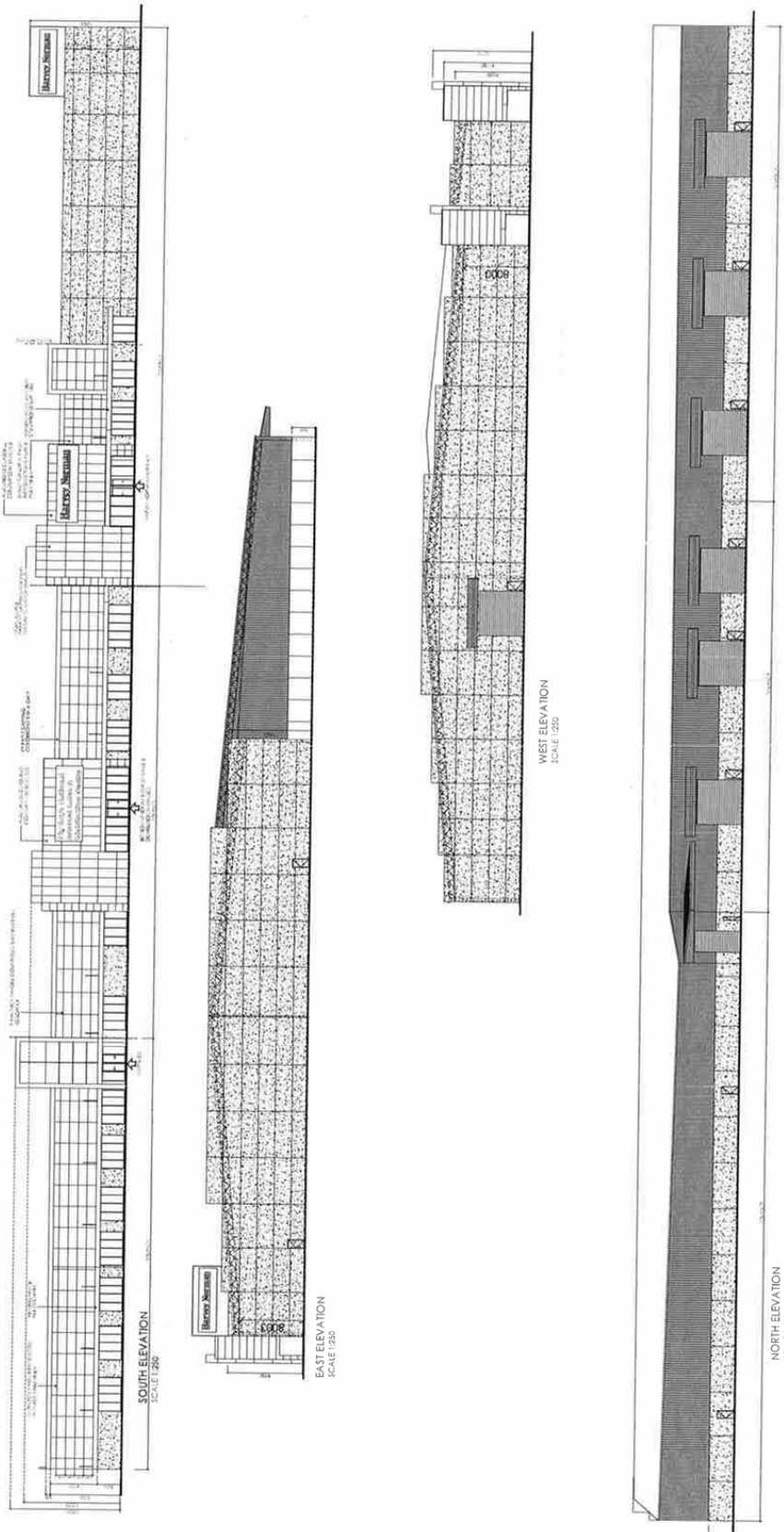
CLIENT:
COPULOS GROUP

SCALE: 1:400
 PROPOSED SITE PLAN

TOWN PLANNING

DATE: 12/12/2013
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: 23922.10
 SHEET NO: 01 of 02
 SCALE: 1:400

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bdg
Building Design Group
DP-1473

TOWN PLANNING

PROJECT: 2992.10
 CLIENT: 02 of 02
 DATE: 002
 DRAWN BY: 002
 CHECKED BY: 002
 PROJECT NO: 12.12.2013
 PROJECT NAME: 660 Poplar
 PROJECT TYPE: 02 of 02

120 HIGH STREET
 DEER PARK VIC 3302
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 F 03 857 2047
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CLIENT: **COPULOS GROUP**

ATTACHMENT 2 - AUGUST ORDINARY COUNCIL MEETING MINUTES EXTRACT

5

8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza

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

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

Council Officers involved in producing this report

Author: Graduate Strategic Planner (Amendments)

Proof reader(s): Team Leader Strategic Planning and Manager Planning

Approved by: Director Sustainable Development

Executive Summary

The Council are requested to consider a proposal for the expansion of the existing neighbourhood activity centre in Kialla – Riverside Plaza. This requires a combined planning permit and amendment to the Greater Shepparton Planning Scheme (in accordance with Section 96A of the *Planning and Environment Act 1987*) to rezone land at 72A Riverview Drive, Kialla.

