

# **ATTACHMENT TO AGENDA ITEM**

**Ordinary Meeting**

**20 June 2017**

<b>Agenda Item 9.13</b>	<b>Combined Amendment C193 and Planning Permit Application 2016-269 for the development of a second supermarket in Shepparton North.</b>	
<b>Attachment 1</b>	<b>Ordinary Council Meeting Minutes 16 August 2016.....</b>	<b>960</b>
<b>Attachment 2</b>	<b>Exhibition Documentation .....</b>	<b>972</b>
<b>Attachment 3</b>	<b>Submissions Recorder .....</b>	<b>1009</b>
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GREATER SHEPPARTON  
GREATER FUTURE



# MINUTES

FOR THE  
GREATER SHEPPARTON CITY COUNCIL

## ORDINARY COUNCIL MEETING

HELD ON  
TUESDAY 16 AUGUST, 2016  
AT 5.30PM

IN THE COUNCIL BOARDROOM

**COUNCILLORS:**

Cr Dinny Adem (Mayor)  
Cr Fern Summer (Deputy Mayor)  
Cr Chris Hazelman  
Cr Jenny Houlihan  
Cr Les Oroszvary  
Cr Dennis Patterson  
Cr Kevin Ryan

**VISION**

*A THRIVING ECONOMY IN THE FOODBOWL OF VICTORIA WITH  
EXCELLENT LIFESTYLES, INNOVATIVE AGRICULTURE  
A DIVERSE COMMUNITY AND  
ABUNDANT OPPORTUNITIES*



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.14 Combined Amendment C193 (Shepparton North)

**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:** Principal Strategic Planner

**Proof reader(s):** Team Leader Strategic Planning, Manager Planning

**Approved by:** Director Sustainable Development

**Other:** Principal Statutory Planner

**Executive Summary**

An application has been received for a combined planning scheme amendment and planning permit. The application is for the development of land at 221-229 Numurkah Road and 10 Ford Road, Shepparton North for a Woolworths supermarket and associated speciality stores, medical centre, childcare centre and community floorspace.

The application includes a planning permit as well as rezoning land from the Commercial 2 Zone to the Commercial 1 Zone. The drainage requirements for this site trigger an upgrade to the regional drainage structure (Yakka Basin) servicing this catchment. As such, a Public Acquisition Overlay will be placed over land adjacent to the eastern boundary of the site, to ensure appropriate drainage infrastructure is provided to this site and continues to be available for the broader catchment via the Yakka Basin (see *Attachment 1 – PAO*).

It is proposed to construct a Woolworths supermarket including the sale of liquor and associated retail stores, with a total 'shop' floor area of 5,739 square metres, 500 square metres for medical centre purposes and 252 square metres for community purposes. A 90 place child care centre is also proposed for the southern portion of the site, with the adjoining site to the east retained for future development. A total of 344 car spaces are proposed to service the supermarket and speciality stores and a further 22 car spaces are allocated to the child care centre use. Access to the development is via two access and egress points off Goulburn Valley Highway (Numurkah Road) and Ford Street while the loading bay will be located to the rear of the supermarket (see *Attachment 2 - Submitted Plans*).

Several background reports have been prepared to ensure the proposed development will result in an acceptable planning outcome, including an Economic Impact Assessment (EIA) undertaken by Macroplan Dimasi Pty Ltd on behalf of the applicant. The EIA examines the impact of the proposed supermarket centre on the immediate surrounds and Shepparton Central Business District (CBD). The conclusions and recommendations of these background reports have informed the proposed planning scheme amendment and permit conditions.



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.14 Combined Amendment C193 (Shepparton North) (continued)

The EIA concludes no significant detrimental impact on the CBD. This has been independently reviewed by Hill PDA Pty Ltd on behalf of Council. The review found that the assumptions and findings of the EIA were generally correct and that the development proposal is reasonable and would expand the range of jobs, services and goods offered in the north growth area. The review also found that the proposed development's trading impacts are likely to be concentrated on other supermarkets, are considered reasonable and are unlikely to have significant negative impacts on speciality stores in the Shepparton CBD.

The proposed development supports existing Council policies and complies with the Greater Shepparton Planning Scheme. The proposed development is consistent with the recommendation of the *Commercial Activity Centres Strategy, November 2015* (Strategy), prepared by Essential Economics Pty Ltd, and adopted by Council at the February 2016 Ordinary Council Meeting.

It is proposed to prepare and exhibit a combined planning permit and planning scheme amendment to facilitate the proposed development. The purpose of this report is to brief the Council on the proposal and request for authorisation.

**Moved by Cr Oroszvary  
Seconded by Cr Hazelman**

That, in accordance with Division 5 of the *Planning and Environment Act 1987* (The Act) for Amendment C193 to the Greater Shepparton Planning Scheme and combined planning permit application 2016-269 applying to 221-229 Numurkah Road and 10 Ford Road, Shepparton North, the Council:

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 Council on 25 June 2016. The request proposes to provide a Neighbourhood Activity Centre in Shepparton North, at 221-229 Numurkah Road.

The subject site is approximately 3.8ha of land with frontages to Ford Road (north) and Numurkah Road (west). The land is relatively flat and is currently used for agricultural purposes. The land is within the Commercial 2 Zone (see Figure 1 – *Zoning Map*).





**8. SUSTAINABLE DEVELOPMENT DIRECTORATE**

**8.14 Combined Amendment C193 (Shepparton North) (continued)**

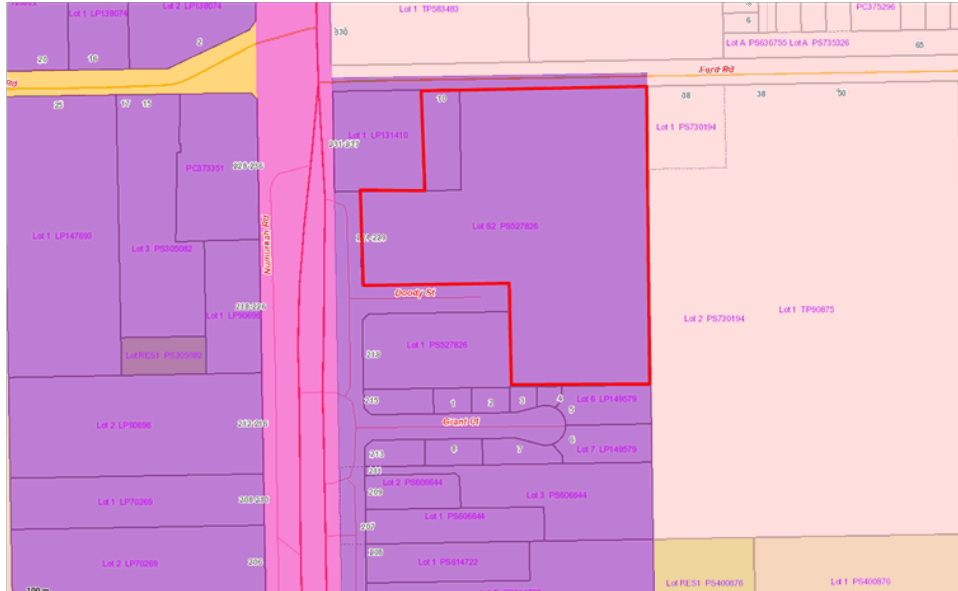


Figure 1 – Zoning Map

An amendment to the Greater Shepparton Planning Scheme is required to rezone the land to allow the proposed commercial development on the site. Under the provisions of the Commercial 2 Zone, the use of land for a supermarket with a floor area of greater than 1800 square metres is prohibited. Therefore, as outlined in the *Commercial Activity Centre Strategy*, the land will be required to be rezoned to Commercial 1 Zone to facilitate the proposed development.

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 development of the site for a supermarket and associated speciality stores, medical centre and community space. Specifically, the planning permit allows:

- Development for a supermarket and associated speciality stores, medical centre and community floorspace
- The use of the land for the sale of liquor
- The creation and alteration of access points to a road in a Road Zone Category 1
- The display of advertising signage
- Dispensation from the bicycle provisions of the Greater Shepparton Planning Scheme
- Acquisition of land on adjacent property to ensure appropriate drainage infrastructure for the Yakka basin catchment area
- Subdivision of land into two lots to provide for Childcare centre on separate title



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.14 Combined Amendment C193 (Shepparton North) (continued)

The development will comprise of the following key elements:

- A full line supermarket comprising 3,960 square metres which includes an area for the sale of liquor. The loading dock to the supermarket will be located on the east side of the building with access provided from Doody Street.
- Specialty retail tenancies wrapping around the supermarket building along its west and north sides with a total floor area of 1,349 square metres. The specialty retail tenancies are expected to comprise a variety of uses including shops, cafes, takeaway food premises and other retail uses.
- A combined chemist and medical centre is proposed adjacent to the south west corner of the supermarket. This tenancy will have a floor area of 930 square metres of which approximately 500 square metres will be used for the medical centre and 430 square metres for the chemist.
- A 252 square metres tenancy near the north east corner of the supermarket is proposed to be used for community/Council purposes.
- A 90 place child care centre is proposed with an accompanying car park area providing 22 spaces, on a separate title to be created through a subdivision process ensuring access to the site via Doody Street.
- One pylon sign is proposed to be located along Numurkah Road and two located along Ford Road, all extending to a height of 11 metres. 'Signage zones' (showing where tenancy signs will ultimately be located) are also shown on the plans. Whilst the detail of the signage is not yet known the signage zones are useful in showing the intent and extent of the proposed signage scheme.
- Council has identified that the proposed development triggers an upgrade to Council's drainage infrastructure for the catchment. Spiire Australia Pty Ltd was appointed to prepare a drainage plan for the entire catchment, to ensure the availability and accessibility of this drainage infrastructure for the broader catchment. A PAO will be applied to this land, along the western boundary of the adjacent site and an area of approximately 1.65ha to the east of the existing Yakka basin.

#### Assessment under the Planning and Environment Act 1987:

The proposal meets objectives of planning in Victoria as required by the *Planning and Environment Act 1987* (see *Attachment 3 - Explanatory Report*). It proposes to balance the interests of the community through the provision of a high quality, supermarket centre within community facilities, which 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.

The amendment helps to strengthen the existing businesses and the economy of the region through the provision of the proposed development in an area designated for a larger Neighbourhood Activity Centre. The development is located in an area of considerable growth, with an identified need for additional retail services.

#### Assessment under the Greater Shepparton Planning Scheme:

##### State Planning Policy Framework

Council officers have undertaken an assessment of the application against the requirements of the State Planning Policy Framework (SPPF) The SPPF of the Scheme seeks to ensure that land use and development planning policies in Victoria meet the objectives of planning in Victoria as set out in the *Planning and Environment Act 1987*.



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.14 Combined Amendment C193 (Shepparton North) (continued)

It is considered that the proposal satisfies a number of objectives and strategies of the SPPF, including balancing conflicting objectives in favour of net community benefit and developing a network of activity centres that differ in size and function for the focus of our business, shopping and working.

#### Local Planning Policy Framework

The proposal achieves the objectives of the relevant Local Planning Policy Framework by providing employment diversity, economic growth and business development. It also provides additional retail space in a growth area of Shepparton North, in accordance with the retail hierarchy as identified at **Clause 21.06-5**.

**Clause 21.06-5** identifies an Activity Centre Hierarchy based on the findings of the *Greater Shepparton 2030 Economic Development Report*. The hierarchy identifies 'Fairleys Numurkah Road' as a Neighbourhood/Township Centre. Proposal responds to the strategies for Commercial/Activity Centres included in the Clause, including facilitating the expansion of the neighbourhood centre in the north.

A full assessment against the LPPF is provided in *Attachment 3 – Explanatory Report*.

#### City of Greater Shepparton Commercial Activity Centres Strategy, November 2015

The *Commercial Activity Centres Strategy November 2015* was adopted by Council at an Ordinary Council Meeting on 15 February 2016. The Strategy:

- Provides a clear understanding of the role and function of urban and rural activity centres in Greater Shepparton; and
- Identifies future retail/commercial floor space requirements for activity centres

The Strategy was informed by an extensive consultation program, with Essential Economic Pty Ltd using the information and data collected during the consultation phase to undertake an in-depth economic and demographic analysis to project the future retail and commercial needs of the Municipality and broader region over the next fifteen years.

A key objective of the Strategy was to support the Shepparton CBD as the primary activity centre for retail and commercial activities in the region. The Strategy identifies the relationship between economic activity, population levels, demographics and social sustainability of activity centres. By understanding these relationships, the Strategy provides guidance on the level, type and timing of growth that can be supported in each activity centre without compromising the role and function of the Shepparton CBD.

The proposal is in accordance with the recommendations of the Strategy, which identifies the Shepparton North activity centre as one of three sub-regional centres activity centre which are described as important locations for retail and commercial activity. The Strategy provides strategic planning guidance for the expansion of C1Z at Shepparton North. This confirms that the most appropriate location is an expansion of the existing C1Z. However, the Strategy acknowledges that this may not be achievable and recommends that another site between Ford Road and Hawkins Street may be required; this will be subject to site suitability and availability.

The proposal responds to the main features and issues for consideration in relation to the centre, providing a second full line supermarket to the region to service a growing population and demand.



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.14 Combined Amendment C193 (Shepparton North) (continued)

The proposal responds to the specific actions for Shepparton North including encouraging the expansion of retail and commercial facilities and ensures the development takes place in a manner supported by appropriate urban design and planning guidance. This matter is further discussed in *Attachment 3 – Explanatory Report*.

#### Drainage

Council officers have identified that the proposal triggers an upgrade to the Yakka Basin and associated drainage infrastructure, to ensure the basin continues to be able to service the growing catchment. The amendment will include a Public Acquisition Overlay to provide continued access and drainage infrastructure for Yakka Basin catchment. The applicant will be expected to fund all costs associated with this process and the upgrading of the infrastructure to service their proposal. Council officers have also sought an independent review of the proposal from Spiire Australia Pty Ltd, who have provided a number of recommendations in relation to any drainage proposal for the application.

#### Traffic

The applicant submitted a *Traffic Engineering Assessment* from Traffix Group Pty Ltd in support of their application, providing for access off the Goulburn Valley Highway. This will be independently reviewed by GTA Consultants Pty Ltd on behalf of Council and changes recommended to best comply with traffic safety and the provisions of the Planning Scheme. VicRoads has requested further information to assist with their review of the application and have provided feedback regarding appropriate access to the site.

#### Car Parking

The proposal provides 366 spaces, exceeding the statutory car parking requirement for the application, while the layout and access are considered to be in accordance with the requirements of the Planning Scheme and Australian Standards. The independent assessment advised the car park layout is generally appropriate and made recommendations in relation to further complying with the provisions of the Planning Scheme.

#### Amendment C192

Council officers have currently prepared a planning scheme amendment to implement the general recommendations of the Strategy. This will include rezoning commercially zoned land along the Benalla Road Enterprise Corridor, Wyndham Street North and the Shepparton Marketplace to the Activity Centre Zone and strengthening support for certain uses to be established within the Shepparton CBD. This Amendment will also seek additional supporting information when requesting planning scheme amendments to increase commercial uses outside of the CBD.

In relation to Shepparton North, the Amendment will implement the recommendations from the Strategy, changing wording in the Municipal Strategic Statement relating to the Shepparton North Activity Centre. Amendment C192 is on exhibition from 7 July 2016 to 8 August 2016.





## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.14 Combined Amendment C193 (Shepparton North) (continued)

#### Council Plan/Key Strategic Activity

The Strategy is consistent with the vision and strategic goals of the *Greater Shepparton City Council: Council Plan 2013-2017*. In particular, it implements the following:

#### Goal 3: Economic Prosperity

- Objective 2: *Ensure retail strategies deliver appropriate outcomes for the community.*
- Strategy: *Develop, adopt and commence implementation of a Retail Strategy.*

#### Goal 4: Quality Infrastructure (Built)

- Objective 3: 'Encourage sustainable municipal growth and development'.
- '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'
- An objective of the Municipal Strategic Statement (MSS) at Clause 21.06-5 (Commercial/Activity Centres) of the Planning Scheme is "to have a hierarchy of viable activity centres";
- An action of the *Greater Shepparton 2030 Strategy (2006)* is to "undertake a Retail/Commercial Floorspace Strategy to investigate the potential additional floor space with an economic impact assessment on the expansion of the centres relative to population projections"; and
- The *Planning Scheme Review Report 2014*, adopted by Council at the Ordinary Council Meeting held on 21 October 2014, identified the 'need to complete' a Commercial Activity Centre Strategy.

#### Risk Management

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.



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.14 Combined Amendment C193 (Shepparton North) (continued)

Risk	Likelihood	Impact	Rating	Action
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.
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.

#### Policy Considerations

This amendment is consistent with existing Council policy including the *Greater Shepparton City Council: Council Plan 2013-2017* and the *Greater Shepparton 2030 Strategy 2006*. The Council supports 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 \$20,000. 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 \$25,000 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.



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.14 Combined Amendment C193 (Shepparton North) (continued)

#### **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.

#### **Environmental/Sustainability Impacts**

The proposal is not expected to result in any significant environmental effects. The site is currently void of vegetation and any development proposal will require adequate landscaping as well as stormwater and drainage strategies to limit any off site impacts.

#### **Social Implications**

The proposal will provide a community meeting space and childcare centre, with connections to the residential areas to the east and south of the site.

The amendment will achieve a positive social outcome. 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 provide additional childcare and community space options for residents in the region.

It is not expected that there will be any negative social impacts on adjoining land as a result of this amendment. 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 northern corridor of the city.

#### **Economic Impacts**

At the Ordinary Council Meeting on 16 February 2016, Council resolved to,

*Discourage the allocation of additional retail floor space in the Shepparton North Activity Centre until there is evidence that this will not have a detrimental effect on the CBD, in accordance with Appendix A of the Commercial Activity Centres Strategy.*

The applicant engaged MacroPlan Dimasi Pty Ltd to undertake an *Economic Impact Assessment Report (EIA)* (June 2016), which responds to this resolution. This report provides an assessment of the economic impacts that may result from the proposal on the existing retail base in Shepparton.



## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.14 Combined Amendment C193 (Shepparton North) (continued)

The report states that the proposed development will have a number of economic benefits including:

- *addressing what is currently considered to be an under provision of supermarket floor space in the surrounding area;*
- *substantially improving shopping choice, convenience and amenity for local residents; and*
- *the creation of additional employment opportunities.*

The report acknowledges that the provision of a second full line supermarket in Shepparton North is likely to have some trading impacts on existing facilities, however it is not considered these impacts will be such as to threaten any existing facility's ability to continue operating successfully.

It is considered that the proposed development will provide a supermarket and supporting speciality shops to serve the convenience shopping needs of local residents, and as such will not adversely impact retailers within the Shepparton CBD. The Shepparton CBD will remain a regular destination for the bulk of shopping needs, including close to all non-food shopping needs.