The proposal seeks the following:

- Rezoning of the land from the Residential 1 Zone to the Business 1 Zone;
- Removal of the Environmental Audit Overlay from the land;
- Amendment of the *Shepparton South Growth Corridor Outline Development Plan* (May 2013) to extend the business/commercial area to the north to accommodate the subject site; and
- Issue of a planning permit for the following:
 - Use and development of the land for Restricted Retail and an Indoor Recreation Facility (Go Kart Track)/Place of Assembly (Amusement Parlour);
 - Business Identification Signage;
 - A reduction in the car parking requirements; and
 - Removal of Easement E1 on Lot B on PS522431L.

As part of Amendment VC100, all land within the Business 1 Zone is now referred to as the Commercial 1 Zone. For the purposes of this proposal, the intent of the zone has not changed. Throughout this report, the zone applying to the land and the proposed land use zone is still referred to as the Business 1 Zone.

Specifically, this amendment will provide for an extension to Riverside Plaza to be used for restricted retail. This will expand the floor area of the existing Riverside Plaza Neighbourhood Centre by approximately 16,648m² to provide for Harvey Norman, Harvey Norman Big Buys and Fun City.

It is recommended that the Council support the preparation and exhibition of the amendment in accordance with the *Planning and Environment Act 1987*.

**Moved by Cr Polan
Seconded by Cr Ryan**

That, in accordance with Division 5 of the *Planning and Environment Act 1987* (the Act) for an amendment to the Greater Shepparton Planning Scheme and combined planning permit application applying to 72A Riverview Drive, Kialla, the Council:



8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

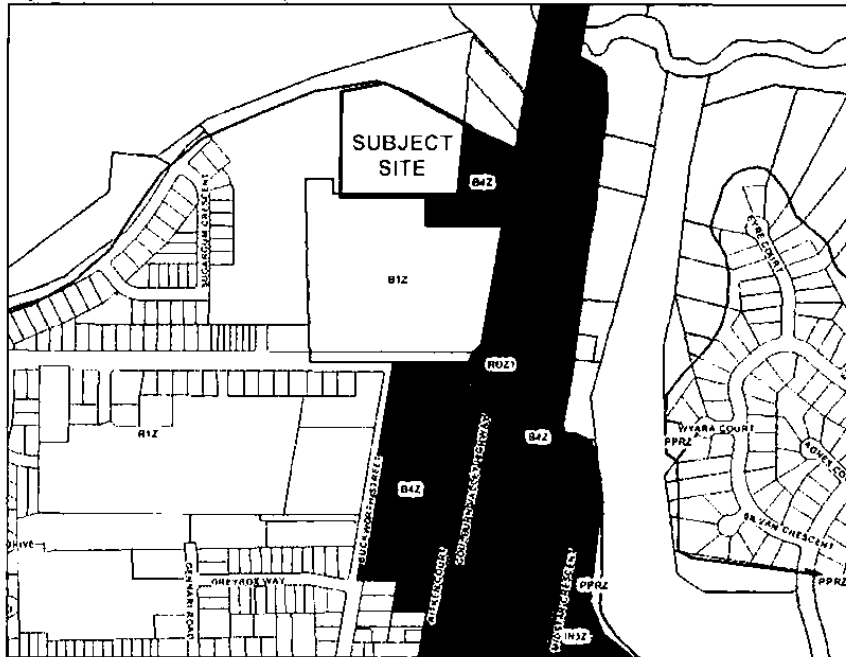
1. seek authorisation from the Minister for Planning to prepare the combined planning scheme amendment and planning permit; and
 2. exhibit the combined amendment and permit in accordance with Section 96C of the Planning and Environment Act 1987.
- CARRIED.**

Background

A request for a combined planning permit and planning scheme amendment to the Greater Shepparton Planning Scheme was received by the Council on 14 May 2013. The request proposes an expansion to the existing Neighbourhood Activity Centre in Kialla – Riverside Plaza.

The application applies to land at 72A Riverview Drive, Kialla. The subject site is approximately 17ha of land located 7.5km south of the Shepparton Central Business Area. The land is within the Urban Floodway Zone (UFZ) and the Rural Living Zone (RLZ). The land is also affected by the Land Subject to Inundation Overlay (LSIO) and Schedule 1 to the Development Plan Overlay (DPO1).

Figure 1 – Zones and Overlays





8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

An amendment to the Greater Shepparton Planning Scheme is required to rezone the land to allow the proposed commercial development on the site.

Specifically, the planning scheme amendment proposes the following:

- Rezone land from the Residential 1 Zone (R1Z) to the Business 1 Zone (B1Z);
- Remove the Environmental Audit Overlay (EAO) applying to the land; and
- Amend the *Shepparton South Growth Corridor Outline Development Plan* (May 2013) to extend the business/commercial area to the north over the subject site.

It is proposed to remove the EAO as the proposed uses for the site are not 'sensitive uses' (i.e. residential use, child care centre, pre-school centre or primary school) – as a result, the EAO is deemed unnecessary. As part of the exhibition process, the Environment Protection Agency (EPA) will be formally consulted and provided with an opportunity to comment on the proposal.

A combined planning permit request has been lodged in accordance with Section 96A of the *Planning and Environment Act 1987*, to be progressed in conjunction with this planning scheme amendment, for the use and development of the site for a Restricted Retail and Indoor Recreation Facility/Place of Assembly. Specifically, the planning permit allows:

- Use and development of the land for Restricted Retail and an Indoor Recreation Facility (Go Kart Track)/Place of Assembly (Amusement Parlour);
- Business Identification Signage;
- A reduction in the car parking requirements; and
- Removal of Easement E1 on Lot B on PS522431L.

Easement E1 is for water and drainage on the site, which will be accommodated by the proposed development. The removal of this easement is required as it traverses the area in which the extension is proposed to be constructed. Goulburn Valley Water (GVW) has been consulted and has not objected to the proposal.

The planning scheme amendment and planning permit will expand the floor area of the existing Riverside Plaza Neighbourhood Centre by approximately 16,648m² by providing three new businesses as outlined below:

- Harvey Norman 7,125m²;
- Harvey Norman (Big Buys) 4,437m²;
- Fun City 4,718 m²; and
- Associated administration offices 368m².

The existing Harvey Norman store, currently located 700 metres to the south of the subject site, will close and be relocated to Riverside Plaza if the proposed planning scheme amendment proceeds.

Big Buys is a new Harvey Norman store concept that offers a range of products including camping, fitness, baby products, sports, music gear, kitchenware, travel gear and toys. The new Harvey Norman format includes online shopping and has four locations in Australia, at Melbourne, Sydney, Brisbane and Adelaide.

Fun City is an entertainment venue, extensively aimed at children. Facilities include go karting, laser tag and video games.



8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

The proposal, in effect, would add a bulky goods and leisure component to the existing retail complex at the Riverside Plaza Neighbourhood Activity Centre.

Assessment under the Planning and Environment Act 1987:

- Objective (a) *'to provide for the fair, orderly, economic and sustainable use and development of land'*
- Objective (c) *'to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria'*
- Objective (g) *'to balance the present and future interest of all Victorians'*

The proposal meets objectives (a), (c) and (g) of planning in Victoria by providing for the orderly, economic and sustainable use and development of land in the municipality. The amendment helps to strengthen the existing businesses and the economy of the region through the co-location of the proposed development adjacent to an existing Neighbourhood Activity Centre. This ensures that the development is highly accessible to the local community and is not proposing an out-of-centre development.

The amendment proposes to balance the interests of the community through the provision of a high quality, unique retail experience that will not detract from, nor be detrimental to, the CBD shopping precinct. The amendment will also ensure a pleasant, efficient and safe working, living and recreational environment by generating regional benefits through additional employment and service provision.

Assessment under the Greater Shepparton Planning Scheme:

Clause 21.02 (Key Influences and Issues) –

'There is a high local dependence and reliance upon the agricultural sector as a source of local employment and wealth. This regional strength can also be the region's vulnerability, particularly in the face of climate change and local environmental constraint.'

Clause 21.03 (Vision, Sustainability Principles and Strategic Directions) –

The economic development principle outlined at this clause is to promote economic growth, business development and diversification, with a focus on strengthening the agricultural industry.

Clause 21.05-2 (Floodplain and Drainage Management) –

This clause identifies the potential issues from flooding and floodplain areas. The objective for this clause is to recognise the constraints of the floodplain on the use and development of land.

Clause 21.06 (Economic Development) –

The objective of this clause is 'to have a hierarchy of viable activity centres'. The 2030 Business Framework Plan in this clause designates the subject land for 'future/expanded neighbourhood centres'.

Clause 21.06-4 (Commercial Centres) –

This clause identifies that there will be a demand for 20,660m² of additional retail floor space by 2011, with another 40,570m² supported by the forecast population growth from 2011 to 2030. Shepparton South is nominated as a Neighbourhood/Township Centre. It is identified here that a further



8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

neighbourhood shopping centre may be needed to serve the residents in the southern corridor.

The proposal achieves the objectives of the relevant Local Planning Policy Framework by providing employment diversity, economic growth and reducing the reliance on the agricultural sector, which consequently provides more stability to the local economy. It also supports the existing Neighbourhood Activity Centre and assists in alleviating some of the demand for commercial floor space, whilst not encouraging out-of-centre development.

The proposal will create 88 new jobs (excluding the 65 existing jobs at Harvey Norman which will be transferred to the new Harvey Norman), 109 indirect jobs and result in a \$16M development (according to the Economic Impact Assessment Report).