This EIA was independently reviewed by Hill PDA Pty Ltd on 29 June 2016. The key findings of the review are:

- *The development proposal complies with Council policy as shown in the Commercial Activity Centres Strategy (CACS), in terms of role, size and location.*
- *The retail floorspace proposed in the Shepparton North Subregion is reasonable and fits within the retail hierarchy, which is defined by the Shepparton CBD as the primary centre.*
- *The proposed development would expand the range of jobs, services and goods offered in the northern growth area and will facilitate competition for the benefit of the population.*
- *The proposed development's trading impacts are:*
  - *Likely to be concentrated on other supermarkets, but the impacts are considered reasonable; and*
  - *Unlikely to have significant negative impacts on speciality stores or speciality stores in the Shepparton CBD.*
- *In terms of location, the proposed development would ideally be co-located with the existing Commercial 1 Zone but this is difficult to achieve because of lot configuration and land ownership patterns.*
- *The design of the proposed centre provides a response to a challenging lot, which benefits from two street frontages but lacks an absolute corner position.*

The proposal will provide additional supermarket floor space in Shepparton North, which has been identified as a requirement in the *Commercial Activity Centres Strategy November 2015*. The supermarket will provide an additional 252 ongoing jobs and cost approximately \$10,000,000 to develop.

The provision of a supermarket in Shepparton North will also ensure that the area continues to serve a sub-regional function with the Shepparton Activity Centre hierarchy, servicing the wider northern region.





## 8. SUSTAINABLE DEVELOPMENT DIRECTORATE

### 8.14 Combined Amendment C193 (Shepparton North) (continued)

#### Consultation

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

This amendment and planning permit 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.

#### Strategic Links

##### a) Greater Shepparton 2030 Strategy 2006

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) Commercial Activity Centres Strategy November 2015

The proposed amendment is in accordance with the recommendations of the *Commercial Activity Centres Strategy November 2015*.

#### Conclusion

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

#### Attachments

- |                         |           |
|-------------------------|-----------|
| 1. PAO                  | Page 1211 |
| 2. Submitted Site Plans | Page 1212 |
| 3. Explanatory Report   | Page 1222 |



The proposed Amendment also applies a Public Acquisition Overlay to part of 221-229 Numurkah Road, part of 38-50 Ford Road and part of 25 Hawkins Road, as shown Figure 2 – Land affected by proposed Public Acquisition Overlay.

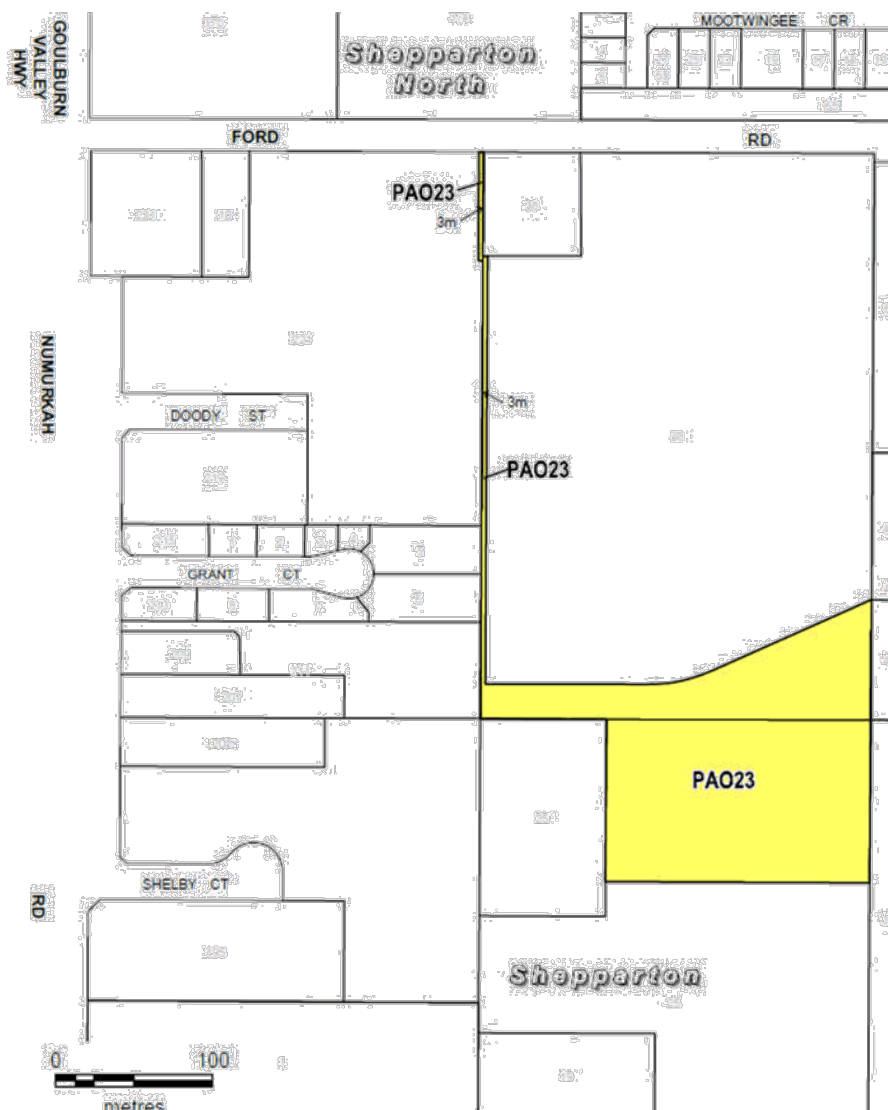


Figure 2– Land affected by proposed Public Acquisition Overlay

The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The planning permit application applies to land at 221-229 Numurkah Road and 10 Ford Road.

**What the amendment does**

The proposed Amendment rezones land at 221-229 Numurkah Road and 10 Ford Road, Shepparton, from the Commercial 2 Zone to Commercial 1 Zone and applies a Public Acquisition Overlay to part of 221-229 Numurkah Road, part of 38-50 Ford Road and part of 25 Hawkins Road.

Concurrent with the planning scheme amendment is a planning permit made pursuant to Section 96A (1) of the *Planning and Environment Act 1987*.

The planning permit is for the use of land for a community meeting space, buildings and works in the Commercial 1 Zone, erection and display of advertising signs, a packaged liquor licence and creation of access to a Road Zone Category 1.

Specifically, the planning scheme amendment proposes to make the following changes:

- Rezone land at 221-229 Numurkah Road and 10 Ford Road, Shepparton North from Commercial 2 Zone to Commercial 1 Zone;
- Apply a Public Acquisition Overlay to part of 221-229 Numurkah Road, part of 38-50 Ford Road and part of 25 Hawkins Road, in favour of Council, to provide for drainage infrastructure for the broader catchment via the Yakka Basin; and
- Amend Schedule to Clause 45.01; and
- Amend planning scheme map nos. 14 and 14PAO.

Specifically, the planning permit allows the following permissions:

- Buildings and works for a supermarket and additional retail space, medical centre and community meeting space;
- Use of the land for a community meeting space;
- Packaged liquor licence (bottle shop);
- The creation and alteration of access points to a road in a Road Zone Category 1; and
- Erection and display of advertising signs.

The development will comprise of the following key elements:

- A 'full-line' supermarket comprising 3,960 square metres which includes an area for the sale of liquor. The west facing main entry to the supermarket will be access via a town square area with seating and outdoor dining options proposed in conjunction with the west facing tenancies located to the north of the entry. The loading dock to the supermarket will be located on the east side of the building with access via Ford Road and egress provided via Doody Street;
- Specialty retail tenancies wrapping around the supermarket building along its west and north sides with a total floor area of 2030 square metres. The specialty retail tenancies are expected to comprise a variety of uses including shops, cafes, takeaway food premises and other retail uses. Delivery areas for the specialty retail tenancies are proposed to the north east and south west corners of the supermarket;
- A chemist and medical centre is proposed adjacent to the south west corner of the supermarket. This tenancy will have a floor area of 560 square metres of which approximately 300 square metres will be used for the medical centre and 260 square metres for the chemist;
- A space to be used for community purposes is also proposed to be located in one of the tenancies along the north side of the centre;
- Bicycle facilities are proposed adjacent to the south west corner of the supermarket including change room facilities and internal bike lockers. Additional external bicycle parking is also proposed adjacent to the north west corner of the building.
- Convenient pedestrian access is proposed throughout the development. This includes along the frontage of all the specialty stores, with a direct pedestrian connection through to Numurkah Road from the town square and supermarket entry and additional connections along Doody Street and to the south, providing access to the recently approved child care centre and the future residential development to the east;
- One pylon sign is proposed to be located along Numurkah Road and one located along Ford Road, both extending to a height of approximately 11.5 metres; and

- Council has identified that the proposed development triggers an upgrade to Council's drainage infrastructure for the catchment. A PAO will be placed over a portion of the land adjacent to the existing Yakka Basin south east of the subject site, to ensure the availability and accessibility of this drainage infrastructure for the broader catchment. Access and development of this Basin can be undertaken in stages as each land parcel in the catchment is developed, however the PAO will be placed over the entire portion of the site servicing the commercial areas, to ensure consistency.

## Strategic assessment of the Amendment

### Why is the Amendment required?

The proposed combined amendment/ permit will rezone the land to allow for the proposed commercial development on the site. Under the provisions of the Commercial 2 Zone, the use of the land for a supermarket with a floor area of greater than 1800 square metres is prohibited. Therefore, the land must be rezoned to Commercial 1 Zone to facilitate the proposed development.

The community facility would also require a planning permit in a Commercial 2 Zone, as would the erection and display of signs.

The proposed combined amendment/ permit is required to implement the findings and recommendations of the *Commercial Activity Centres Strategy, November 2015* (the Strategy) in relation to Shepparton North.

#### Commercial Activity Centres Strategy November 2015

The proposed rezoning and permit proposal has strong support in the *Commercial Activity Centres Strategy November 2015* (the Strategy). The Strategy was adopted by Council at an Ordinary Council Meeting on 15 February 2016 and:

- *Provides a clear understanding of the role and function of urban and rural activity centres in Greater Shepparton;*
- *Identifies future retail/commercial floor space requirements for activity centres; and*
- *Identifies the relationship between economic activity, population levels, demographics, and social sustainability of activity centres.*

The Strategy defines an activity centre hierarchy for Greater Shepparton, and designates Shepparton North as a subregional centre. The Strategy notes the centre lies within the Gateway North Enterprise Corridor but does not form part of the Corridor.

The Strategy includes the permit granted to the Fairley's IGA site for an additional 4000 square metres retail space in its baseline assessment of available retail floor space, noting there is a current floor space cap of 8,000 square metres retail. It further states that the opportunity for expansion within the vacant Commercial 1 Zoned land has not been realised and while it is identified as a sub-regional centre in the hierarchy, the Strategy identifies it is currently functioning in a more limited role. The centre is dominated by a single use (supermarket) and a lack of diversity in the retail and commercial activities when compared to the other sub-regional centres of Riverside Plaza and Mooroopna. For the centre to realise its expected sub-regional service role, it must contain a broader range of retail and commercial functions.

The Strategy recommends six actions in relation to the Shepparton North Activity Centre, five of which relate to this proposal. Action 1 encourages the expansion of retail and commercial facilities in the existing Commercial 1 Zone area. However, Action 3 states that retail and commercial development may be appropriate outside the existing Commercial 1 Zone specifically to accommodate a second supermarket, and that an appropriate site in the area fronting the Goulburn Valley Highway between Ford Road in the north and Hawkins Street in the south can be endorsed for this extension to the Commercial 1 Zone. The proposed combined amendment/ permit therefore aligns with this action. The proposed amendment/ permit also aligns with Action 2, providing a range or retail and non-retail facilities consistent with sub-regional status, including a second full line



supermarket. A provision in C192 ensures this will not include a major non-food retail anchor.

Similarly, C192 incorporates the recommendation to discourage discount department stores and other major non-food based anchor tenants in the Shepparton North Centre.

Action 5 states that once the location of an expanded Commercial 1 Zone in Shepparton North is identified Council should develop an urban design framework or similar assessment that provides appropriate guidance on how the centre can develop in a manner that provides a high-level of amenity to shoppers and is consistent with best-practice activity centre development guidelines. The Amendment is accompanied by a planning permit, which ensures the development of the centre can be assessed as part of any approval. The existing *Urban Design Framework – Shepparton North and South Business Areas July 2006* is also currently being expanded to include design guidelines in relation to this land and land further South in Kialla, to ensure the land continues to be developed in an appropriate manner.

The Strategy provides *Planning and Assessment Criteria* for considerations in the assessment of planning applications. These include Accessibility and Urban Design, Retail Demand/ Need and Retail Supply. Council is satisfied the *Shepparton North Neighbourhood Centre Economic Impact Assessment January 2017*, accompanying the amendment/ permit, provides sufficient information to allow for an accurate assessment of the economic impact of the proposal. This matter is further discussed in the *Economic Effects* section of this Explanatory Report.

In relation to Accessibility and Urban Design, Council has undertaken an assessment against the relevant sections of State and Local Policy, the Strategy and State Government Urban Design Guidelines, which is detailed elsewhere in this report.

Council is satisfied the amendment/ permit is consistent with the suggested guidelines for assessing relevant applications as provided in the Strategy for the following reasons/;

1. The proposal is consistent with the guidance for developing additional retail floor space as provided in the Strategy and with the draft *Urban Design Framework: Shepparton North and South Business Areas Addendum, 2017*, as prepared by Planisphere. The combined permit/ amendment allows for a thorough consideration of the proposed design and layout of the development, to ensure it integrates architecturally and functionally into the surrounding areas.
2. The proposal provides sufficient articulation and activation along the eastern elevation (frontage), with the inclusion of landscaping to create a town square, fenestration to provide surveillance of the street/ car parking area and provision of seating for cafes. The northern elevation provides access from all retail onto the street, with identification for each frontage. The western elevation is a long wall, however it is considered appropriate given it is primarily for loading and heavy vehicle access. Landscaping, and a drainage easement setting back the building from the boundary will ameliorate the impact of this wall to the west. The southern boundary will be sufficiently articulated given its primary function is access to the click and collect bay and loading for the medical centre. The building will be articular via fenestration to the front of the building provided by the medical centre and a green wall along the central element, as well as landscaping, softening the appearance from the street. Pedestrian access will be provided along the southern boundary of the site, separated via a landscaped nature strip, which is considered an appropriate measure to protect the safety of pedestrians given the road will be used by heavy vehicles.
3. The proposal provides pedestrian access and cycling connections to the proposed residential developments to the north east and east of the site and permit conditions will require provision for public transport infrastructure at the site.
4. The proposal integrates with a range on non-retail commercial and community facilities, including a medical centre and community facility, with easy access to the recently approved childcare centre to the south.

The drainage requirements for this site trigger an upgrade to the regional drainage structure (Yakka Basin) servicing this catchment. As such, a Public Acquisition Overlay will be applied

to part of the land adjacent to the eastern boundary of the site and over the northern portion of land at 25 Hawkins Road, to ensure appropriate drainage infrastructure is provided to this site and continues to be available for the broader catchment via the Yakka Basin.

### **How does the Amendment implement the objectives of planning in Victoria?**

The proposed amendment meets the objectives of planning in Victoria under section 4(1) of the *Planning and Environment Act 1987* by providing for the fair, orderly, economic and sustainable use and development of land in commercial areas throughout Shepparton, and protecting the primacy of the CBD.

The changes to local policy, particularly Clause 21.06 *Economic Development*, addressing objectives and strategies for the growth and hierarchy of commercial areas, will consolidate and strengthen the retail and commercial role of the Shepparton CBD, and provide a pleasant, efficient and safe working, living and recreational environment for all residents, business operators, employees and visitors to Shepparton.

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 provision of the proposed development in an area designated for a larger Sub-regional Activity Centre. The development is located in an area of considerable growth, with an identified need for additional retail services.

The amendment proposes to balance the interests of the community through the provision of a high quality, supermarket centre with community facilities 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.

### **How does the Amendment address any environmental, social and economic effects?**

#### Environmental

The proposed combined amendment/ permit is not expected to result in any significant environmental effects. The site is currently used for grazing and contains primarily grassed land. Any development proposal will require adequate landscaping as well as stormwater drainage and strategies to limit off site impacts.

#### Social

The proposed combined amendment/ permit will provide a larger activity centre with improved access to a diverse range of services for the wider community. The combined amendment/ permit includes an area for community meeting space and a childcare centre, with proposed connections to residential areas to the east and south of the site.

The proposed combined amendment/ permit will achieve a positive social outcome, resulting 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 provide additional childcare and community space options for residents in the region.

It is not expected that there will be any negative social impacts on adjoining land as a result of this proposed combined amendment/ permit. The proposal will result in a net community benefit by providing a pleasant and safe working and recreational environment in the northern corridor of the city.

#### Economic

At the Ordinary Council Meeting on 16 February 2016, Council resolved to:

*Discourage the allocation of additional retail floor space in the Shepparton North Activity Centre until there is evidence that this will not have a detrimental effect on the CBD, in accordance with Appendix A of the Commercial Activity Centres Strategy.*

The *Shepparton North Neighbourhood Centre Economic Impact Assessment January 2017* (the Report), prepared by MacroPlan Dimasi, accompanies the proposed combined amendment/ permit, providing an assessment of the impacts that may result from the proposal on the existing retail base in Shepparton North and the CBD.

The Report acknowledges that the provision of a second full line supermarket in Shepparton North is likely to have trading impacts on existing facilities, however these impacts will not be such as to threaten any existing facility's ability to continue operating successfully.

The proposed development will provide a supermarket and associated retail shops to serve the convenience shopping needs of local residents, and as such will not adversely impact retailers within the Shepparton CBD. The Report states the Shepparton CBD will remain a regular destination for the bulk of shopping needs.

The Report was reviewed on Council's behalf by PDA Hill in January 2017. PDA Hill found that the impact assessment undertaken by MacroPlan Dimasi was broadly acceptable. It is likely that the supermarket will have a degree of impact on the existing IGA and CBD supermarkets, while the scale of the impact of the associated speciality shops is capable of being comfortably absorbed by the CBD. Importantly, the assessment supported MacroPlan Dimasi's finding that the scale of possible impact is considered acceptable and will not present a real risk of closure of the IGA or CBD stores.

The proposal will provide additional supermarket floor space in the North, which has been identified as a requirement in the *Commercial Activity Centres Strategy November 2015*. The supermarket will provide an additional 252 ongoing jobs and cost approximately \$10 million to develop.

The provision of an additional supermarket in Shepparton North will also ensure that the area continues to serve a sub-regional function with the Shepparton Activity Centre hierarchy, servicing the wider northern region.

#### Amendment C192

Council officers have currently prepared a planning scheme amendment to implement the general recommendations of the Strategy. This will include rezoning commercially zoned land along the Benalla Road Enterprise Corridor, Wyndham Street North and the Shepparton Marketplace to the Activity Centre Zone and strengthening support for certain uses to be established within the Shepparton CBD. This Amendment will also seek additional supporting information for planning scheme amendments rezoning land for commercial uses outside of the CBD.

In relation to Shepparton North, the Amendment will implement the recommendations from the Strategy, amending the Municipal Strategic Statement relating to the Shepparton North Activity Centre to state the following, 'encourage expansion of retail and commercial convenience facilities in Shepparton North, subject to detailed planning and development assessment criteria'.

Amendment C192 was placed on exhibition from 7 July 2016 to 8 August 2016.

#### **Does the Amendment address relevant bushfire risk?**

The land is not within the Bushfire Management Overlay, nor a designated bushfire prone area (BPA) under the Building Code of Australia. The landscape setting of the land – within an area of open (cleared) farmland surrounded by Commercial properties, does not pose an unacceptable risk to life (as a priority), property, community infrastructure or the natural environment from bushfire.

#### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The proposed combined amendment/ permit is consistent with the Ministerial Direction on the Form and Content of Planning Schemes pursuant to section 7(5) of the Act.



The proposed combined amendment/ permit is consistent with the Minister's Direction No. 11 on Strategic Assessment of Amendments under section 12(2) of the *Planning and Environment Act 1987*.

The proposed combined amendment/ permit is consistent with the Minister's Direction No. 15 on the Planning Scheme Amendment Process under section 12(2) of the *Planning and Environment Act 1987*.

### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The State Planning Policy Framework (SPPF) of the Scheme seeks to ensure that land use and development planning policies in Victoria meet the objectives of planning in Victoria as set out in the *Planning and Environment Act 1987*.

The proposed amendment supports and implements Clause 11 *Settlement*, Clause 15 *Urban Design*, Clause 16 *Housing*, Clause 17 *Economic Development* and Clause 18 *Transport* of the State Planning Policy Framework by guiding major retail, commercial, administrative, entertainment, residential and community uses and development into a designated sub-regional activity centre.

The proposed combined amendment/ permit supports:

- Clause 11 *Settlement* as it provides a retail development that, responds to the needs of existing future communities and provides an activity centre of a size and function that is a focus for shopping and community. The proposal will provide a variety of land uses highly accessible to the community.
- Clause 15 *Built Environment and Heritage* creating an urban environment that is safe, functional and of good quality.
- Clause 15.01 *Urban environment* as it provides a development that responds to the urban character and takes into account Council's design policies (draft Urban Design Framework) for this location. The site is located on a corner allotment fronting Ford Road to the north and Numurkah Road to the west. Council has considered the *Activity Centre Design Guidelines*, in particular *Element 6: Malls and Large Stores*, and is satisfied the proposal response to the design requirements, integrating pedestrian and cycling access from the proposed residential growth area to the east/ north east, and providing a footpath around the entire site.
- In addition, there is an existing business located to the north west of this parcel, impacting the layout and design of the proposal. The proposed development seeks to provide adequate setbacks from this business via landscaped car parking, and provides activation along the frontage of the supermarket, including areas for seating, windows along the western elevation, a range of materials and colours to provide articulation and a landscaped 'town square' to create an entry to the supermarket. Proposed shops along the northern elevation will have access from the car park, while it is considered acceptable that the southern and eastern elevation are not activated, given their function as a loading area/ click and collect bay, and not a residential street.
- Clause 15.01-2 as the architectural and urban design contributes positively to the local urban character and enhances the public realm while minimising detrimental impact on neighbouring properties.
- Clause 17 *Economic Development* as it provides a development that meets the communities' need for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
- The proposed combined amendment/ permit responds to the Clause 17 locating, 'commercial facilities in existing or planning activity centres' and 'provides new convenience shopping facilities to provide for the needs of the local population in new residential areas within, or immediately adjacent to, existing commercial centres'.

- Clause 18 *Sustainable Personal Transport* as it encourage opportunities for sustainable transport options such as walking, cycling and public transport and will comply with Clause 18.02-5 *Car Parking* to 'ensure an adequate supply of car parking that is appropriately designed and located' to ensure that residential amenity is protected from the 'effects of road congestion created by on-street parking'.
- Clause 19 *Infrastructure*, planning for the appropriate provision of such infrastructure and services.

#### Hume Regional Growth Plan

The Hume Regional Growth Plan, 2014 shows Shepparton as a major growth location, while the proposal is located within a designated 'key residential growth front' in the northern growth corridor. The proposal will provide opportunities for employment and community facilities to people in this growing residential area, and the broader catchment area.

#### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The proposed amendment is consistent with the policies and controls of the Greater Shepparton Planning Scheme, including the Municipal Strategic Statement outlined within the Local Planning Policy Framework.

The proposed combined amendment/ permit aims to incorporate the objectives of the *Commercial Activity Centres Strategy November 2015* to provide a sub-regional activity centre servicing Shepparton North, in accordance with the proposed hierarchy of activity centres.

The proposed combined amendment/ permit responds to the following objectives of the Municipal Strategic Statement:

- Clause 21.04-4 *Urban Design*, promoting high quality architecture, urban design and sustainable development.
- Clause 21.05 *Environment*, particularly in relation to floodplain and drainage management. The proposal is supported by a strategy responding to floodplains and drainage ensuring that new development maintains the free passage and temporary storage of floodwater and encouraging the development of surface water management systems with run-off into natural systems or into reuse storage for irrigation.
- Clause 21.06-5 *Commercial/ Activity Centres*, providing employment diversity, economic growth and business development. It also provides additional retail space in a growth area of Shepparton North, in accordance with the retail hierarchy.

Clause 21.06-5 identifies an Activity Centre Hierarchy based on the findings of the *Greater Shepparton 2030 Economic Development Report*. The hierarchy identifies 'Fairley's Numurkah Road' as a Neighbourhood/Township Centre. The proposed amendment/ permit implements a number of strategies for Commercial/Activity Centres which including:

- *'Support a hierarchy of retail centres that promotes the primacy of the Shepparton CBD as a multi-function centre complemented by local centres for convenience shopping.*
- *Identify lower order neighbourhood retail and community centres to serve convenience needs of north Shepparton, Mooroopna and Kialla.*
- *Facilitate the expansion of the neighbourhood centre in the north at the Fairley's supermarket site subject to an Economic Impact Assessment.*
- *Encourage shops to front the road, be built in line with other buildings, and have regard to the location of car parking, landscaping and pedestrian areas.*

The proposed amendment/ permit provides an activity centre in the north in close proximity to the Fairley's supermarket site.

The 'Shepparton Business Framework Plan' which shows the subject site within a 'Highway/Business – Consolidate and Redevelopment' area adjacent to a 'future/ expanded neighbourhood centres'.

While the Scheme identifies the location for expansion as the Fairley's supermarket site, the Commercial Activity Centres Strategy provides further guidance, identifying that further expansion maybe located to the north of this site, between Hawkins and Ford Road, and this is reflected by proposed changes to Amendment C192, as discussed previously in the explanatory report.

The proposed combined amendment/ permit responds to the objectives of Clause 21.07 *Infrastructure* including:

- *Support new facilities such as community centres, neighbourhood centres, sporting facilities, entertainment and health services to be located in proximity to public transport routes and/or bicycle paths.*
- *Provide cost efficient physical and social infrastructure to support growth.*
- *To maintain and enhance stormwater quality throughout the municipality.*
- *To ensure that new development complies with the Infrastructure Design Manual.*

The proposal will also include application of a PAO over land adjacent to the Yakka Basin, to ensure this land and the broader development area to the east has an adequate drainage infrastructure into the future.

#### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The proposed amendment makes proper use of the VPPs by implementing the appropriate strategic work to enable better administration of the Greater Shepparton Planning Scheme. The proposed amendment applies the C1Z to a specific area in Shepparton North to facilitate the development of a supermarket centre as encouraged in the Municipal Strategic Statement and the *Commercial Activity Centres Strategy*.

The Commercial Activity Centres Strategy identifies the possible expansion of the Commercial 1 Zone to support an indicative 6,000 square metres of shop floorspace may be supported on land outside the existing Commercial 1 Zone. This is sufficient to accommodate a second supermarket and supporting retail.

The proposed application of the PAO will reserve appropriate land to ensure the provision of adequate drainage infrastructure for a broader residential development area.

#### **How does the Amendment address the views of any relevant agency?**

The proposed planning permit has been referred to a number of agencies including VicRoads, Public Transport Victoria, Goulburn Broken Catchment Management Authority and Goulburn Valley Water for comment and incorporated any comments/ conditions into the draft feedback and the assessment on the proposal. There will be an opportunity for relevant authorities and departments to formally comment on the amendment as part of the exhibition period.

#### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The purpose of the *Transport Integration Act 2010* is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state.

The objectives of the *Transport Integration Act 2010* relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety and health and wellbeing.

The proposed combined amendment/permit will impact the transport system at a local level, requiring upgrades to nearby parts of the road network to enable connectivity to the site.



The proposed amendment and permit will meet transport system objectives by:

- Ensuring that transport will be appropriately planned and designed. The provision of footpaths and connectivity to proposed residential areas to the north and east will allow permeability through the site for pedestrians and cyclists, while active street interfaces and open space will improve personal safety through increased surveillance and activity.
- Providing pedestrian and cycling opportunities for future residents, which supports the social and economic inclusion objectives of the *Transport Integration Act 2010*.
- Involving relevant government bodies responsible in the provision of transport infrastructure and services in the decision making process of the amendment.

The proposed amendment supports the decision making principles of the *Transport Integration Act 2010* – it demonstrates integrated decision making as it has been prepared by Council in accordance with state and local policy, and in consultation with VicRoads and PTV. There will be an opportunity for further consultation with the community and relevant referral agencies during exhibition.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The proposed amendment will have minimal impact on the resources or administrative costs of the Council. Any costs associated with a Planning Panel, if required, will be funded out of the Sustainable Development (Planning) Department's general budget.

### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Greater Shepparton City Council, 90 Welsford Street, Shepparton or online at the Greater Shepparton City Council website at [www.greatershepparton.com.au](http://www.greatershepparton.com.au).

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at <https://www.planning.vic.gov.au/planning-schemes/amending-a-planning-scheme/planning-documents-on-exhibition>

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **23 May 2017**.

A submission must be sent to:

Greater Shepparton City Council

Locked Bag 1000

Shepparton VIC 3632.

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 5 June 2017
- panel hearing: 26 June 2017

*Planning and Environment Act 1987*  
**GREATER SHEPPARTON PLANNING SCHEME**  
**AMENDMENT C193**  
**INSTRUCTION SHEET**

The planning authority for this amendment is the Greater Shepparton City Council.

The Greater Shepparton Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 2 attached map sheets.

**Zoning Maps**

1. Amend Planning Scheme Map No. 14 in the manner shown on the 1 attached map sheet marked "Greater Shepparton Planning Scheme, Amendment C193".

**Overlay Maps**

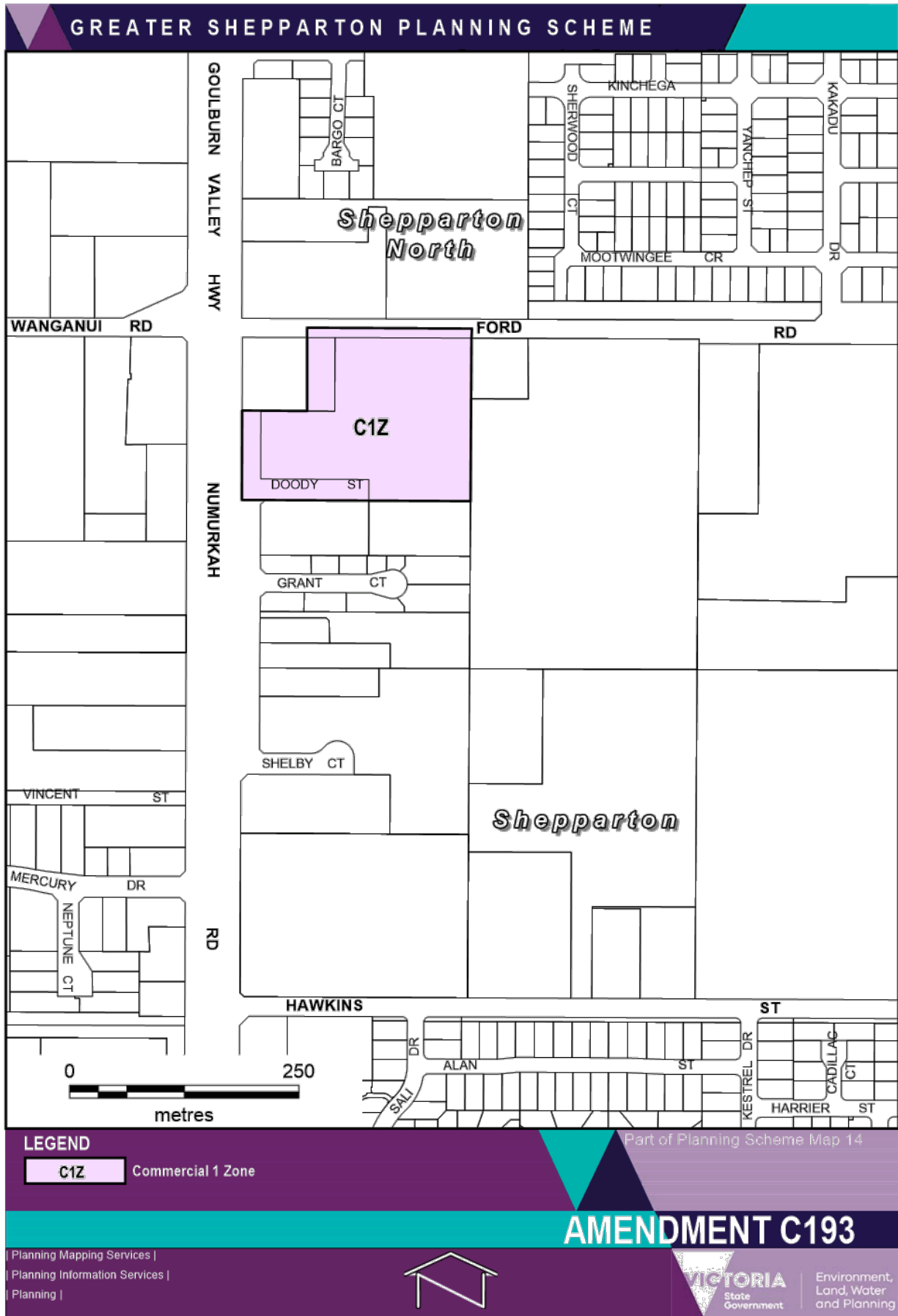
2. Amend Planning Scheme Map No. 14PAO in the manner shown on the 1 attached map marked "Greater Shepparton Planning Scheme, Amendment C193".

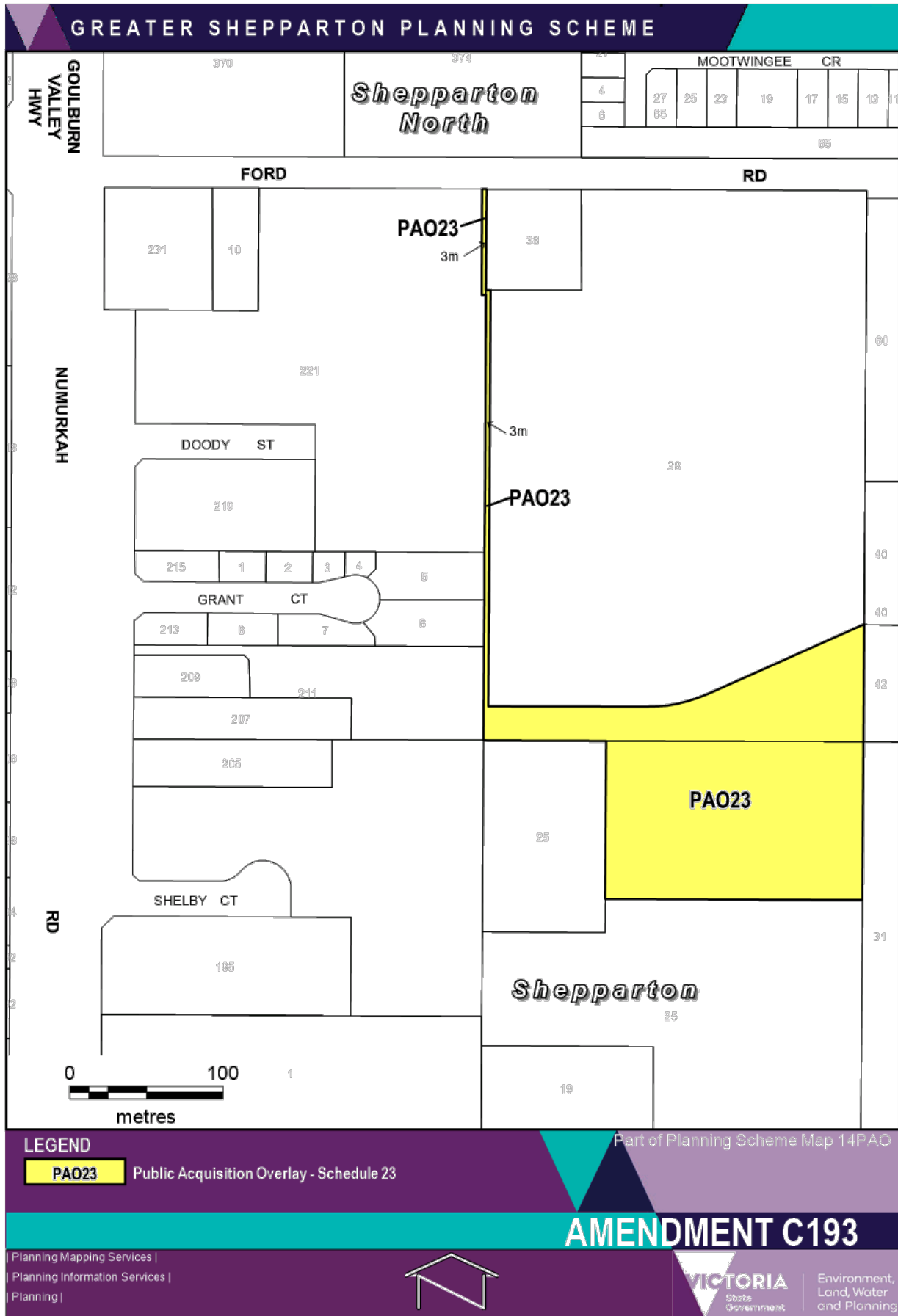
**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

3. In Overlays – Clause 45.01, replace Schedule 1 with a new Schedule 1 in the form of the attached document.

End of document





## GREATER SHEPPARTON PLANNING SCHEME

25/02/2016  
C188  
Proposed C193

## SCHEDULE TO CLAUSE 45.01 PUBLIC ACQUISITION OVERLAY

PS Map	Acquiring Authority	Purpose of Acquisition
PAO1	Roads Corporation	Goulburn Valley Highway duplication and restoration of local access
PAO2	Greater Shepparton City Council	Public car park
PAO3	Vic Roads	Intersection re-alignment at northwestern intersection of Lockwood Road and Midland Highway, Shepparton
PAO4	Greater Shepparton City Council	Goulburn Valley Freight Logistics Centre
PAO5	Goulburn Valley Region Water Authority	Acquisition of land for Shepparton Wastewater Management Facility
PAO6	Goulburn Murray Water	Construction of the Mosquito Depression Drain – Stage 10
PAO7	Roads Corporation	Goulburn Valley Highway – Shepparton Bypass
PAO9	Goulburn Murray Water	Construction of the Mosquito Depression Drain 40 Surface Water Management System
PAO10	Greater Shepparton City Council	Floodway Acquisition-Mooroopna West Growth Corridor
PAO11	Greater Shepparton City Council	Roadway Acquisition-Mooroopna West Growth Corridor
PAO13	Greater Shepparton City Council	256 Hickey Road, Katandra West
PAO14	Greater Shepparton City Council	Community Facilities Acquisition – Mooroopna West Growth Corridor
PAO15	Greater Shepparton City Council	North-South Floodway-Mooroopna West Growth Corridor
PAO16	Greater Shepparton City Council	Link Road-Mooroopna West Growth Corridor
PAO19	VicRoads	293-295 Benalla Road, Shepparton – road widening
PAO20	Greater Shepparton City Council	289 Maude Street, Shepparton – bus interchange
PAO21	Greater Shepparton City Council	420A Goulburn Valley Highway, Shepparton – stormwater management
PAO22	Greater Shepparton City Council	25 Congupna West Road, Congupna and 226 Old Grahamvale Road, Congupna – stormwater management



LOCAL  
PROVISION

[PAO23](#)

[Greater  
Shepparton City  
Council](#)

[Southdown Street Redevelopment Area –  
stormwater management](#)

Planning and Environment Regulations 2015 - Form 9. Section 96J

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# DRAFT PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE  
PLANNING AND ENVIRONMENT ACT 1987

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Permit No.: 2016-269

Planning Scheme: Greater Shepparton

Responsible Authority: Greater Shepparton  
City Council

**ADDRESS OF THE LAND:** 221-229 Numurkah Road and 10 Ford Road  
SHEPPARTON VIC 3630

**THE PERMIT ALLOWS:** Use of land for a (place of assembly) community meeting space, buildings and works in the Commercial 1 Zone, erection and display of business identification signs, a packaged liquor licence and creation of access to a Road Zone Category 1

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

1. **Amended Plans Required**

Before 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 plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) Elevations and site context plan detailing how the development responds to the *Activity Centre Design Guidelines*, to the satisfaction of the responsible authority;
- b) Survey to locate sewers under the land and all structures to be setback one metre from any Goulburn Valley Water asset as required by Goulburn Valley Water;
- c) Location of public transport stops including bus stops and taxi bays;

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**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**

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Permit No.: 2016-269

Planning and Environment Regulations 2015 - Form 9. Section 96J

- d) Location and size of the bottle shop;
- e) 2m wide footpaths along the lands frontage to Ford Road, Numurkah Road and the northern side of Doody Street;
- f) Location and screening of all roof plant and air-conditioning equipment;
- g) Notation acknowledging that road works to Numurkah Road are subject to Vic Roads approval;
- h) Correction of reference of Ford Street to Ford Road;
- i) Correction of the location of the left turn arrow on Ford Road to the entries eastern most vehicle access to the land.

**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. 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 as well as show:

Drainage

- a) details (and computations) of how the buildings and works on the land is to be drained including underground pipe drains conveying stormwater to the legal point of discharge;
- b) a litter trap at the drainage outfall from the site to prevent any litter from entering Councils drainage system;
- c) 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;

Car Parking

- d) detailed plan of the car park with no less than 309 on site car parking spaces,

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.: 2016-269

Planning and Environment Regulations 2015 - Form 9. Section 96J

including eight disabled bays and long vehicle parking 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;

- e) provision of at least 29 bicycle spaces on the land and one end of trip facility for employee use including a change room and showers;
- f) carparking areas, circulation lanes and access shall be designed and constructed to the satisfaction of the responsible authority;'
- g) all areas associated with car parking, circulation lanes and access be surfaced with an all-weather seal coat, line marked to indicate each car space and access lane and traffic control signs installed including signage directing drivers to the area(s) set aside for car parking;
- h) provision of a signage and line marking plan for the internal accessways;
- i) location of trolley bays and rubbish bins within the car park;
- j) proper illumination with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
- k) detailed intersection layout of the cross intersection at the lands entry from the Numurkah Road service road.

Road Works

- l) construction plans of the extension of Doody Street in accordance with the IDM;
- m) construction details of the intersection treatments to Ford Road including right, left and through lanes, swept path movements for single articulated vehicles and intersection lighting;
- n) construction details of kerb and channel incorporating underground drainage along the lands frontage to Ford Road;
- o) removal of all redundant vehicle crossings and replacement with concrete kerb and channel along the sites frontage;
- p) traffic details including swept paths to show that the revised access arrangements to the Numurkah Road service road continue to provide for over size heavy vehicle movements that access 219 Numurkah Road;
- q) lighting of the intersections of Ford Road and entries to the land;
- r) no standing signs abutting the site on the southern side of Ford Road;
- s) construction details of the loading area and Click and Collect bays abutting Doody Street including measures to manage conflicts between vehicles and pedestrians;
- t) construction details of the vehicle access from the land to Doody Street;

<b>Date Issued:</b>	<b>Date Permit comes into operation:</b> (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)	<b>Signature for the Responsible Authority</b>
_____	_____	_____

Permit No.: 2016-269

## Planning and Environment Regulations 2015 - Form 9. Section 96J

Footpath Works

- u) a 2 metre wide footpath on the northern side of the street);
- v) a 2 metre wide footpath along the lands frontage to Ford Road and across the frontage of 231 Numurkah Road to the western boundary of 231 Numurkah Road;

Noise Control

- w) design details of acoustic treatments as recommended in the Acoustic Consulting Australia Pty Ltd report dated 23 January 2017 including:
  - o an acoustic fence along the entire eastern boundary of the land with a height of 2.8 metre above the roadway height;
  - o acoustic screening of the condenser platform;
  - o supermarket refrigeration compressors be located inside a dedicated and acoustically treated plant room;
  - o the supermarket loading dock acoustically treated.

Other

- x) underground power connection to the buildings and screened electrical substation;
- y) fencing design of the common boundaries with 231 - 237 Numurkah Road, Shepparton;
- z) construction details of the proposed shade sails.

to the satisfaction of the responsible authority.

Before the occupation of the development all civil works as shown on the endorsed plans must be constructed and be in accordance with the endorsed plans to the satisfaction of the responsible authority.

Before the occupation of the development, the extension to Doody Street must be vested to Council as a Road.

Within two months of the development being occupied a full set of as constructed plans must be provided to Council of the completed civil works.

**Date Issued:**

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**Signature for the Responsible Authority**

Permit No.: 2016-269

Planning and Environment Regulations 2015 - Form 9. Section 96J

**4. Loading and Unloading Times and Operation**

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

- 7:00am to 10:00pm on Monday to Saturday;
- 9.00am to 10.00pm on Sundays and public holidays;

to the satisfaction of the responsible authority, unless otherwise agreed to in writing by the responsible authority. These requirements do not apply to the Click and Connect loading bays.

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;

No waste collection on Sunday or public holidays.

to the satisfaction of the responsible authority, unless otherwise agreed to in writing.

**5. Landscaping Plan**

Before construction works commence (or as otherwise agreed in writing by the responsible authority) a revised 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 revised plan must be drawn to scale with dimensions and two copies must be provided and show:

- a) a schedule of all proposed trees, shrubs and ground cover in accordance with the Draft Landscape Plan Guide for Developments in the Shire of Campaspe, City of Greater Shepparton and Moira Shire Council, 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;
- b) increased areas of landscaping within the car park to allow for understorey and canopy plantings and shade and canopy plantings to the outdoor dining area;
- c) the method of preparing, draining, watering and maintaining the landscaped area;
- d) garden bed heights above car-park surface;
- e) specific details of any filter mediums to be used in associated with water quality treatment facilities;

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- f) the provision of street trees in Ford Road and Numurkah Road;
- g) interim landscape treatment of the pad site and future fuel site.

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

The landscape plan must be consistent with the endorsed drainage plans associated with the development.

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 buildings 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.

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants and/or trees must be replaced to the satisfaction of the responsible authority.

**6. Construction Phase**

Before the development starts, a construction management plan shall be submitted to and approved by the responsible authority. The plan must detail measures to be employed for the effective management of matters including, mud on roads, dust generation and erosion and sediment control on the land, during the construction phase. When approved the plan will be endorsed and form part of the permit. The construction management plan must provide contact details of the site manager.

During the construction of buildings and/or works approved by this permit, measures must be employed to minimise mud, crushed rock or other debris being carried onto public roads from the land, to the satisfaction of the responsible authority.

Dust suppression must be undertaken to ensure that dust caused on the land does not cause a nuisance to neighbouring land to the satisfaction of the responsible authority.

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## Planning and Environment Regulations 2015 - Form 9. Section 96J

**7. 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.

**8. VicRoads Requirements**

Prior to the development coming into use the following mitigating works must be undertaken to the satisfaction of and at no cost to Roads Corporation unless otherwise agreed by Roads Corporation as follows:

- a) The construction of traffic signals and street lighting at Numurkah Road/Ford Road/Wanganui Road intersection.
- b) Extend the right turn lane on Numurkah Road and construct an auxiliary left turn lane at the northern entrance to the service road fronting the subject land generally in accordance with Drawing No. G19863-01 prepared by TraffixGroup.
- c) Closure of the entrance to the service road on the eastern side of Numurkah Road located approximately 30 metres north of Grant Court.
- d) The proposed access from the subject land to the service road fronting Numurkah Road must be constructed to the satisfaction of the Responsible Authority (Greater Shepparton City Council) and Roads Corporation.

**9. Goulburn Broken Catchment Management Authority Requirements**

The finished floor levels of all proposed buildings must be constructed to a level not less than 111.8 metres AHD.

**10. Goulburn Valley Region Water Corporation Requirements**

- a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) 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.

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**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**


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Planning and Environment Regulations 2015 - Form 9. Section 96J

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;

c) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;

d) 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;

e) The plan of Consolidation to be lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

f) As there are live sewers in the property, any structure to be built must be clear of any easement in favour of the Corporation and one metre laterally clear of any assets of the Corporation. The location of any Corporation assets will need to be proven at the developer's expense.

g) An upgrade of the Corporation sewer and water infrastructure which may include, but not be limited to the construction of a sewerage pumping station, rising mains, gravity mains and water mains.

h) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;

i) Please note, 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.

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**11. Goulburn Murray Water Requirements**

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) No works are to be constructed on Goulburn Murray Water easement, freehold or reserve without approval. It is the responsibility of the developer to locate the easement or reserve boundary.

**12. Powercor Requirements**

The applicant shall:-

- a) Provide an electricity supply to all properties within the development in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work may be required).
- b) Where buildings or other installations exist on the land and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- d) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- e) Set aside on the property for the use of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways where an electric substation (e.g. indoor) is required to service the development.

Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat.

- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the development and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an

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## Planning and Environment Regulations 2015 - Form 9. Section 96J

easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.

- g) Obtain for the use of Powercor Australia Ltd any other easement external to the development required to service the development.
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.

**13. 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.

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.: 2016-269		

## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C193 to the Greater Shepparton Planning Scheme.

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### 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.

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### 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.

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### WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.













VIEW OF MEDICAL CENTRE CHIMNEY



MEDICAL ENTRY / OUTDOOR REST AREA



MEDICAL CORRIDOR / SOUTH ELEVATION LANDSCAPING, PEDESTRIAN WALKWAY AND STAFF CHANGE FACILITIES

**MATERIALS SCHEDULE**

REFERENCE	DESCRIPTION	REFERENCE IMAGE
MS01	Architectural concrete - white	[Image]
MS02	Architectural concrete - grey	[Image]
MS03	Architectural concrete - black	[Image]
MS04	Architectural concrete - dark grey	[Image]
MS05	Architectural concrete - light grey	[Image]
MS06	Architectural concrete - medium grey	[Image]
MS07	Architectural concrete - dark brown	[Image]
MS08	Architectural concrete - light brown	[Image]
MS09	Architectural concrete - dark red	[Image]
MS10	Architectural concrete - light red	[Image]
MS11	Architectural concrete - dark blue	[Image]
MS12	Architectural concrete - light blue	[Image]
MS13	Architectural concrete - dark green	[Image]
MS14	Architectural concrete - light green	[Image]
MS15	Architectural concrete - dark purple	[Image]
MS16	Architectural concrete - light purple	[Image]
MS17	Architectural concrete - dark yellow	[Image]
MS18	Architectural concrete - light yellow	[Image]
MS19	Architectural concrete - dark orange	[Image]
MS20	Architectural concrete - light orange	[Image]
MS21	Architectural concrete - dark pink	[Image]
MS22	Architectural concrete - light pink	[Image]
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MS30	Architectural concrete - light blue	[Image]
MS31	Architectural concrete - dark green	[Image]
MS32	Architectural concrete - light green	[Image]
MS33	Architectural concrete - dark purple	[Image]
MS34	Architectural concrete - light purple	[Image]
MS35	Architectural concrete - dark yellow	[Image]
MS36	Architectural concrete - light yellow	[Image]
MS37	Architectural concrete - dark orange	[Image]
MS38	Architectural concrete - light orange	[Image]
MS39	Architectural concrete - dark pink	[Image]
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**SUBMISSION RECORDER**  
**AMENDMENT C193**  
 Closing date: 30 May 2017  
 Trim: M17/02145

Sub No.	Organisation	Content of Submission	Assessment of submission
1	North End Bakehouse Pty Ltd	*Objection. * Concerns raised with the roadworks required to facilitate the development of the supermarket. In particular, the proposed closure of the exit slip lane (between Doody Street and Grant Court) from the Numurkah Road service lane to the Goulburn Valley Highway.	* A Traffic Impact Assessment Report was prepared for the proposed development by Traffix Group Pty Ltd on behalf of the proponent. The traffic solution outlined in the Traffic Impact Assessment Report to support the proposed development requires some changes to the existing road network. Council engaged GTA Consultants Pty Ltd to peer review the Traffic Impact Assessment Report, which supported the traffic solution in the Traffic Impact Assessment Report. * Council officers' position relies upon the Traffic Impact Assessment Report and peer review. In addition, VicRoads, as the road manager, does not object to the exhibited traffic solution.
2	Advance Fitness Pty Ltd	* Objection to the proposed road alignment changes. In particular, the removal of the ability to turn right into their business when travelling south on Goulburn Valley Highway and the removal of the ability to turn right out of their business onto Goulburn Valley Highway. It is believed that the road alignment changes, as proposed, would cause a loss of customers resulting in financial hardship both as the business and land owner.	* A Traffic Impact Assessment Report was prepared for the proposed development by Traffix Group Pty Ltd on behalf of the proponent. The traffic solution outlined in the Traffic Impact Assessment Report to support the proposed development requires some changes to the existing road network. Council engaged GTA Consultants Pty Ltd to peer review the Traffic Impact Assessment Report, which supported the traffic solution in the Traffic Impact Assessment Report. * Council officers' position relies upon the Traffic Impact Assessment Report and peer review. In addition, VicRoads, as the road manager, does not object to the exhibited traffic solution.
3	Shepp City Fencing Pty Ltd	*Objection to the proposed road alignment changes. In particular, the removal of access to their business when travelling north on the Goulburn Valley Highway. It is believed that the road alignment changes, as proposed, would cause a loss of customers resulting in financial hardship both as the business and land owner.	* A Traffic Impact Assessment Report was prepared for the proposed development by Traffix Group Pty Ltd on behalf of the proponent. The traffic solution outlined in the Traffic Impact Assessment Report to support the proposed development requires some changes to the existing road network. Council engaged GTA Consultants Pty Ltd to peer review the Traffic Impact Assessment Report, which supported the traffic solution in the Traffic Impact Assessment Report. * Council officers' position relies upon the Traffic Impact Assessment Report and peer review. In addition, VicRoads, as the road manager, does not object to the exhibited traffic solution.
4	McCamish Properties Pty Ltd	* Support for proposed Amendment/Permit Application. * Owner of 221-229 Numurkah Road, Shepparton (land proposed to be developed). * Believes that due to recent and proposed future residential development in the area, more commercial and retail opportunities are needed in Shepparton North. * Believes that regional and small-town, family-owned supermarket model that the IGA represents is no longer appropriate for Shepparton North. * Believes that the proposed development will support the community.	Comments noted. No action required.
5	EPA North East	* No Objections	
6	Goulburn Valley Water	* No Objections	
7	Goulburn Broken Catchment Management Authority	* No Objections	
8	APA Group	* No Objections	
9	Metcash Supermarket on behalf of IGA Retail Services	* Objection * Believes that structure plans should be developed before any additional development occurs. * Believes that the proposed drainage strategy for the Southdown Street Redevelopment Area should not be "bound up" with the proposed Amendment.	* A concept plan has been prepared that integrates the site with surrounding commercial and residential properties. * Council has undertaken sufficient strategic planning to satisfy itself that the development achieves a good planning outcome in the absence of a structure plan. * The proposed drainage solution is a regional solution for this drainage catchment that increases the level of service for this catchment. * Council officers are satisfied with the proposed concept plan and drainage solution.
10	Lascorp Development Group (Aust) Pty Ltd	* Support, believe that the proposed development will provide a net community benefit and an appropriate built form outcome for the Shepparton North Gateway. * Objects to Condition 8A of the draft Planning Permit, which requires the construction of traffic signals and street lighting at Numurkah Road/Ford Road/Wanganui Road intersection", as it is believed that traffic signals are not necessary.	* A Traffic Impact Assessment Report was prepared for the proposed development by Traffix Group Pty Ltd on behalf of the proponent. The traffic solution outlined in the Traffic Impact Assessment Report to support the proposed development requires some changes to the existing road network. Council engaged GTA Consultants Pty Ltd to peer review the Traffic Impact Assessment Report, which supported the traffic solution in the Traffic Impact Assessment Report. * Council officers' position relies upon the Traffic Impact Assessment Report and peer review. In addition, VicRoads, as the road manager, does not object to the exhibited traffic solution.
11	Centre for Independently Owned Retail Research	* Objection * Believes that there is no strategic or economic justification or adopted plan to support this proposed development. * As worded, proposed strategy number 14 in Clause 21.06-5, would allow for the development of multiple retail nodes in Shepparton North of up to 600-700 metres apart. This would create a disjointed centre, with no focal point and poor pedestrian and vehicular connections. * Believes that there is already an excess of development in Shepparton North. * The proposed development will be detrimental to the Shepparton CBD. * The as of right use by a supermarket sized such as Aldi (or other such as Foodworks) in Shepparton North area has not been factored into calculations and will substantially distort planning and can add a fourth supermarket where there is demand for one today and two in the future. * The conflict of amenity proposed under C193 will work to reduce the benefits of the unofficial Sub Regional Centre which operates today from between Pine Road and Hawkins Street including the north side. This conflict will be worsened when the unofficial Sub Regional Centre is enhanced to 14,000 sqm of retail development at Hawkins Street.	* Council officers are confident that the proposed Amendment has strategic justification, as it aligns with Council strategic policies and strategies, and is consistent with Ministerial Direction No. 11. * The proposed Amendment is a recommendation of the adopted <i>Commercial Activity Centres Strategy, November 2015</i> in relation to Shepparton North. * At the Ordinary Council Meeting held on 16 August 2016, Council resolved to prepare and exhibit a planning scheme amendment to facilitate a second full-line supermarket in Shepparton North. * The proposed amendment provides additional retail and services in a suitable location in relation to the existing and proposed catchment, transport system and CACS. * Any future planning permit application for additional retail space in Shepparton North is likely to require an Economic Impact Assessment to be supplied as part of the application. This will address any future economic impacts.