Amending the Development Plan

The subject land is affected by the Development Plan Overlay. The approved Development Plan applying to this land is the *Shepparton South Growth Corridor Outline Development Plan (ODP)*. The amendment that brought this ODP into effect was Amendment C11. It was gazetted on 27 November 2003. This ODP guides the future use and development of land within the Shepparton South Growth Corridor. In this ODP, the land is designated for 'conventional residential' development. The current proposal is for an expansion of the business/commercial land immediately to the south onto the subject land. This expansion is not considered to be generally in accordance with the ODP.

A permit cannot be granted for the use or development of land that is not "generally in accordance" with an approved ODP. An amendment to an ODP can be approved by the Council, if required. There is no process for exhibiting the plan or for the public to make submissions. This ODP was last amended in May 2013 and another amendment to the ODP is proposed to facilitate the proposed development. This amendment will designate the subject land for 'business/commercial' so that the proposed development is 'generally in accordance' with the approved ODP. The proposed amendment to the ODP is considered to be an appropriate planning outcome as it is a strategic expansion of an existing Neighbourhood Activity Centre.

Traffic

- The subject site has three main vehicle entrances; one from Riverview Drive and two from the service road off the Goulburn Valley Highway. An additional entrance for trucks is located off Riverview Drive. The proposed expansion of the Plaza will utilise these existing entrances and the internal road network. An increase in the number of car parking spaces and the additional u-turn provisions for delivery vehicles and semi-trailers will be included as part of this expansion. The operation of delivery vehicles will not conflict with the internal road network, the treatment of cross intersections and pedestrian movement safety.

A Traffic Impact Assessment Report (TIAR) has been prepared by Paffrath Consulting. This TIAR found that the traffic generation from the proposed extension will have no adverse impacts on the current level of traffic on Riverview Drive or Goulburn Valley Highway and can be accommodated by the surrounding road network.

The Council's Planning Department and Development Engineering Department have undertaken an initial review of the TIAR and have engaged TrafficWorks to undertake a Peer Review. The Peer Review states:



8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

"The TIAR prepared by Paffrath Consulting has overlooked the assessment of impacts resulting from traffic generated by a proposed expansion of the retail complex at Riverside Plaza, Kialla in several areas, including:

- *The operation of the signalised intersection of Goulburn Valley Highway with Riverview Drive;*
- *The right turn into Access C from Riverview Drive to prevent queues from interfering with the flow of westbound traffic departing from the highway intersection;*
- *Delivery access to new tenancies 1, 2 and 3, including conflict with the internal roadway and relocated truck turning area;*
- *Treatment of the cross intersection within the car park extension;*
- *Safe pedestrian movements across the car park extension;*
- *Use of the 6m lane around the east side of tenancy 3; and*
- *Queuing at the departures from Access A and B."*

The TIAR did not consider the impacts of increased truck movements and parking space usage as a result of the development. The Planning Department has requested that the applicants update their TIAR to fully consider these issues.

Engineers from Paffrath Consulting are undertaking further work regarding the existing traffic conditions and any potential traffic impacts of the proposal. To date, this work has found that in peak periods, the queue lengths at the Goulburn Valley Highway/Riverview Drive and the Service Road intersections are at a tolerable level and the current traffic levels do not adversely affect the adjoining lane or the wider road network. The phasing of the signals is being further reviewed and may be modified as a result of this work if required. Any further work on the TIAR will be further reviewed by TrafficWorks to confirm the findings of the report by Paffrath Consulting.

It is foreseen that any impact that the proposed development may have on the existing road network will be minimal and can be accommodated through the extension of existing right-hand turning lanes or by altering the phasing associated with existing traffic lights at the Riverview Drive/Goulburn Valley Highway intersection. These requirements can be the subject of a condition on the exhibited planning permit to ensure that there are no negative impacts. The developer will be responsible for any costs associated with upgrading the existing road network and any related traffic infrastructure.

Car Parking

Car Parking has been considered within the TIAR. The existing development provides 611 on site car parking spaces. The proposed development seeks to increase the onsite car parking by 158 spaces to 769 onsite spaces.

An Empirical Assessment of Car Parking Demand has been undertaken by TrafficWorks as part of the assessment of the impacts of the proposed development. This fully evaluated the existing car parking conditions and any additional car parking requirements that the proposed development may generate. This assessment found that 30-47% of existing car parking spaces are utilised at present, including during peak times. The empirical assessment has determined that sufficient has been proposed by the applicant.

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8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

Flooding

Although the site is affected by the Land Subject to Inundation Overlay, the proposal deals appropriately with drainage and retention matters to ensure that the floodplain is not adversely impacted by the development.

At the request of the Goulburn Broken Catchment Management Authority (GBCMA), the Council engaged Cardno to undertake a model of flood behaviour to establish potential flood impacts on adjoining properties. This flood model showed that the proposal would not have a detrimental impact on flood paths in the area.

The flood model by Cardno has been reviewed by the GBCMA. In a letter from the GBCMA received by the Council on 18 July 2013, the GBCMA states that the flood model *'establishes minimal impacts in the general area, with minor impact (up to 0.031m) within the proposed car park for the development'*. In this letter, the GBMCA do not object to the proposal and require a permit condition to be included, which states minimum floor levels of the proposed building to mitigate potential flood impacts.