**SUBMISSION RECORDER**  
**AMENDMENT C193**  
 Closing date: 30 May 2017  
 Trim: M17/02145

12	Deane & Associates on behalf of Vincenzo Conti	<ul style="list-style-type: none"> <li>* Objection</li> <li>* Proper consideration has not been given to the effect the changes will have on amenity of the area and the impact on existing businesses in the area.</li> <li>* Believes that traffic will increase and detrimentally affect businesses and residents.</li> <li>* Objects to the proposed acquisition of land at 38-50 Ford Road, Shepparton and provides an alternate drainage solution.</li> </ul>	<ul style="list-style-type: none"> <li>* An Economic Impact Assessment has been prepared for the proposed development by MarcoPlan Dimasi Pty Ltd on behalf of the proponent. The Economic Impact Assessment considers the impact on the area and on the Shepparton CBD. Council engaged HillPDA Consulting Pty Ltd to peer review the Economic Impact Assessment, which supports this assessment.</li> <li>* Council officers' position relies upon the Economic Impact Assessment and peer review.</li> <li>* The proposed PAO is required to provide a regional drainage solution for this drainage catchment and improves the level of service for this catchment.</li> </ul>
13	Centrum Town Planning on behalf of Aeroten Pty Ltd	<ul style="list-style-type: none"> <li>* Objection</li> <li>* Believes that the Amendment is inconsistent with Ministerial Direction No.11 and the Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments.</li> <li>* As worded, proposed strategy number 14 in Clause 21.06-5, would allow for the development of multiple retail nodes in Shepparton North of up to 600-700 metres apart. This would create a disjointed centre, with no focal point, and poor pedestrian and vehicular connections.</li> <li>* States that the plans that accompany the Amendment show two pad sites in the proposed C1Z. Whilst these sites are notionally designated for fuel and convenience uses, no planning applications have been lodged for these spaces. We note that they have the potential to be developed for approximately 5,000m<sup>2</sup> of shop floorspace that has not been accounted for in the proponent's retail assessment. This has the potential to further undermine Council's retail hierarchy if two retail nodes are created.</li> <li>* Believes that the proposed location is a poor location for a new activity centre and would pose siting and design issues.</li> </ul>	<ul style="list-style-type: none"> <li>* Council officers are confident that the proposed Amendment has strategic justification, as it aligns with Council strategic policies and strategies, and is consistent with Ministerial Direction No. 11.</li> <li>* The proposed amendment provides additional retail and services in a suitable location in relation to the existing and proposed catchment, transport system and CACS.</li> <li>* Any future planning permit application for additional retail space in Shepparton North is likely to require an Economic Impact Assessment to be supplied as part of the application. This will address any future economic impacts.</li> </ul>
14	Centrum Town Planning on behalf of 18 Pty Ltd.	<ul style="list-style-type: none"> <li>* Objection</li> <li>* Believes that the Amendment is inconsistent with Ministerial Direction No.11 and the Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments.</li> <li>* As worded, proposed strategy number 14 in Clause 21.06-5, would allow for the development of multiple retail nodes in Shepparton North of up to 600-700 metres apart. This would create a disjointed centre, with no focal point, and poor pedestrian and vehicular connections.</li> <li>* States that the plans that accompany the Amendment show two pad sites in the proposed C1Z. Whilst these sites are notionally designated for fuel and convenience uses, no planning applications have been lodged for these spaces. We note that they have the potential to be developed for approximately 5,000m<sup>2</sup> of shop floorspace that has not been accounted for in the proponent's retail assessment. This has the potential to further undermine Council's retail hierarchy if two retail nodes are created.</li> <li>* Believes that the proposed location is a poor location for a new activity centre and would pose siting and design issues.</li> </ul>	<ul style="list-style-type: none"> <li>* Council officers are confident that the proposed Amendment has strategic justification, as it aligns with Council strategic policies and strategies, and is consistent with Ministerial Direction No. 11.</li> <li>* The proposed amendment provides additional retail and services in a suitable location in relation to the existing and proposed catchment, transport system and CACS.</li> <li>* Any future planning permit application for additional retail space in Shepparton North is likely to require an Economic Impact Assessment to be supplied as part of the application. This will address any future economic impacts.</li> </ul>
15	DELWP	<ul style="list-style-type: none"> <li>* Support</li> </ul>	Comments noted. No action required.
16	CS&A on behalf of Adrian Giuliani	<ul style="list-style-type: none"> <li>* Objection to the application of the PAO to their land at 25 Hawkins Street, Shepparton. Made on behalf of the owners of Shepparton Terrazzo Works.</li> <li>* Believes that the proposed rezoning is incompatible with the ongoing operations of the Terrazano Works.</li> </ul>	<ul style="list-style-type: none"> <li>* The proposed PAO is required to provide a regional drainage solution this drainage catchment area that increases the level of service for this catchment.</li> <li>* The proposed Amendment is a recommendation of the adopted Commercial Activity Centres Strategy, November 2015 in relation to Shepparton North.</li> <li>* At the Ordinary Council Meeting held on 16 August 2016, Council resolved to prepare and exhibit a planning scheme amendment to facilitate a second full-line supermarket in Shepparton North.</li> <li>* The proposed amendment provides additional retail and services in a suitable location in relation to the existing and proposed catchment, transport system and CACS.</li> </ul>
17	Fairleys Supa IGA	<ul style="list-style-type: none"> <li>* Objection, provided a petition with 2,100 signatures.</li> <li>* Believes that the proposed development would provide a poor planning outcome.</li> </ul>	<ul style="list-style-type: none"> <li>* Council officers are confident that the proposed Amendment has strategic justification, as it aligns with Council strategic policies and strategies, and is consistent with Ministerial Direction No. 11.</li> <li>* The proposed Amendment is a recommendation of the Commercial Activity Centres Strategy, November 2015 in relation to Shepparton North.</li> <li>* The proposed Amendment is a recommendation of the adopted Commercial Activity Centres Strategy, November 2015 in relation to Shepparton North.</li> <li>* At the Ordinary Council Meeting held on 16 August 2016, Council resolved to prepare and exhibit a planning scheme amendment to facilitate a second full-line supermarket in Shepparton North.</li> </ul>

# Delegate’s Report

## Application Details:

Responsible Officers:	Michael MacDonagh, Andrew Dainton and Ronan Murphy
Amendment Number:	C193
Exhibition Period:	20 April 2017 to 30 May 2017
Land/Address:	221-229 Numurkah Road, Shepparton, 10 Ford Road, Shepparton, part of 38-50 Ford Road, Shepparton and part of 25 Hawkins Street, Shepparton
Proposal:	The Amendment proposes to rezone land at 221-229 Numurkah Road and 10 Ford Road, Shepparton from the Commercial 2 Zone to Commercial 1 Zone and apply the Public Acquisition Overlay to part of 221-229 Numurkah Road, part of 38-50 Ford Road and part of 25 Hawkins Street, Shepparton.
Number of Submissions:	17
Number of Objections:	10
Exhibited Panel Dates:	Directions hearing: week commencing 5 June 2017 Panel hearing: week commencing 26 June 2017
Requested Panel Dates:	Directions hearing: week commencing 26 June 2017 Panel hearing: week commencing 24 July 2017
Application Number:	2016-269
Applicant Name:	Lascorp Development Group (Aust) P/L
Date Received:	24 June 2016
Land/Address:	221-229 Numurkah Road and 10 Ford Road, Shepparton
Zoning & Overlays:	Commercial 1 Zone (proposed), existing zone is Commercial 2 No overlays
Why is a permit required (include Permit Triggers):	Use of land for a place of assembly (community meeting place) under 34.01-1 Buildings and works in the C1Z under 34.01-4 Erection and display of business identification signage under 52.05-7 Liquor Licence under 52.27 for a packaged liquor licence Creation of access to a RDZ1 under 52.29
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No
Was the correct application fee paid?	Yes

## Background

At the Ordinary Council Meeting held on 16 February 2016, Council resolved to endorse the *Commercial Activity Centre Strategy, November 2015 (CACS)*, and to prepare and exhibit a planning scheme amendment to give effect to this strategy; Amendment C192 was subsequently prepared.

The purpose of the CACS is to respond to changes in retail practices, consider the evolving retail and commercial environment review, existing studies and Council policies, and provide the most appropriate guidance (in terms of zones, design guidelines and appropriate uses) in commercial areas of the municipality. A recommendation of the CACS is to facilitate the development of a second supermarket in Shepparton North to ensure that it fulfils its role as a sub-regional centre within the retail hierarchy.

Planning Scheme Amendment C192 (**Amendment C192**) seeks to amend the Greater Shepparton Planning Scheme (**Planning Scheme**) to implement the CACS. Amendment C192 was exhibited from 7 July 2016 to 8 August 2016 and, amongst other objectives, proposes to amend the Municipal Strategic Statement (**MSS**) at Clause 21.06-5 *Commercial/Activity Centres* of the Planning Scheme. Amendment C192 seeks to

encourage the expansion of retail and commercial convenience facilities in Shepparton North, subject to detailed planning and development assessment criteria.

Proposed combined Planning Scheme Amendment C193 and Planning Permit Application 2016-269 (**Amendment C193**) seeks to amend the Planning Scheme to facilitate a second full line supermarket in Shepparton North. Amendment C193 seeks to rezone land at 221-229 Numurkah Road and 10 Ford Road, Shepparton from the Commercial 2 Zone (**C2Z**) to Commercial 1 Zone (**C1Z**) and apply the Public Acquisition Overlay (**PAO**) to part of 221-229 Numurkah Road, part of 38-50 Ford Road and part of 25 Hawkins Street, Shepparton.

Amendment C193 must be considered in conjunction with Amendment C192, as the combined planning scheme amendment and planning permit application would facilitate the development of a supermarket and associated retail space within Shepparton North.

### **Strategic Justification**

Amendment C193 proposes to rezone the land to allow for the proposed commercial development on the site. Under the provisions of the C2Z, the use of the land for a supermarket with a floor area of greater than 1,800 square metres is prohibited. Therefore, the land must be rezoned to the C1Z to facilitate the proposed development.

Amendment C193 is required to further implement the findings and recommendations of the CACS, specifically in relation to Shepparton North.

The proposed rezoning and permit proposal has support in the CACS by:

- Providing a clear understanding of the role and function of urban and rural activity centres in Greater Shepparton;
- Identifying future retail/commercial floor space requirements for activity centres; and
- Identifying the relationship between economic activity, population levels, demographics, and social sustainability of activity centres.

In broad terms CACS notes that, at present, Shepparton North does not fulfil its role as a sub-regional centre within the retail hierarchy. The centre is dominated by a single use (supermarket) and a lack of diversity in the retail and commercial activities when compared to the other sub-regional centres of Riverside Plaza and Mooroopna. For the centre to realise its expected sub-regional service role, it must contain a broader range of retail and commercial functions.

Expanding on this, CACS states that there is an opportunity for a second full line supermarket and associated retail uses within the Shepparton North area, specifically in an area between Hawkins Street and Ford Road.

The proposed development would assist in Shepparton North fulfilling its role as a sub-regional centre in the retail hierarchy.

The CACS recommends six actions in relation to the Shepparton North Activity Centre, five of which relate to this proposal. Action 1 encourages the expansion of retail and commercial facilities in the existing Commercial 1 Zone (C1Z) area currently occupied by Fairleys IGA.

However, Action 3 states that retail and commercial development may be appropriate outside the existing C1Z, specifically to accommodate a second supermarket, and that an appropriate site in the area fronting the Goulburn Valley Highway between Ford Road in the north and Hawkins Street in the south can be endorsed for this extension to the C1Z. Proposed Amendment C193 therefore aligns with this action.



Proposed Amendment C193 also aligns with Action 2, providing a range of retail and non-retail facilities consistent with sub-regional status, including a second full line supermarket. A provision in C192 ensures this will not include a major non-food retail anchor.

Similarly, Amendment C192 incorporates the recommendation to discourage discount department stores and other major non-food based anchor tenants in Shepparton North.

Action 5 states that, once the location of an expanded C1Z in Shepparton North is identified, Council should develop an urban design framework, or similar assessment, that provides appropriate guidance on how the centre can develop in a manner that provides a high-level of amenity to shoppers and is consistent with best-practice activity centre development guidelines.

This report will assess the planning permit application against the provisions of the Planning Scheme and strategic guidelines.

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## Proposal

The planning permit application proposes the development of a shopping centre which includes:

- A full line supermarket of 3,960 square metres;
- Bottle shop forming part of the supermarket;
- Speciality retail tenancies with a floor area of 2,030 square metres;
- 300 square metres medical centre which provides for 6 health service providers;
- Total retail floor space of 5,990 square metres plus 300 square metres medical centre;
- 100 square metres community centre;
- Direct vehicle access from the land to Numurkah Road and two access points to Ford Road;
- One 11m high pylon sign to Numurkah Road and one 11m high pylon sign to Ford Road; and
- A total of 446 on site car parking spaces.

The submitted plans show a future fuel site; however, this activity does not form part of the application.



### Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken by Andrew Dainton and Braydon Aitken.

Date: 26 July 2016                      Time: 1.30pm

The site has a total area of four hectares and currently contains:

- vacant land that has vehicle access from Doody Street and frontages to Ford and Numurkah Roads;
- at about the location of the western most vehicle access to the child care centre is a large open stormwater pit. Construction of access will need to incorporate this pit;
- whilst on site, substantial noise was heard from the tractor dealership. The rear of the site is used for servicing and typical noise sources included angle grinders and air compressors; and
- along the eastern boundary of the land is an open drain that appears to drain the land to the south to Ford Road. The open drain is approximately five metres in width. A permit condition requires that this open drain be piped and an easement created in favour of Council.

The main site/locality characteristics are:

- abutting the land to the east is land within the General Residential Zone that is currently used for agriculture. There are two dwellings on the land;
- an the northern side of Ford Road is land within the Shepparton North Growth Corridor;



- development along Numurkah Road is a mix of highway commercial and light industrial uses;
- Numurkah Road forms part of the Goulburn Valley Highway. A traffic count near the intersection with Hawkins Street from 1997 found that 12,360 vehicles per day used the road. Ford Road is a main east-west connector and a traffic count in April 2010 found that 2,726 vehicles per day used Ford Road;
- Doody Street is fronted by a tractor dealership with customer entry to the retail spaces from Doody Street. At the eastern end of the tractor dealership is an unsealed access to the service centre area; and
- A traffic count of Doody Street was undertaken on 16 May 2017. The count found that 336 vehicles per day use Doody Street of which 22 movements were commercial traffic (3 movements were large trucks).

The photographs below show the existing site.



*Drainage pit at the proposed vehicle crossing to the child care centre site*



*Open drain to the pit*



*Stockpiling on the child care centre site*





*Stockpiling on the child care centre site*



*View of the land towards Shepp City Fencing*



*Tractor dealership frontage to Doody Street*



*Numurkah Road service lane looking north*





*Open drain looking north*



*Open drain on the eastern boundary of the land*

On 28 February 2017, Council officers inspected the site to consider turn movements to the existing Advance Fitness gym and Shepp City Fencing. VicRoads has indicated that an island treatment on Numurkah Road will prevent right turn movements to the two sites.





*Existing vehicle access to the Advance Fitness gym to Numurkah Road. On Numurkah Road there is a painted right turn arrow providing right turn access to the gym.*



*Existing access arrangements to Shepp City Fencing. Currently there are no physical barriers to prevent right turn entry to the business*



*Service road to Advance Fitness gym*



*Existing gravel service road connecting the properly made service road to the Advance Fitness gym*



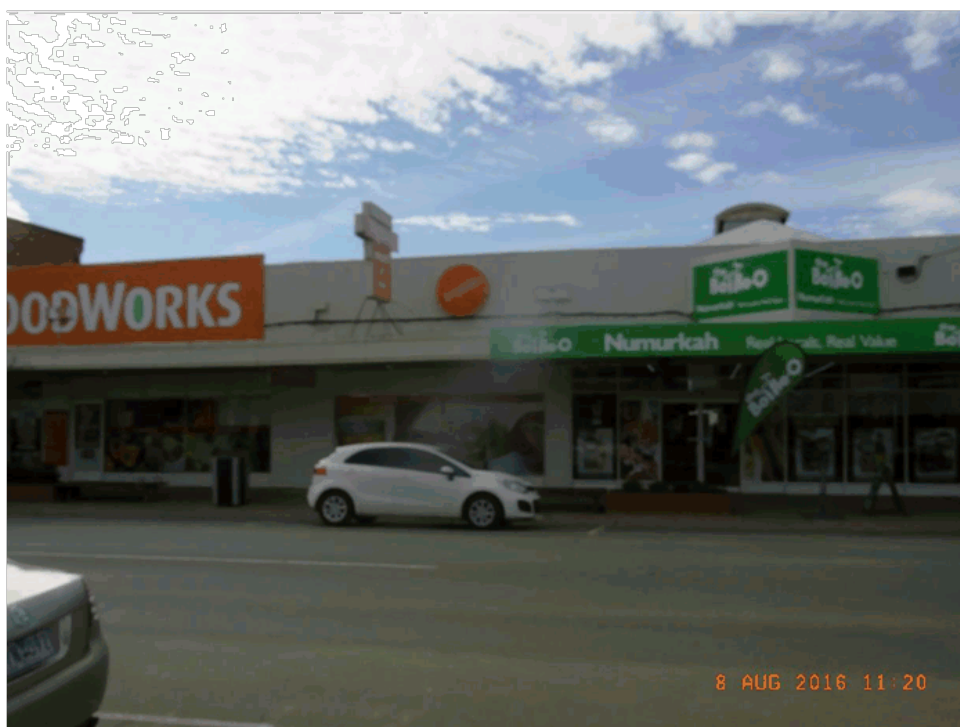


*Existing unused pavement on Numurkah Road which could be utilised for a left turn lane into the gym*

On 8 August 2016 an inspection of the two supermarkets in Numurkah was undertaken by Council officers. Discussion of the Numurkah supermarkets is considered in the retail assessment later within this report.



*The Fairleys IGA appears to have been recently redeveloped and extended to the rear. Internally the supermarket has been refit. The off-street car park has also been redeveloped.*



*Foodworks is an older supermarket with food and liquor.*

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## Pre-Application Meeting Details

Has there been a pre-application meeting? Yes

A meeting was held on 10 July 2015, which was attended by Michael Lasky and Rob Harris from Lascorp Development Group (Aust) Pty Ltd (**Lascorp**). Council officers in attendance included the CEO, Johann, Colin Kalms and Andrew Dainton. A file note of the meeting was made by Andrew Dainton and key points of discussion included:

- Land is within the C2Z and, therefore, a rezone to C1Z would be required;
- CACS is not yet adopted; and
- Once CACS is adopted, Lascorp could make an application for rezone and permit.

A subsequent meeting was held between Council officers (Colin Kalms and Tim Watson) and Lascorp. No file note of this meeting was made by officers.

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## Permit/Site History

The history of the site includes:

- Planning permit 2016-378 was issued on 19 December 2016 and allowed the development of a 108 place childcare centre and a two-lot subdivision of the land.

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## Further Information

Is further information required for the application? A formal request for information was made on 1 August 2016 and an informal request for information was sent on 7 July 2016.

The informal request sought the following:

- Detailed plans of the proposed childcare centre;



- Confirmation of the location of the proposed bottle shop;
- Acoustic report considering acoustic treatments on the eastern boundary of the land and any required acoustic treatments to the child care centre land to minimise noise impacts from nearby commercial and industry uses; and
- Details on proposed intersection treatments in Ford Road at the two proposed entry points to the shopping centre.

The formal request required the following:

- An updated Traffic Impact Assessment Report (**TIAR**) was prepared by Traffix Group Pty Ltd that addresses the following:
  - Access via the existing service road entry with left in / left out of Doody Street and no direct access from the development to the service road.
  - The closure of the existing service road entry just north of Grant Court.
  - Inclusion of existing traffic data within the post development flows including existing turning movements at Goulburn Valley Highway/Ford Road/Wanganui Road intersection and the service road entry.
  - Further information is required to demonstrate that the assumptions for traffic distributions have a sound basis and what the traffic distribution is when other existing and future residential growth to the north and west of this site are considered as part of this assessment.
  - An assessment of existing crash data and the impact of traffic generated by the development at the Goulburn Valley Highway/Ford Road/Wanganui Road intersection and the service road access.
  - An assessment of the impact of the development on the Goulburn Valley Highway/Ford Road/Wanganui Road intersection including Sidra Analysis to determine mitigating works at this intersection and the service road entry.

The formal request for information was undertaken following direction from Vic Roads to Council. A response was provided to Council on 1 September 2016. Council subsequently provided the revised TIAR to Vic Roads.

Following assessment of the proponent's economic report, the following clarifications were sought on 16 August 2016:

- Table 5.3 (page 35 of the report) shows the potential impact of the proposed development on existing retail provision. This shows the impact for one year (2017/18). The Building and Planning Department is of the opinion that the impact analysis should be provided for a longer time frame of at least 5 years (2017/18 to 2022/23) this will allow for an appropriate time frame for the analysis of the impact of the centre on existing retail provision.
- Further to this, Table 5.3 (page 35 of the report) outlines potential impacts on existing retail within the municipality. However it is not entirely clear if the figures show potential impact on the supermarket trading only or both supermarket and speciality spending. For example Table 5.3 shows an impact of -\$21m on the CBD, it also shows an impact of -\$5.4m on the trade area. Council requires clarification to show whether these figures are on supermarket spend and speciality spend or just supermarket spend alone? The Building and Planning Department require that this is clarified to show the impact that both retail elements would have on corresponding existing centres to allow for a full analysis.
- Table 5.3 shows impacts on existing retail, however, the rationale behind the assumptions for each centre is not apparently clear. The Building and Planning Department requires that you justify the rationale for the assumptions for each centre, to ensure that all impacts can be appropriately quantified.
- With regard to the proposed development, the Economic Impact Assessment (**EIA**) assumes the centre will achieve full trading in its first year of trading. The Building

Planning Department requires clarification as to whether this is achievable or appropriate? Please review this and either modify and explain, or retain and explain.

- The secondary trade area includes Numurkah, which has two existing supermarkets, the EIA does not provide any discussion or figures on the impact that the proposal would have on Numurkah, please update the Assessment to include the impact on Numurkah.

The applicant responded with a revised EIA on 9 September 2016.

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## Public Notification

Amendment C193 was exhibited from 20 April 2017 to 30 May 2017 and submissions were received.

The submissions generally related to:

- Strategic justification;
- Economic impact on existing businesses and the CBD;
- Traffic;
- Drainage; and
- The proposed Public Acquisition Overlay.

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## Title Details

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

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## Referrals to Authorities

The planning permit application was referred to the following External Authorities, as required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Vic Roads	52.29	Determining	Vic Roads consented to the application subject to conditions requiring the signalisation of Ford / Wanganui and GVH intersection before the development is occupied.
PTV	52.36-1	Determining	PTV consented to the application without requiring any conditions.

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## Notice to Authorities

The Planning Permit application was notified to the following External Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GWV	<p>GWV has consented to the application subject to standard conditions with the exception of the below condition:</p> <p><i>As there are live sewers in the property, any structure to be built must be clear of any easement in favour of the Corporation and one metre laterally clear of any assets of the Corporation. The location of any Corporation assets will need to be proven at the developer's expense.</i></p> <p>A survey will be required to be undertaken to locate these sewers and ensure buildings are clear of the sewers.</p>

Powercor	Powercor has consented to the application subject to standard conditions.
GBCMA	CMA has required that a floor level be at least 111.8m AHD
GM-W	GMW has consented to the application subject to two conditions.

Internal Notice included the following:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council’s consulting engineer Rural Works Pty Ltd undertook a detailed review of the drainage proposals and review of proposed permit conditions and was generally satisfied with the proposed development.
EHO	Council’s EHOs consented to the application subject to normal conditions.

## Assessment

### The zoning of the land

The application proposes to rezone the land from the C2Z to the C1Z. The rezone is necessary as, under the C2Z, a supermarket is a prohibited use in the Planning Scheme.

#### Commercial 1 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 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 under 34.01-8 and include the following:

##### General

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *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.*

##### 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 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 a development of five or more storeys, excluding a basement.*

34.01-9 includes advertising signage as Category 1.

### **Relevant overlay provisions**

The land is not affected by any overlays.

### **The State Planning Policy Framework (SPPF)**

#### 13.04-1 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.*

#### 15.01-1 Urban Design

##### **Objective**

*To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

##### **Strategies**

- *Promote good urban design to make the environment more liveable and attractive.*
- *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
- *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
- *Require development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.*
- *Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.*
- *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.*
- *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*

#### 15.01-1 Urban design principles

##### **Objective**

*To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

##### **Strategies**

*Apply the following design principles to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56:*



**Context**

- *Development must take into account the natural, cultural and strategic context of its location.*
- *Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.*
- *A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.*

**The public realm**

- *The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.*

**Safety**

- *New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.*

**Landmarks, views and vistas**

- *Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.*

**Pedestrian spaces**

- *Design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.*

**Heritage**

- *New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.*

**Consolidation of sites and empty sites**

- *New development should contribute to the complexity and diversity of the built environment.*
- *Site consolidation should not result in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes.*
- *The development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from vacant sites are minimised.*

**Light and shade**

- *Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade.*
- *This balance should not be compromised by undesirable overshadowing or exposure to the sun.*

**Energy and resource efficiency**

- *All building, subdivision and engineering works should include efficient use of resources and energy efficiency.*

**Architectural quality**

- *New development should achieve high standards in architecture and urban design.*
- *Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.*

**Landscape architecture**

- *Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.*



15.01-4 Design for safety

## Objective

*To improve community safety and encourage neighbourhood design that makes people feel safe.*

## Strategies

- *Ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.*
- *Support initiatives that provide safer walking and cycling routes and improved safety for people using public transport.*
- *Ensure suitable locations for police stations and fire brigade, ambulance and emergency services are provided for in or near activity centres. In newly developing areas these services should be located together.*

15.02-1 Energy and resource efficiency

## Objective

*To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

## Strategies

- *Ensure that buildings and subdivision design improves efficiency in energy use.*
- *Promote consolidation of urban development and integration of land use and transport.*
- *Improve efficiency in energy use through greater use of renewable energy.*
- *Support low energy forms of transport such as walking and cycling.*

Clause 17 – Economic Development

*Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.*

*Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.*

17.01-1 Business

## Objective

*To encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

## Strategies

- *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 and which have adequate on-site car parking.*
- *Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres. Such facilities should not require a permit for use within activity centres and are not encouraged on freestanding sites.*

- *A five year time limit for commencement should be attached to the planning approval for all shopping centres or expansions of over 1,000 square metres in floorspace.*

#### Clause 18 Transport

*Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.*

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

##### Objective

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

##### Strategies

*Develop transport networks to support employment corridors that allow circumferential and radial movements.*

*Plan urban development to make jobs and community services more accessible by:*

- *Ensuring 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 the urban area.*
- *Concentrating key trip generators such as higher density residential development in and around Central Activities Districts, Principal, Major and Specialised Activity Centres on the Principal Public Transport Network.*
- *Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.*
- *Requiring that substantial increases in activity in employment corridors are connected to the Principal Public Transport Network.*
- *Providing routing, bus stop and interchange arrangements for public transport services in new development areas.*
- *Providing safe, convenient and direct pedestrian and cycling access to activity centres, public transport interchanges and other strategic redevelopment sites.*

*Integrate public transport services and infrastructure into new development.*

#### 18.02-1 Sustainable personal transport

##### Objective

*To promote the use of sustainable personal transport.*

##### Strategies

- *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 development provides opportunities to create more sustainable transport options such as walking, cycling and public transport.*
- *Ensure cycling routes and infrastructure are constructed early in new developments.*

#### 19.02-1 Health facilities

##### Objective

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

**Strategies**

- *Facilitate the location of health-related facilities (including acute health, aged care, disability services and community care facilities) with consideration given to demographic trends, the existing and future demand requirements and the integration of services into communities.*
- *Plan public and private developments together, where possible, including some degree of flexibility in use.*
- *Locate hospitals and other health service facilities in areas highly accessible to public and private transport.*
- *Adequate car parking facilities should be provided for staff and visitors.*

**19.03-2 Water supply, sewerage and drainage****Objective**

*To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.*

**Strategies**

- *Ensure water quality in water supply catchments is protected from possible contamination by urban, industrial and agricultural land uses.*
- *Provide for sewerage at the time of subdivision, or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.*
- *Plan urban stormwater drainage systems to:*
  - *Coordinate with adjacent municipalities and take into account the catchment context.*
  - *Include measures to reduce peak flows and assist screening, filtering and treatment of stormwater, to enhance flood protection and minimise impacts on water quality in receiving waters.*
  - *Prevent, where practicable, the intrusion of litter.*
- *Encourage the re-use of wastewater including urban run-off, treated sewage effluent and run-off from irrigated farmland where appropriate.*

**19.03-3 Stormwater****Objective**

*To reduce the impact of stormwater on bays and catchments.*

**Strategies**

- *Support integrated planning of stormwater quality through a mix of on-site measures and developer contributions.*
- *Mitigate stormwater pollution from construction sites.*
- *Ensure stormwater and groundwater entering wetlands do not have a detrimental effect on wetlands and estuaries.*
- *Incorporate water-sensitive urban design techniques into developments to:*
  - *Protect and enhance natural water systems.*
  - *Integrate stormwater treatment into the landscape.*
  - *Protect quality of water.*
  - *Reduce run-off and peak flows.*
  - *Minimise drainage and infrastructure costs.*

**Council Officers’ Comments****How the combined Amendment responds to the SPPF:**

*The SPPF of the Planning Scheme seeks to ensure that land use and development planning policies in Victoria meet the objectives of planning in Victoria as set out in the *Planning and Environment Act 1987*.*



The proposed amendment supports and implements Clause 11 *Settlement*, Clause 15 *Urban Design*, Clause 16 *Housing*, Clause 17 *Economic Development* and Clause 18 *Transport* of the SPPF by guiding major retail, commercial, administrative, entertainment, residential and community uses and development into a designated sub-regional activity centre.

Amendment C193 supports:

- Clause 11 *Settlement* as it provides a retail development that responds to the needs of existing future communities and provides an activity centre of a size and function that is a focus for shopping and community. The proposal will provide a variety of land uses highly accessible to the community.
- Clause 15 *Built Environment and Heritage* by creating an urban environment that is safe, functional and of good quality.
- Clause 15.01 *Urban environment* as it provides a development that responds to the urban character and takes into account Council’s design policies (draft Urban Design Framework) for this location. The site is located on a corner allotment fronting Ford Road to the north and Numurkah Road to the west. Council has considered the Activity Centre Design Guidelines, in particular Element 6: Malls and Large Stores, and is satisfied the proposal response to the design requirements, integrating pedestrian and cycling access from the proposed residential growth area to the east/ north east, and providing a footpath around the entire site.
- Clause 15.01-2 *Urban design principles* as the architectural and urban design contributes positively to the local urban character and enhances the public realm while minimising detrimental impact on neighbouring properties.
- Clause 17 *Economic Development* as it provides a development that meets the communities’ need for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
- The proposed combined Amendment and Planning Permit Application responds to Clause 17 *Economic Development* locating, ‘commercial facilities in existing or planning activity centres’ and ‘provides new convenience shopping facilities to provide for the needs of the local population in new residential areas within, or immediately adjacent to, existing commercial centres’.
- Clause 18 *Sustainable Personal Transport* as it encourage opportunities for sustainable transport options such as walking, cycling and public transport and will comply with Clause 18.02-5 *Car Parking* to ‘ensure an adequate supply of car parking that is appropriately designed and located’ to ensure that residential amenity is protected from the ‘effects of road congestion created by on-street parking’.
- Clause 19 *Infrastructure* as it plans for the appropriate provision of such infrastructure and services.

#### Hume Regional Growth Plan 2014

The *Hume Regional Growth Plan, 2014* shows Shepparton as a major growth location, while the proposal is located within a designated ‘key residential growth front’ in the northern growth corridor. The proposal will provide opportunities for employment and community facilities to people in this growing residential area, and the broader catchment area.

#### **The State Planning Policy Framework (LPPF), Municipal Strategic Statement (MSS), local planning policies and Structure Plans:**

##### 21.04-1 Urban Consolidation and growth

Population forecasts predict that the population of the City of Greater Shepparton will grow from 59,202 persons in 2006 to 71,509 by 2026.



#### 21.04-4 Urban Design

Council wishes to ensure that sustainability principles will strongly influence the design, siting and servicing of dwellings. Sustainability will also be pursued by Council through the encouragement of adapting and reusing of existing buildings and materials, retention and reuse of storm water, and the promotion of solar and energy efficient designs and materials. Council also wishes to ensure high quality architectural, urban design and landscape outcomes for built form and open spaces are achieved throughout the municipality. The appearance of rural, industrial, retail and residential areas and main road approaches to urban centres is important in maintaining a strong level of civic pride. This appearance is also important for a quality pedestrian and shopping environment in the municipality.

#### Relevant 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 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.*

#### Relevant Strategies – Urban Design

- *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.*
- *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.*
- *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 the design of new development contributes to the safety of its surroundings.*
- *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.*

#### Policy guidelines – Advertising Signs

*When considering an application for an advertising sign, Council will be guided by the following provisions:*

- *Fewer signs displaying a simple clear message are encouraged.*
- *Advertising signage is encouraged to be primarily for business identification providing basic identification information of the business.*
- *Suspended under-verandah signs should be limited to one per shopfront, except on large premises where the limit should be one per ten metres of shop front.*

- *Above-verandah signs should be attached to the upper facade or parapet, parallel/horizontal to the road with minimal projection.*
- *Sky signs, high wall signs, projecting off-wall signs on upper facades and signs that project above parapets, wall, verandahs, roof lines or building fascias are discouraged in all areas.*
- *Freestanding signs should be limited to one sign per premises with multiple occupancies encouraged to share sign space.*
- *‘V’ board signs are discouraged in all areas.*
- *Where a building is set back from the street, signs are encouraged to be located within the boundary and should be orientated to be parallel or at right angles to the street.*
- *Where possible signs should be located on the building.*
- *Pole signs should be limited to one per frontage and should be no higher than the surrounding buildings.*
- *Internally illuminated promotional signs are discouraged.*
- *Permanent bunting, streamers, banner, balloons, animated, reflective signs or similar devices, are strongly discouraged in all zones due to the detriment to the amenity of the area and the high level of visual clutter and dominance. These signs may be considered for temporary (3 month maximum) promotions only.*

#### 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.*

Strategies - Urban Stormwater management

- *Incorporate best practice measures such as those contained in the Greater Shepparton Stormwater Management Plan and the Urban Stormwater Best Practice Management Guidelines into the design of new developments.*
- *Minimise off site discharge of stormwater through the use of porous pavements, on-site collection, water conservation and re-use.*
- *Provide stormwater management infrastructure at the time of development.*

#### 21.07-4 Infrastructure Planning, Design and Construction

Objectives – Infrastructure

To provide clear and consistent guidelines for the planning, design and construction of infrastructure.

Strategies – Infrastructure

- *Encourage a consistent approach to the design and construction of infrastructure across the municipality.*
- *Encourage an integrated approach to the planning and engineering assessment of new subdivision and development.*
- *Encourage new subdivision and development that has regard to the objectives and requirements of the IDM or an approved Precinct Structure Plan.*
- *Encourage the provision of infrastructure that is responsive to township and local character.*

#### Council Officers’ Comments

How the combined application responds to the LPPF:

Clause 21.04 *Settlement*

The proposal provides for an appropriately designed commercial activity centre at a key location on the northern entry to Shepparton which would provide a sense of entry to the city.

**Clause 21.07 Infrastructure**

The application includes a drainage strategy which would allow for the extension of the existing Yakka Basin to provide drainage for the entire catchment. This will require a Public Acquisition Overlay to be applied to lands adjacent to the basin to allow for its extension and the increase in the level of service that the basin provides.

**Detailed assessment of the Planning Permit application****Community Centre**

Within the proposed development is a community centre of 100 square metres.

**Noise**

The land abuts residential zoned land to the east. The eastern side of the land will be used for heavy vehicle movements to access the supermarkets loading bay.

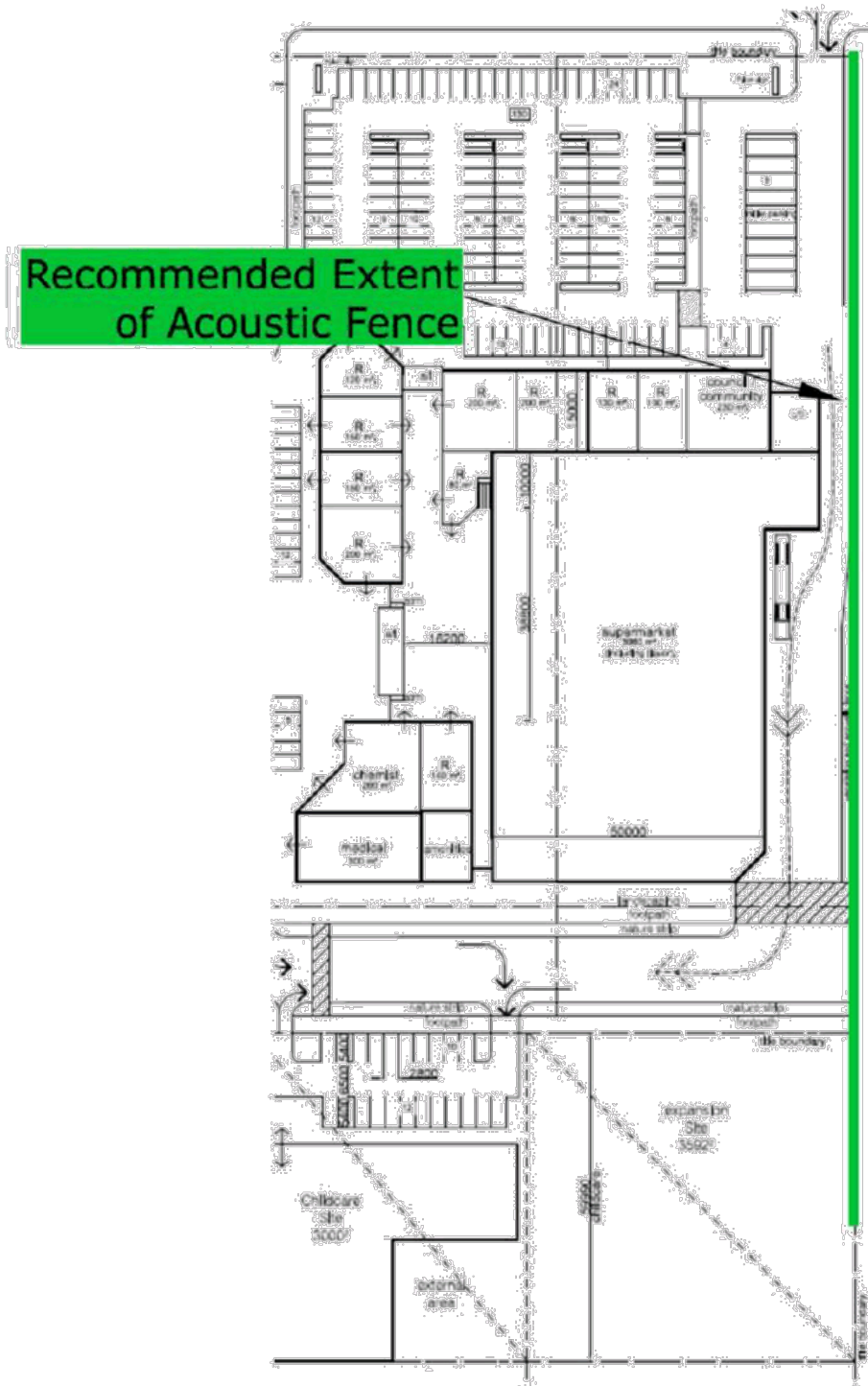
Council Officers note that this proposed design is generally the same as the loading arrangements at Riverside Plaza, which have been undertaken without complaint from nearby residential neighbours.