Drainage

The applicant has submitted drainage plans and associated calculations. The applicant is proposing to drain the site to the regional basin within the Riverview Drive estate to the west of the land.

The Council's Development Engineering Team and the applicant have agreed that the drainage plan cannot be completed until the overall site layout is finalised – this is dependent on numerous factors including a potentially revised car parking layout. The Council's Development Engineers are confident that any drainage concerns can be resolved and the development will not be delayed.

Cultural Heritage

Advice was sought by the Council from Gaye Sutherland of GBCMA with regard to any requirements for a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006* (referred to in the following quotation as 'the Act'). Ms Sutherland stated that a voluntary CHMP should be undertaken (though is not mandatory) given the location and size of the development, and proximity to the Broken River. Ms Sutherland stated that *'a CHMP would be the way forward as best practice in protecting cultural heritage, and would also protect the proponent from a potential breach of the Act if cultural heritage was harmed during works'*.

This advice was further supported by Richard Whiting from the Department of Transport, Planning and Local Infrastructure (DTPLI) who stated that *'The Office of Aboriginal Affairs would strongly urge the developer to consider the requirements of the Act and to undertake a voluntary CHMP if a mandatory CHMP is not triggered. A Voluntary Plan has all the legal advantages of a mandatory plan as a statutory defence from the harm provisions in the Aboriginal Heritage Act 2006 and contingencies that avoid costly delays if undocumented Aboriginal Cultural Heritage is discovered during construction'*.

The applicant is undertaking a Due Diligence Report in place of a CHMP. This report will confirm that a full CHMP is not required due to the fact that the land has been subject to significant ground disturbance in the past. The Yorta Yorta Nation Aboriginal Corporation has been consulted and has agreed to this approach.



8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

Council Plan/Key Strategic Activity

Goal #3 – Economic Prosperity (Economic)

Objective #2 – 'Ensure that retail strategies deliver appropriate outcomes for the community'.

Aim – 'Council is committed to provide assistance to the retail sector with an ultimate goal of identifying how the businesses intend to offer their products or services to consumers and how to attract optimal consumer interest'.

Goal #4 – Quality Infrastructure (Built)

Objective #3 – 'Encourage sustainable municipal growth and development'.

Aim – 'Greater Shepparton City Council, as one of Australia's fastest growing inland regional cities, recognises that it is important to manage growth in a structured and sustainable manner.

In consultation with the Victorian Government and community stakeholders, we will continue to develop a planning framework that ensures that our growth and development does not compromise our enviable lifestyle'.

Risk Management

A risk assessment has been undertaken for this amendment. All risks associated with the amendment are considered to be negligible.

Risk	Likelihood	Impact	Rating	Action
Amendment not approved by Minister	Unlikely	Major	Medium	The proposal is consistent with the Greater Shepparton Planning Scheme and all environmental, social and economic impacts have been minimised.
Submissions from public	Likely	Minor	Low	Impacts on other landowners have been minimised. If required, all submissions will be referred to an Independent Planning Panel for consideration.
Amendment not finalised within timelines	Unlikely	Minor	Low	Exemptions from the Ministerial timelines for planning scheme amendments can be sought – impacts are minor. Planning Officers are taking all necessary action to ensure the timely progression of this amendment.
Adverse traffic impacts	Unlikely	Moderate	Low	A Traffic Impact Assessment Report has been prepared and Peer Reviewed. Traffic impacts resulting from this amendment have been assessed and minimised, as necessary.



8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

Risk	Likelihood	Impact	Rating	Action
Adverse economic impacts	Unlikely	Moderate	Low	An Economic Impact Assessment has been prepared and Peer Reviewed. Economic impacts resulting from this amendment have been assessed and minimised, as necessary.
Flood risks and impacts	Unlikely	Moderate	Low	The GBCMA has been consulted as part of the preliminary assessment of this amendment. Flood modelling has been prepared. The likely risk and impacts of flooding has been assessed and minimised, as necessary.

All stages in the amendment process will be undertaken in accordance with the *Planning and Environment Act 1987*.

Policy Considerations

This amendment is consistent with existing Council policy. The amendment supports Council policy on Economic Development.

Financial Implications

This amendment will not impose any unreasonable costs on the Council's resources or finances. The cumulative cost of the various peer reviews required to assess the impacts of the proposed development is approximately \$18,000. This includes the review of economic, traffic and car parking assessments.

The proponent of this amendment will be required to meet all costs associated with the planning permit and planning scheme amendment process. The costs associated with an Independent Planning Panel, if required, may be approximately \$40,000 and would also be met by the proponent of this amendment, not the Council.

The developer of the land will be required to meet all costs associated with the development, including any infrastructure costs. This includes infrastructure for traffic management, drainage and essential services. The ongoing maintenance costs associated with this public infrastructure will be met by the Council.

Legal/Statutory Implications

All procedures associated with this amendment comply with the legislative requirements under the *Planning and Environment Act 1987*. The amendment has been assessed in accordance with the Act and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter) – no human rights have been negatively impacted upon throughout the process.