The proponent acoustic report recommends a 2.8 metre high noise wall along most of the lands eastern boundary.

Council officers will require by condition that an acoustic wall be constructed along the entire length of the eastern boundary and be constructed to a height of 2.8m above the road way height.

Additionally as recommended by the acoustic report deliveries to shops and supermarket be restricted to the following hours:

- 7.00am to 10.00pm Monday to Saturday; and
- 9.00am to 10.00pm Sundays and public holidays.



Traffic

Traffic related issues have been the main assessment concern associated with the proposed development. The issues include:

1. What treatment is required at the intersection of Ford Road, Wanganui Road and Goulburn Valley Highway and who should be responsible for undertaking the road works;



2. What road works are required in Ford Road to provide access to the land;
3. How should Doody Street connect with the future residential development to the east;
4. Will the development continue to allow for oversize heavy vehicle movements to the tractor dealership at 219 Numurkah Road; and
5. What access arrangements will remain for 231 Numurkah Road and 228 Numurkah Road following the development.

Responses to the issues are below with corresponding numbers.

1. Traffic reports have been undertaken by Council (GTA Consultants Pty Ltd), Lascorp (Traffix Group Pty Ltd) and VicRoads (Traffic Works Pty Ltd). To date Vic Roads has not released their traffic report.

GTA Consultants Pty Ltd recommends the following:

*The site access intersection to Goulburn Valley Highway is expected to operate satisfactorily with full site development. However, the intersection of GVH / Ford Road / Wanganui Road is expected to fail with full development of the subject site, with an anticipated degree of saturation of 1.67 during the weekday PM peak hour.*

*Based on the above, and to mitigate the impact of the site generated traffic on the surrounding road network, it is recommended to upgrade the intersection of Goulburn Valley Highway/ Ford Road / Wanganui Road to a signalised intersection.*

Traffix Group Pty Ltd recommendations are:

*The SIDRA analysis indicates that the proposed access has ample capacity on each approach capacity to accommodate the level of traffic, and there will be only very minor delay for vehicles turning out of the site.*

*Significantly, degrees of saturation (DOS) less than 0.8 are considered to be good operating conditions for unsignalised intersections. As can be seen each DOS (being the highest DOS of any one approach at that intersection) is significantly lower than 0.8.*

*Based on the above assessment, we are satisfied that the introduction of up to 230 movements will not severely impact on the operation of GVH.*

Discussions were held between Council and Lascorp regarding the solution to the traffic dispute. Options considered included a cost shared signalised intersection, a cuing loop to provide for right turn movements from Ford Road to Goulburn Valley Highway and no treatments at all.

This final option was Lascorp’s preference as Lascorp continually stated that this is what was agreed to by VicRoads during pre-application discussions.

The outcome of discussions provides for funding to VicRoads to construct an interim signalised intersection treatment as shown on the GTA Consultants Pty Ltd concept design. Costings of the interim intersection were prepared by Spiire Australia Pty Ltd and reviewed by Vic Roads, the estimated costing of the intersection is \$576,000.

It has been agreed that Lascorp will provide a contribution of \$250,000 and the balance will be paid by Council. Council will in turn require contributions towards the interim treatment from 40 and 50 Ford Road as part of residential developments of these lands.

VicRoads anticipates that the interim intersection will not be constructed and a ultimate intersection will be constructed as part of an early works package for Stage 1 of the

Shepparton Bypass. Vic Roads have indicated that these early work will be delivered in a parallel timeframe to the development of the supermarket. If this is incorrect, a Section 173 has been signed which will provide a mechanism for Council to provide \$576,000 to VicRoads to allow VicRoads to construct the interim intersection treatment.

Despite the above, to date VicRoads has not updated its permit conditions to reflect the Section 173.

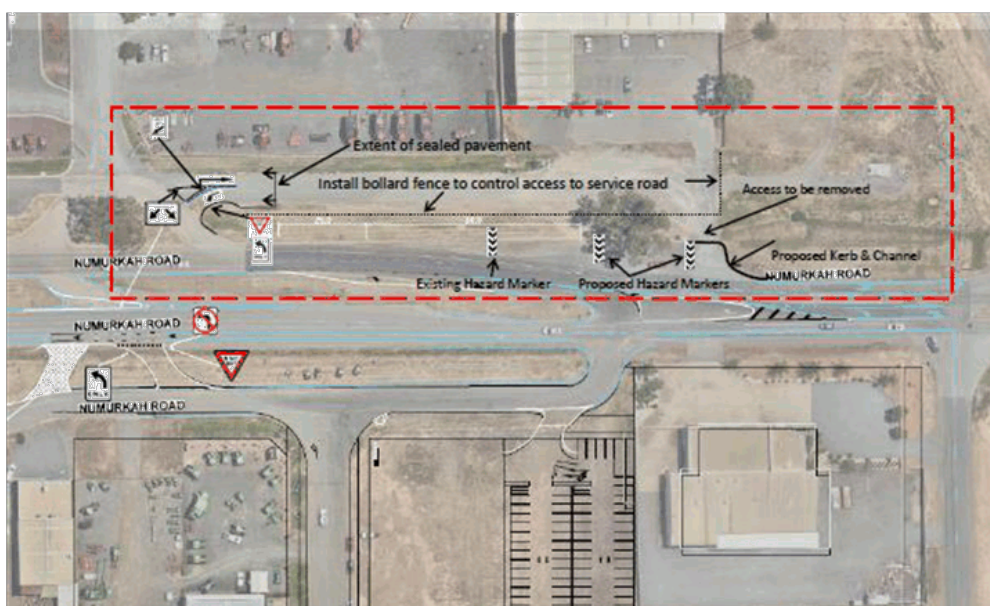
Council officers are satisfied that the traffic outcome provides for the signalisation of the interim intersection should the larger VicRoads’ early works program be delayed or be abandoned.

2. Traffix Group Pty Ltd is proposing widening Ford Road to provide for left turn lanes into the two Ford Road entries. Right turn treatments are also described within the Traffix Group Pty Ltd report however the concept plan fails to show the right turn treatment. Council’s engineers are satisfied with the Ford Road treatments as described in the Traffix Pty Ltd report, including the right turn treatment.
3. Council officers have required that Doody Street be extended east to provide road frontage to the proposed child care centre (on the southern side of Doody Street) and the southern side of the supermarket. Consideration was given to connecting Doody Street with the future residential developments to the east. It was however decided that a vehicle connection should not be provided as it was preferred for residential traffic to access Goulburn Valley Highway at signalised intersections.

The Southdown Street Redevelopment area concept plan provides for a pedestrian linkage from Doody Street to this future residential precinct.

4. During site visits by Council officers, oversize heavy vehicle movements to the tractor dealership at 219 Numurkah Road were observed. Council officers consider it important that this proposed retail development not prevent the continuation of these oversize movements to the existing tractor dealership. A permit condition requires engineering details to show that these movements will be facilitated post the retail development.
5. The proposed road works include the construction of a traffic island in Numurkah Road which will prevent right turn movements into 231 Numurkah Road and right turn movements out of 228 Numurkah Road. Both business operators have made a submission against the development on traffic grounds.

Council officers have worked with VicRoads to find alternative access arrangements for both sites. VicRoads has prepared a concept plan which will allow service road entry and exit to 228 Numurkah Road as shown below.



Whilst a formal VicRoads response to date has not been received, Council officers understand that VicRoads will require the construction of the above design be a developer funded requirement under the planning permit.

No solution has been found for the loss of right turn movements into 231 Numurkah Road.

#### Drainage

Council officers identified early within the assessment that the existing drainage infrastructure in the area was not adequate to cater for the proposed development.

Spiire Australia Pty Ltd was engaged by Council to prepare an overall drainage solution for the entire drainage catchment including the site, the Fairleys IGA land and undeveloped residential land to the east. The solution involves the extension of an existing basin which is known as the Yakka Basin. The proposed design solution will allow for compliance with Infrastructure Design Manual drainage standards.

A landscape concept plan was also prepared to provide a landscape vision and the preparation of costings.

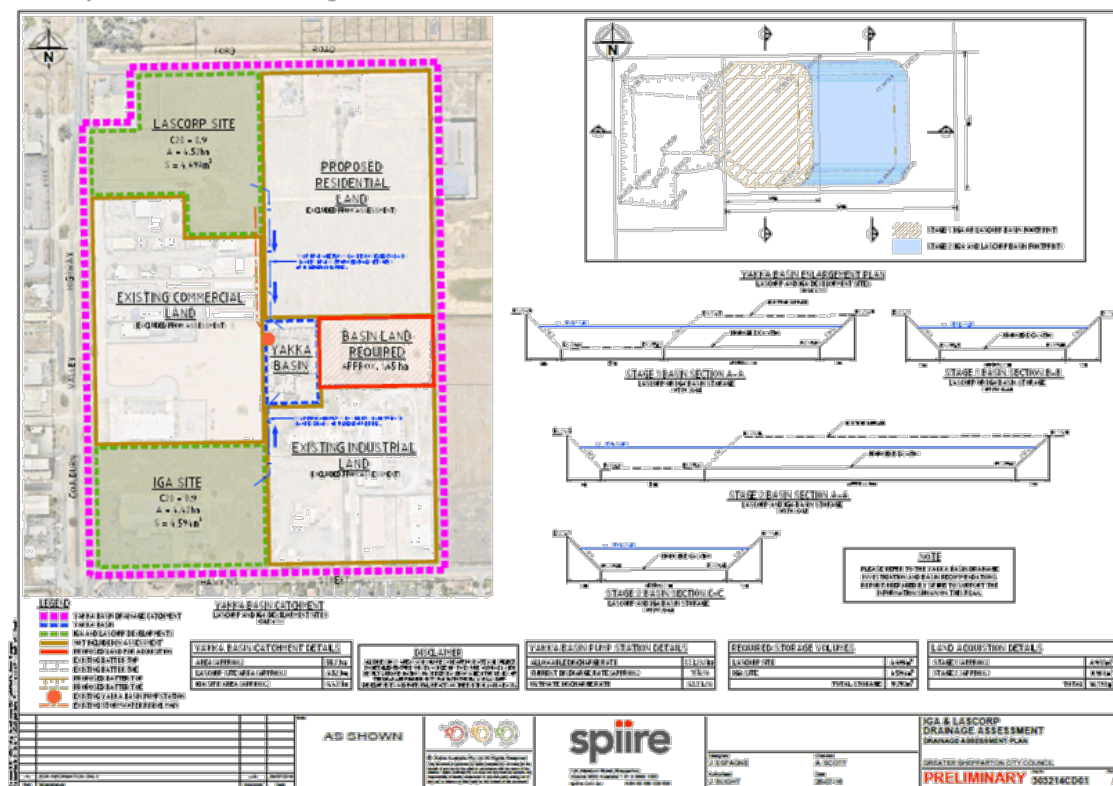
To realise the development of the drainage solution it is necessary for Council to acquire land to provide for the increased volumes. Amendment C193 proposes to introduce a PAO to acquire part of 221-229 Numurkah Road, 50 Ford Road and 25 Hawkins Street to realise this ultimate drainage solution for this catchment.

Apportionments of the implementation of the drainage scheme were prepared by Spiire Australia Pty Ltd and a contribution of \$266,000 is required from the developer towards the scheme. This contribution provides funding for land acquisition, drainage, landscaping and associated professional fees relating to detailed design and project administration.

Council officers have required that the developer enter into a S173 agreement with Council to formalise the funding of these drainage works.



Council officers are satisfied that this proposed drainage solution provides for treatment, retention and landscaping and is an acceptable holistic drainage scheme for all developments in the drainage catchment.



**Design of the Development**

Policy generally requires that development contribute positively to the neighbourhood and that conflict between land uses be managed. Council officers have undertaken an assessment of the proposed design and were satisfied for the following reasons:

- The layout of the speciality shops provides substantial glazing to the car park;
- The main vehicle access to the centre provides view lines to the entry of the centre and provides a design interest point in the town square and building design;
- The north west and south west corners of the building provides canopies to provide a focal point at the edges of the building;
- Dedicated pedestrian connections to the building are proposed from Numurkah and Ford Road;
- The large expanse of concrete wall on the south boundary is softened by the use of landscaping that will grow over the wall; and
- On the eastern side of the building is the loading dock associated with the supermarket. A 2.8m high acoustic wall is proposed to reduce noise disturbance to future residential development to the east. Minimal landscaping is proposed along the eastern boundary, this should be expanded as part of the landscape plan assessment as part of permit condition.

Following Council officers’ assessment of the application, the Department of Environment, Land, Water and Planning (**DELWP**) provided conditional authorisation for Amendment C193. Two conditions of this authorisation are:

- Council consider the State Planning Policy regarding urban design and built form at Clause 15.01 and local strategies at Clause 21.06-5 of the Greater Shepparton Planning Scheme; and



- Council review the application against the Activity Centre Design Guidelines: Interim Design Guidelines for Large Format Retail Premises and the assessment criteria outlined in CACS.

To address DELWP’s conditions, Council officers engaged Planisphere Pty Ltd to undertake an independent assessment of the developments design. Planisphere Pty Ltd, having completed their assessment which included a site inspection, made the following recommendations:

*It is recommended that the proposed development be amended to:*

- *Reduce the dominance of a blank façade addressing Doody Street on the southern elevation;*
- *Revise the loading/unloading and click and collect area to ensure safe pedestrian and cyclist movement can occur along Doody Street towards the GRZ1 area;*
- *Provide a greater landscape buffer on the eastern property boundary to limit amenity impacts to the GRZ1 area identified for future residential growth;*
- *Provide a more detailed landscape solution that ensures sufficient soil breadth and depth for the establishment of significant canopy trees throughout the car parking area;*
- *Lower the height of the ‘high wall’ sign on the building’s southern elevation to reduce its visual impact in close proximity to Doody Street;*
- *Provide further details to show pedestrian and cyclist movement to and within the development will be protected and clearly demarcated to facilitate alternative modes of site access than the car; and*
- *The application should include a statement addressing the environmental sustainability element of the guidelines.*

Council officers will require that these recommendations be complied with as part of the submission of condition one plans. The completed Planisphere Pty Ltd report was provided to the proponent and DELWP.

#### Retail Impact Assessments

Council officers inspected the Numurkah supermarkets as the Macro Plan Dimasi Pty Ltd report identified that the proposed development would reduce spending by 3.7% at Numurkah.

*Council’s peer review (Hill PDA Pty Ltd) considered the impact on Numurkah and found that:*

*By 2022/23, with anticipated growth in the overall market based on population growth and increases in real spending per capita, all negative impacts are estimated to be eliminated. The impacted centres are estimated to have roughly the same market or a bigger market to draw upon by that time.*

Based on the expert review by Hill PDA Pty Ltd, officers are satisfied that the proposed development will not have a detrimental on Numurkah.

Council officers acknowledge Council’s resolution in adopting the CACS at the Ordinary Council Meeting held on 16 February 2016 included the following direction:

- *Discourages the allocation of additional retail floor space in the Shepparton North Activity Centre until there is evidence that this will not have a detrimental effect on the CBD, in accordance with appendix A of the Commercial Activity Centres Strategy*

#### Impact on Shepparton CBD

In response to this officers requested that the peer review focused on two aspects of CBD retail:

1. CBD Supermarkets; and
2. Local Shops in the CBD.

In broad terms it is noted that the proposal does not include a department store or discount department store and therefore the proposal would not be in direct conflict with the primacy of the CBD in retail terms.

#### Supermarkets in the CBD

The peer review noted that the initial impact on supermarkets within the CBD would be in the area of approximately -\$16.8 million.

The CBD has two full line supermarkets (Coles and Safeway) and a collection of other grocery stores. There is a built in assumption that a 33% share of this impact would be shared by each of the outlets, therefore this would lead to a -\$5.6 million impact on each store. The review notes that the scale of short term impact does not generate a risk of supermarket store closures in the CBD.

#### Local Shops in the CBD

The peer review notes that the initial impact on local shops in the CBD could be approximately -\$4.2m, this impact diminishes with growth in the overall retail market over time.

A -\$4.2m impact would be spread across all shops within the CBD (40,000m<sup>2</sup>), it is concluded that this scale of impact would be comfortably absorbed by the CBD.

In light of the above, Council officers consider that the impacts on the CBD are within the acceptable range as the proposal would not inhibit the ability of the CBD to continue to trade at current volumes. In fact with population and market growth, it is considered that the impact on the CBD would be reduced. Therefore, officers consider that the proposal would be appropriate.

#### Impact on Fairleys IGA

The Fairleys IGA centre is located to the south of the proposed development and the peer review notes that there will be an immediate impact of -\$4.2m on the retail spend of Fairleys IGA Centre.

However, it is noted that trading conditions will continue to improve as the trade area population continues to grow. The peer review notes that the trade area can support two supermarkets and that the proposed development would not present a real risk of closure of the Fairleys IGA centre.

Council officers are of the opinion that the proposal would not lead to a risk of the closure of Fairleys IGA Centre, much of the impact would be predicated on the appeal of shops to customers and it is noted that Fairleys IGA Centre has a Planning Permit to increase the size of retail floorspace within the centre to 8,000m<sup>2</sup>, including an upgrade to the existing Fairleys IGA store. All of the retail and population analysis shows that there is a demand for two supermarkets in North Shepparton.

### **Relevant Particular Provisions**

#### 52.05 – Signage

##### Purpose

- *To regulate the display of signs and associated structures;*
- *To provide for signs that 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; and*
- *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.*

52.05-7 Category 1 – Commercial areas

Minimum limitation

Purpose

*To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.*

- *One pylon sign to a height of 11m is proposed along Numurkah Road;*
- *Two pylon signs to a height of 11m are proposed along Ford Road, although officers will only allow one 11m high pylon sign on Ford Road; and*
- *Signage is also proposed on the facades of the building.*

Council officers consider that the signage as proposed is consistent with signage at other similar centres in Shepparton and provides for adequate identification of the centre.

Permit conditions will require that before the development starts full details of advertising signage be provided for review and endorsement.

52.06 – Car Parking

Purpose

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local 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.*

Parking Calculation

<b>Use</b>	<b>Rate</b>	<b>Parking Requirement</b>
Supermarket – 3960sqm	5 to each 100sqm of leasable area	198
Speciality Retail – 2030sqm	4 to each 100sqm of leasable area	81
Community – 100sqm and 34 patrons	0.3 per patron	10
Medical Centre (6 practitioners)	5 for the first practitioner and 3 to other practitioners	20
<b>Total Parking Requirement</b>		<b>309</b>
<b>Onsite Parking Availability</b>		<b>446</b>
<b>Parking credit at full development</b>		<b>137</b>

Based on this assessment the onsite parking provision complies with 52.06-5.

52.07 Loading and Unloading of Vehicles

Purpose

*To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.*

FLOOR AREA OF BUILDING	MINIMUM LOADING BAY DIMENSIONS	
2,600 sq m or less in single occupation	Area	27.4 sq m
	Length	7.6 m
	Width	3.6 m
	Height clearance	4.0 m
For every additional 1,800 sq m or part	Additional 18 sq m	

A designated supermarket loading bay is provided on the east side of the building which exceeds the minimum loading requirements.

#### 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 State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *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.*

A permit is required for a bottle shop associated with the Woolworths supermarket. Council officers consider that a bottle shop within such a centre is not unexpected by the community and is an acceptable planning outcome.

#### 52.29 Land Adjacent to a Road Zone 1

##### Purpose

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

##### Decision guidelines

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

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *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.*

A TIAR has been addressed within this report.



**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.*

<b>Use</b>	<b>Rate</b>	<b>Requirement</b>
Shop – 5739sqm	1 to each 600sqm for employees 1 to each 500sqm for shoppers	10 for employees 11 for visitors
Medical Centre (10 practitioners)	1 to each 8 practitioners 1 to each 4 practitioners	1 for practitioners 2 for visitors
<b>Bicycle Spaces Required</b>		<b>24 spaces</b>

Based on this number of bicycle spaces it will also be necessary for showers and change rooms for employees.

Permit conditions will require that 24 spaces be provided and showers and change rooms.

These conditions will allow the development to satisfy its bicycle requirements.

**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.*

Having considered all of the relevant provisions of the Planning Scheme, the proposal would comply with the provisions of Clause 65.

**Relevant incorporated or reference documents**

Infrastructure Design Manual

**Other relevant adopted State policies or strategies policies**

The CACS was adopted by Council the Ordinary Council Meeting held on 16 February 2016 and is now subject to Amendment C192.

The strategy provides strategic planning guidance for the Shepparton North area as shown below.

<b>Shepparton North Strategic Planning Guidance</b>	
<b>Zoning:</b>	Currently Commercial 1 Zone. Possible expansion of the Commercial 1 Zone somewhere in area between Ford Road and Hawkins Street.
<b>Schedules:</b>	<p>Currently 8,000m<sup>2</sup> shop floorspace cap.</p> <p>Further increase in floorspace caps subject to strict application of planning and development assessment criteria. In indicative terms, an additional 6,000m<sup>2</sup> of shop floorspace is supported on the expansion to the Commercial 1 Zone.</p> <p>No office floorspace cap required.</p> <p>Discourage new shop tenancies above 4,000m<sup>2</sup> in size in order to provide greater certainty to Council in terms of potential impacts on CBD associated with re-location of retail anchors.</p> <p>Discourage cinema and cinema-based entertainment facilities.</p> <p>Amend the Municipal Strategic Statement to give Council greater control over buildings and works for cinemas (all) and new shop tenancies (above 4,000m<sup>2</sup> in size) outside of the Shepparton CBD.</p>
<b>Local Centres Policy:</b>	<p>Council to initiate a process with landowners and developers to identify the appropriate location for expansion to the Commercial 1 Zone. A preferred (but not necessary) outcome is an extension of the existing Commercial 1 Zone, although another location in the area between Ford Road and Hawkins Street may be required subject to site suitability and availability.</p> <p>Once a preferred location for expansion of the Commercial 1 Zone is identified, an urban design framework or similar assessment guiding built-form and development outcomes will be urgently required to ensure that expansion of the centre occurs in a manner that meets best-practice centre design principles.</p>
<b>Centre Outlook:</b>	Development of additional retail floorspace in the Shepparton North centre is likely within the next 5 years, as indicated in Shepp. North Actions 2 and 3.

The existing Fairleys IGA Centre to the south of the subject site provides retail services from an existing C1Z which has an as-of-right floor space cap of 8,000sqm and potential for further expansion within the C1Z.

Council's overall objective is to ensure that one or both of these sites are developed in a way that maximises community benefit from the provision of retail facilities.

To that end, Council officers are concerned to ensure that if it supports a rezoning of the proposed site, the development will proceed and it is not simply a mechanism to obstruct the development on the Fairleys IGA site but will lead to the provision of retail facilities in accordance with the CACS for the Shepparton North area.

Council officers acknowledge that the planning guidance requires the preparation of an urban design framework or similar. Council officer’s initially decided not to undertake this work as this application is combined which allows the design to be considered under the permit application. Council officers also acknowledge that Lascorp preferred that an urban design framework or similar be prepared as part of this application.

Council has recently engaged Planisphere Pty Ltd to prepare and Addendum to *the Urban Design Framework* (UDF Addendum), which has prepared a draft Design and Development Overlay for Shepparton North. The UDF Addendum will be implemented through a future planning scheme amendment, Amendment C196.

The trigger for this strategic work was a VCAT approval of a major promotion sign to the south of the land. Council officers considered that it was important to provide a design framework to guide preferred development on Numurkah Road and to ensure that a number of major promotion signs were not established on this entry to Shepparton.

#### **Relevant Planning Scheme amendments**

- C192 – *Commercial Activity Centres Strategy, November 2015.*
- C193 – Rezone subject site from C2Z to C1Z and apply the PAO to facilitate a drainage solution for the precinct.
- C196 – Implementation of the *Urban Design Framework: Shepparton North and South Business Areas (Addendum) 2017* including application of a Design and Development Overlays to commercial properties along Numurkah Road.

#### **Are there any significant social & economic effects?**

It is considered that the proposal would have a positive social and economic effect on Shepparton North.

The Commercial Activity Centre Strategy shows that Shepparton North is not fulfilling its retail role at present and would be strongly underperforming in future years as population growth continues.

The proposal would provide for appropriately scaled retail development to ensure that Shepparton North fulfils its retail role for its catchment area without impact on the primacy of the CBD.

It is also noted that the proposal would provide for community facilities and for sustainable employment creation in the area.

#### **Discuss any other relevant Acts that relate to the application?**

*Road Management Act 2004*

#### **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.

Clarkeology Pty Ltd submitted a due diligence report which confirmed that the proposed development does not trigger the need for a CHMP.

#### **Charter of Human Rights and Responsibilities**

All procedures associated with this proposed Amendment comply with the legislative requirements of the Act. The Amendment has been assessed in accordance with the Act and the 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 offsite 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.

#### **Exhibition**

Amendment C193 was exhibited from 20 April 2017 to 30 May 2017 in accordance with the *Planning and Environment Act 1987*. Exhibition included the following notice:

- Direct notice to affected landowners and occupiers of land;
- Direct notice to submitters of Amendment C192;
- Direct notice to prescribed Ministers and referral authorities;
- Notice in the Shepparton News;
- Notice in the Victoria Government Gazette;
- Notice on the Greater Shepparton City Council website;
- Notice on the Department of Environment, Land, Water and Planning website, and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

#### **Submissions**

Council received seventeen submissions. Five submissions were received from referral authorities that did not object or provided support for the proposed Amendment. Two submissions were received that support the proposed Amendment. Ten submissions were received that objected to the proposed Amendment.

The content of these submissions and Council officers’ position relating to the concerns raised in them are outlined below.

The figure below provides a map of the location that the concerns raised in the submission relate to (see figure below – *Location Submissions Relate To*).



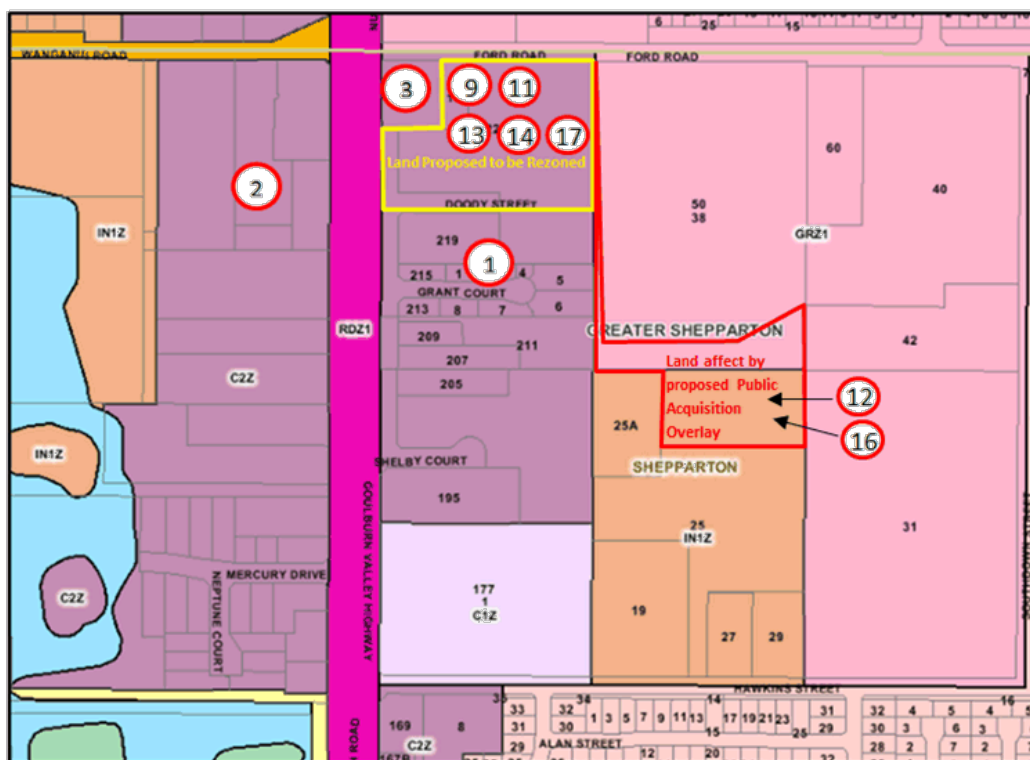


Figure 4 – Location Submissions Relate To

Submissions which did not object or provided support

Five submissions were received from referral authorities who did not object to or provided support for the proposed Amendment. These referral authorities are:

- Environmental Protection Authority North East (Submission No. 5);
- Goulburn Valley Water (Submission No. 6);
- Goulburn Broken Catchment Management Authority (Submission No.7);
- APA Group (Submission No. 8); and
- Department of Environment, Land, Water and Planning (Submission No. 15).

Submissions which support the proposed Amendment

Two submissions were received from Submitter Nos. 4 and 10 that provided support for the proposed Amendment. Reasons for providing support:

- Due to recent and proposed future residential development in the area, more commercial and retail opportunities are needed in Shepparton North;
- The regional and small-town, family-owned supermarket model that the Fairleys IGA represents is no longer appropriate for Shepparton North; and
- The proposed development will support the community.

Submissions which object to the proposed Amendment

Ten submissions were received that object to the proposed Amendment. These were Submission Nos. 1, 2, 3, 9, 11, 12, 13, 14, 16 and 17. The figure above provides a map of the location that the concerns raised in the submission relate to (see Figure 4 – Location of Submissions Relate To).

Below is a summary of the key concerns raised in submissions and Council officers’ response to the concerns raised:

Concern: Proposed Changes to Road Alignment

- Submitter Nos. 1, 2 and 3 object to the proposed changes to the road alignment that are required to facilitate the proposed development. The proposed changes will limit or reduce the access that these businesses currently enjoy and thus feel they will have a detrimental impact on their business.
- Submitter No. 10 objects to Condition 8A of the draft Planning Permit, which requires the construction of traffic signals and street lighting at Numurkah Road/Ford Road/Wanganui Road intersection", as it is believed that traffic signals are not necessary.

## Council officers’ position:

A Traffic Impact Assessment Report was prepared for the proposed development by Traffix Group Pty Ltd on behalf of the proponent. The traffic solution outlined in the Traffic Impact Assessment Report to support the proposed development requires some changes to the existing road network. Council engaged GTA Consultants Pty Ltd to peer review the Traffic Impact Assessment Report, which supported the traffic solution in the Traffic Impact Assessment Report.

Council officers’ position relies upon the Traffic Impact Assessment Report and peer review. In addition, VicRoads, as the road manager, does not object to the exhibited traffic solution. The proposed Amendment and submissions received will be referred to an Independent Planning Panel, where any proposed changes included in the traffic solution and submitters’ concerns will be considered by the Panel.

Concern: Proposed Application of the Public Acquisition Overlay

Submission Nos. 12 and 16 object to the proposed application of the Public Acquisition Overlay to their land.

## Council officers’ position:

The proposed PAO is required to provide a regional drainage solution for this drainage catchment that increases the level of service for this catchment.

Concern: Development of a second supermarket

- Submission Nos. 11, 13, 14 and 16 object to the proposed changes to Clause 21.06-5 *Commercial/Activity Centres* of the Planning Scheme that would facilitate the development of a second supermarket in Shepparton North. These submissions stated that this would create a two-node Activity Centre of up to 600-700 metres apart and would result in a poor planning outcome.
- Submitter Nos. 9 believes that structure plans and an urban design framework should be prepared before any additional development occurs.

## Council officers’ position:

The proposed Amendment implements the recommendations of the Council adopted CACS. The CACS proposes an increase in the amount of retail floorspace available to be developed in Shepparton North, to provide a range of retail and non-retail facilities. It identifies that, “this could include a second full line supermarket and enhanced supporting retail”, noting that additional retail space will enhance the range of local convenience shopping facilities and services.

The maximum retail floorspace currently available in Shepparton North is 8,000 square metres, all of which is allocated at 177-193 Numurkah Road. The recommendation in CACS is to allow greater flexibility in the location of floorspace to facilitate the development of a second supermarket and to service the future expansion of Shepparton North.

The CACS is not specific on where the additional growth can be provided, other than identifying land between Hawkins Street and Ford Road as being suitable for this additional retail space.

At the Ordinary Council Meeting held on 16 August 2016, Council resolved to prepare and exhibit a planning scheme amendment to facilitate a second full-line supermarket in Shepparton North.

Additionally, the proposal adequately addresses the integration of the proposed development with the surrounding area through urban design and transportation.

Concern: Proposed drainage solution

Submitter No. 9 believes that the proposed drainage strategy for the Southdown Street Redevelopment Area should not be "bound up" with the proposed Amendment.

Council officers’ position:

The proposed drainage solution is a regional drainage solution for this drainage catchment that increases the level of service for this catchment.

Concern: Economic Impact

Submitter No. 11 and 12 are concerned with the potential detrimental economic impacts that the proposed Amendment will have on existing businesses in the area.

Council officers’ position:

At the Ordinary Council Meeting held on 16 August 2016, Council resolved to prepare and exhibit a planning scheme amendment to facilitate a second full-line supermarket in Shepparton North.

An Economic Impact Assessment has been prepared for the proposed development by MarcoPlan Dimasi Pty Ltd on behalf of the proponent. The Economic Impact Assessment considers the impact on the area and on the Shepparton CBD. Council engaged HillPDA Consulting Pty Ltd to peer review the Economic Impact Assessment, which supports this assessment.

Council officers' position relies upon the Economic Impact Assessment and peer review.

The Panel Hearing process will allow submitters the opportunity to test the retail floorspace assessment contained in the CACS and provide additional evidence if they believe it to be incorrect.

Concern: Strategic Justification

Submitter No. 11, 13, 14 and 17 believe that the proposed Amendment lacks strategic justification and is inconsistent with Ministerial Direction No. 11.

Council officers’ position:

Council officers are satisfied that the proposed Amendment has strategic justification and is consistent with Ministerial Direction No. 11. The proposed Amendment is a recommendation of the CACS.

At the Ordinary Council Meeting held on 16 August 2016, Council resolved to prepare and exhibit a planning scheme amendment to facilitate a second full-line supermarket in Shepparton North.

### Request for an Independent Planning Panel

An Independent Planning Panel appointed by the Minister for Planning is required to consider all submissions.

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## Summary of Key Issues

- Amendment C193 and proposes to rezone the land from C2Z to C1Z, apply the PAO to facilitate a drainage solution and a use and development proposal for the shopping centre. The main tenant of the centre is a full line supermarket.
- The Planning Permit application was referred to the appropriate authorities and no objections were received. Conditions as required by the authorities have been included in a draft set of conditions.
- Traffic was a key assessment concern particularly in regards to the intersection treatment of Ford Road/ Wanganui Road/ Goulburn Valley Highway. Following the preparation of traffic reports and discussions with VicRoads a solution was agreed on which included the contributions towards an interim signalised intersection. VicRoads have indicated that it is possible that an ultimate intersection could be constructed by VicRoads as part of Stage 1 of the Shepparton Bypass, which would remove the need for the interim intersection.
- Council officers have undertaken a design review which has been assisted by a further review by Planisphere Pty Ltd. The Planisphere Pty Ltd review provided recommendations that the Doody Street elevation should be further activated, Council officers accept this and the other Planisphere Pty Ltd recommendations and will update permit conditions as a post exhibition change.
- The CACS provides direction on the future development of Shepparton North with a focus on allowing additional retail floor space between Hawkins Street and Ford Road. Officers acknowledge that the existing Fairleys IGA centre to the south is within a C1Z and has made an application for a redevelopment of the site. Council officers consider that the net community benefit lies with additional retail floor space being provided in Shepparton North at either the subject site or the Fairleys IGA land.
- Council officers acknowledge Council’s direction that additional floor space in Shepparton North must not have a detrimental impact on the Shepparton CBD. Council officers also acknowledge that the proposed development will have some impact on the CBD; however the expert retail impact assessments do not conclude that the impact to the CBD is detrimental.
- To provide an acceptable drainage solution Council officers consider it necessary to expand the Yakka Basin which is to the south of the land. To allow for the increased capacity of this basin and a piped outfall it is necessary to apply a PAO to realise this drainage infrastructure. Council’s consultants have undertaken design work to size and cost this drainage infrastructure. Council officers required that the proponent agree to contribute to Council its share of the costs associated with this overall drainage solution.
- Amendment C193 was exhibited from 20 April 2017 to 30 May 2017 in accordance with the *Planning and Environment Act 1987*.
- Council received seventeen submissions during exhibition. Council received seventeen submissions. Five submissions were received from referral authorities that did not object or provided support for the proposed Amendment. Two submissions were received that support the proposed Amendment. Ten submissions were received that objected to the proposed Amendment. As such, Council officers are requesting that an Independent Planning Panel be appointed to consider all submissions received for proposed Amendment C193 to the Planning Scheme.



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## Conclusion

The proposal is considered to achieve an acceptable planning outcome as it would provide appropriate retail and community facilities and associated job creation while not detrimentally impacting the Shepparton CBD.

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Date:	02/06/2017