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

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8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

Environmental/Sustainability Impacts

The subject land is within the Land Subject to Inundation Overlay and abuts the Urban Floodway Zone associated with the Broken River to the north. At the request of the Goulburn Broken Catchment Management Authority (GBCMA), a study of flood behaviour was undertaken by Cardno to assess the flood impact of the proposed development. This flood model showed that the proposal would not have a detrimental impact on flood paths in the area.

The site will drain to the regional basin within the Riverview Drive estate to the west of the land. The overall drainage plan is being finalised by the applicant and the Council's Development Engineering Team.

There is no significant vegetation on the subject site and no significant vegetation is expected to be removed as part of this development.

As part of this amendment, it is proposed to remove the Environment Audit Overlay (EAO) currently applying to the site. It is agreed that the EAO requires deletion as the proposed uses for the site are not 'sensitive uses' (i.e. residential use, child care centre, pre-school centre or primary school) – as a result, the EAO is deemed unnecessary.

As part of the exhibition process, the Environment Protection Agency (EPA) will be formally consulted and provided with an opportunity to comment on the proposal.

There are no significant adverse environmental/sustainability impacts associated with this amendment.

Social Implications

The amendment will achieve a positive social outcome. It will facilitate new and unique entertainment and leisure opportunities within the municipality. It will result in the development of a larger neighbourhood activity centre with improved access to a diverse range of services for the wider community. The proposal will promote further utilisation of an established community space that is already serviced by public transportation.

The land is in proximity to the CBD, as well as the main Kialla shopping strip along the Goulburn Valley Highway. The proposal adds to the existing variety of retail and entertainment options.

It is not expected that there will be any negative social impacts on adjoining land as a result of this amendment. The proposal is not for a new commercial centre, but for the expansion of an existing centre. Any negative traffic, drainage and other potential impacts have been mitigated through extensive assessment and peer review, which has informed the final development proposal.

The amendment will result in a net community benefit by providing a pleasant and safe working and recreational environment in the southern corridor of the city.

There are no significant adverse social implications associated with this amendment.



8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

Economic Impacts

An *Economic Impact Assessment Report* (May 2013) (EIA) was prepared by MacroPlan Dimasi. This report provides an assessment of the economic impacts that may result from the proposal on the existing retail base in Shepparton.

This report states that the extension to Riverside Plaza, as proposed, will have a number of important economic benefits, including:

- *"Creating a substantial activity centre in southern Shepparton that will include both traditional and bulky goods retail facilities;*
- *Increased ability and flexibility to provide for the growing future homemaker/bulky goods floor space needs of Shepparton and the surrounding region;*
- *Greater convenience and amenity for residents through the consolidation of the second homemaker/bulky goods node in Shepparton, to complement the larger node at Shepparton East, which is located a substantial distance from Kialla;*
- *Further enhancement of Shepparton's role as the regional retail destination for comparison shopping purposes. In addition, the location of Fun City at Riverside Plaza will provide new recreation/entertainment facilities, which would be attractive to families and teenagers, increasing visitation to Shepparton; and*
- *The creation of significant numbers of additional jobs."*

The report acknowledges that there will be some trading impacts on the existing retail facilities in Shepparton; however, the report found that these are likely to be minor in nature.

This EIA was Peer Reviewed by Essential Economics on 3 June 2013. The key findings of the Peer Review include:

- *"The MacroPlan Dimasi report provides a high level market assessment of the proposed expansion of the Riverside Plaza, and identifies some of the economic benefits that would be derived from the proposal. The data sources and analysis provided in the report appear sound and reasonable.*
- *However, the proposal is seeking to rezone land away from a R1Z to a B1Z to enable a homemaker/bulky goods development. This proposal is made in the context of significant vacant homemaker/bulky goods floorspace in Shepparton, and the recent closure of a number of homemaker retailers.*
- *The report should consider in more detail why additional land is required for additional homemaker/bulky goods retailing. This argument should include an analysis of future demand for homemaker/bulky goods development that takes into consideration the existing homemaker retail vacancies and the appropriateness of other appropriately zoned sites.*
- *If the report is to state that a net economic benefit will result from the proposed development, the analysis should take into consideration the impact that the loss of residential land may have on Shepparton.*
- *More detailed analysis of trading impacts may also be required.*
- *This information should be provided to enable Council to make an informed decision as to whether or not to support the proposal. This will be important if there are objectors and the proposal goes to a panel hearing."*



8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

Further work regarding economic impacts of the proposal has been undertaken by MacroPlan Dimasi in response to the review by Essential Economics. This further work concludes:

- *"The development proposed at the subject site could not be accommodated at a vacancy at an existing centre or at an appropriately zoned vacant site in Shepparton;*
- *The proposed development would have only a limited impact on other retailers in the region and would not threaten the viability of existing retailers; and*
- *The proposed reduction in Residential 1 zone would not have a noticeable impact on the supply of residential land in Kialla or total Shepparton."*

Following this, Essential Economics have reviewed the further work by MacroPlan Dimasi. Essential Economics believe that the work responds adequately to the key points raised in the peer review and that *"Council is in a position to make an informed assessment of the economic merits of the proposed Riverside Plaza development"*.

In accordance with the above, it is not expected that there will be any significant adverse economic implications associated with this amendment.

The development is expected to create 88 new jobs (excluding the 65 existing jobs at Harvey Norman which will be transferred to the new Harvey Norman), 109 indirect jobs and result in a \$16M development (according to the Economic Impact Assessment Report).

Consultation

This amendment has not been subject to any statutory exhibition or notice requirements as it is still at a preliminary assessment stage.

This amendment will be exhibited as necessary in accordance with the *Planning and Environment Act 1987*. This includes providing notice of the permit and amendment to all relevant referral authorities, prescribed Ministers and affected land owners. Notice of the permit and amendment will be advertised in the Victorian Government Gazette, the Shepparton News, on the Council's website and on the Department of Transport, Planning and Local Infrastructure's website. The permit and amendment will be exhibited for a minimum statutory period of one month. All submissions will be considered by the Council and an Independent Planning Panel will be engaged to hear submissions, if required.

Council officers believe that appropriate consultation will occur as part of this statutory process and the matter is now ready for Council consideration.

Timelines

Although it is recommended to 'prepare and exhibit' this amendment as part of this report, the development will not be occurring on the site immediately. In accordance with the statutory timelines set out in the *Planning and Environment Act 1987*, the planning scheme amendment process takes approximately twelve months before final approval is received by the Minister for Planning. Following this, the developer will need to seek all of the relevant planning and other relevant permits prior to the commencement of works on the site.



8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

- Topic: Economic Development
Theme: Retail/Commercial Centres
Objective 1: *'To provide increased opportunities for local job creation'*
Objective 4: *'To have a hierarchy of viable commercial/retail centres by retaining local and visitor spending within the municipality'*
Objective 5: *'To agglomerate peripheral sales and highway services nodes in accessible and appropriately serviced locations'*

b) Other strategic links

No other strategic links have been identified.

Options for Consideration

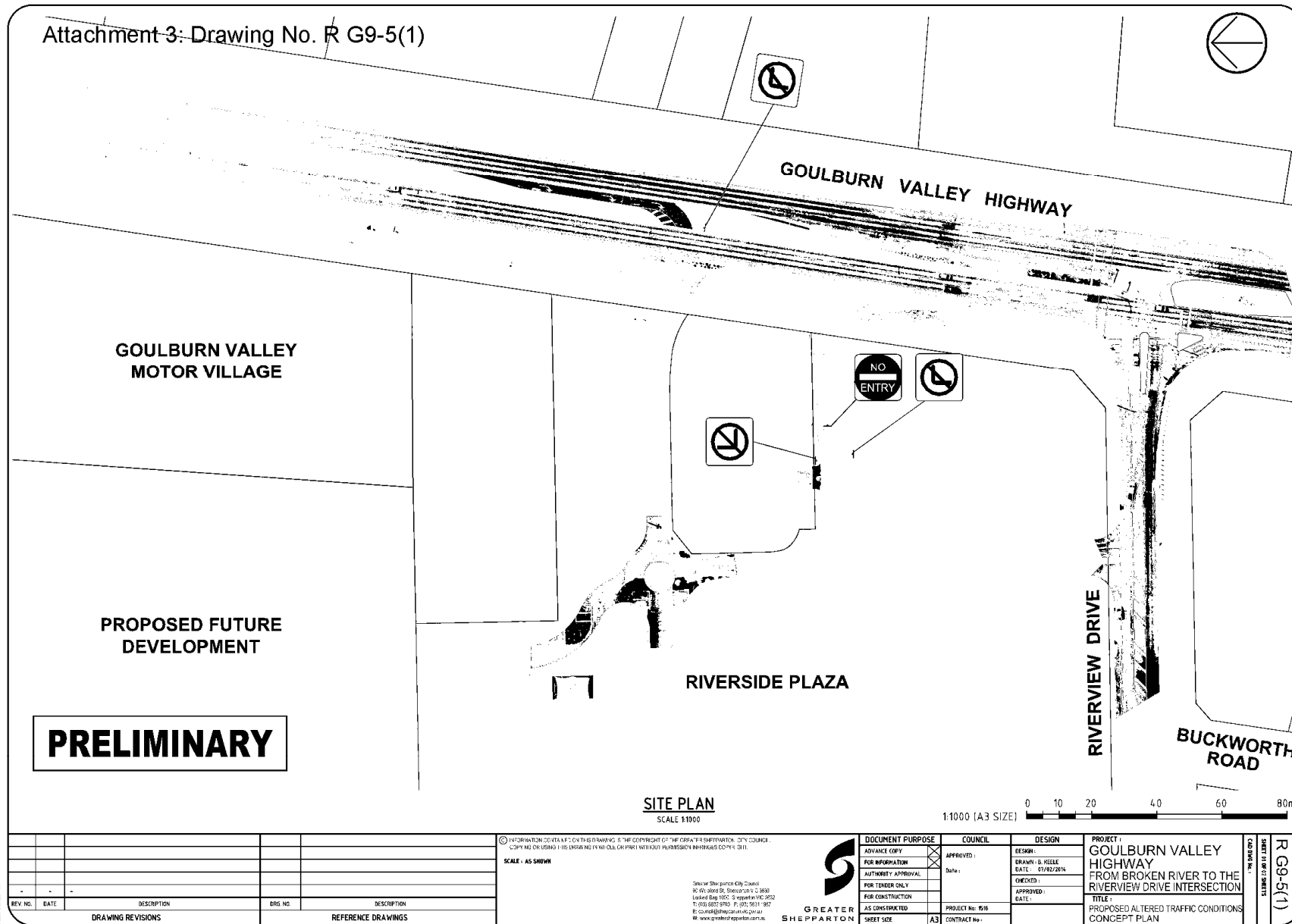
1. Agree to the preparation and exhibition of the planning scheme amendment (preferred).
2. Do not agree to the preparation and exhibition of the planning scheme amendment. This option could result in various undesirable consequences, including:
 - Loss of economic opportunity, including increased employment;
 - Loss of anchor tenant in existing Neighbourhood Activity Centre; and
 - Loss of developer funded infrastructure improvements.

Conclusion

It is recommended that Council agree to the preparation and exhibition of the amendment in accordance with the *Planning and Environment Act 1987*.

Attachments

Nil



ATTACHMENT 4 - SUBMISSIONS RECORDER

Sub No.	First Name	Last Name	Organisation	Content of Submission	Officers' Assessment	Recommendation
1	Guy	Tierney	Goulburn Broken Catchment Management Authority	No objection subject to conditions.	Agree and accept conditions.	Include conditions
2	Paul	Kerrins	Goulburn Valley Water	No objection.	None required.	N/A
3	Clare	Kiely	EPA North East	No objection subject to conditions.	Agree and accept conditions.	Include conditions
4	Nick	Hooper	Taylor's Development Strategists Pty Ltd	Requests changes to condition 10 (traffic) of the planning permit.	Changes not supported by VicRoads. As a result, not supported by Council officers. Minor changes required to clarify Condition 10 of the planning permit. No further changes required.	Refer to Panel
5	Kelly	Edwards	Department of Environment & Primary Industries	No objection.	None required.	N/A
6	Neil	Repacholi	Goulburn-Murray Water	No objection.	None required.	N/A
7	PH	Redmond	Goulburn Valley Motor Village	Objection - overshadowing and visual amenity.	1. An overshadowing analysis was prepared by the proponent as a result of this submission. This analysis demonstrated that any overshadowing would comply with Rescode in clauses 54 and 55 of the Planning Scheme, which is considered to be an appropriate standard to apply. No changes required. 2. Additional tree planting has been agreed to by the proponent. Minor changes required to Condition 7 of the planning permit.	Refer to Panel
8	Ray	Kinnear	Public Transport Victoria	No objections subject to conditions.	Agree and accept conditions.	Include conditions
9	Darrin	Dohrman	Country Fire Authority	No objections subject to conditions.	Agree and accept conditions.	Include conditions
10	C/- Mr Trevor	Woodcock	Infrastructure Solutions Pty Ltd	Objection - traffic and car parking, economic impacts, flooding, inconsistencies in the exhibited documentation and CFA access.	1. The plans were updated following exhibition. All amendment documentation will be revised to reflect this. The variation in plan measurements is considered to be inconsequential and does not change the intent of the amendment. No changes required. 2. A letter referring to a signed "heads of agreement" between the operator of Harvey Norman Pty Ltd and the proponent has been supplied to Council. This is considered to be sufficient evidence that Harvey Norman Pty Ltd will relocate to this site. No changes required. 3. A car parking analysis was undertaken as part of the preparation of the planning permit. The proposed development complies with the car parking requirements of the Greater Shepparton Planning Scheme. No changes required. 4. A study of flood behaviour was undertaken by Cardno Lane Piper Pty Ltd. This demonstrated that the proposed development will not have an adverse impact on flood behaviour. In addition, the Goulburn-Broken Catchment Management Authority does not object to the proposal. No changes required. 5. The Country Fire Authority does not object to the proposal. No changes required. 6. The plan included in the draft Section 173 Agreement (and referred to in this submission) was for illustrative purposes only. The document is in draft form and any final agreement will be in the form required under the relevant legislation. No changes required. 7. A economic impact assessment was undertaken and peer reviewed. Council officers are confident that the economic impact of the proposed development has been assessed appropriately, and the proposed development will not have a detrimental economic impact. No changes required. 8. All amendment documentation outlines that the proponent is Taylor's Development Strategists Pty Ltd on behalf of the Copulos Group Pty Ltd. The applicant for the permit is Citywest Corp Pty Ltd. No changes required.	Refer to Panel
11	Raelene	Stratton	VicRoads	Objects to wording in Condition 10 of the planning permit - no objection if this condition is amended.	Agree and accept conditions.	Include conditions