

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 3/2013

**HELD ON
THURSDAY 14 MARCH 2013
AT 10.00AM**

**AT THE HUNTER ROOM
90 WELSFORD STREET**

CHAIR

Simon Rose

COMMITTEE MEMBERS PRESENT: **Simon Rose, Cr Michael Polan, Colin Kalms, Braydon Aitken, Jonathan Griffin**

OFFICERS: **Tim Watson – Statutory Planner
Steve Bugoss – Timer and Minute Taker**

1. ACKNOWLEDGEMENT

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

2. APOLOGIES

Cr Les Orosvary

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Confirmation of the minutes of the meeting held on 10 January 2013 and 14 February 2013 have been held over to the next meeting, as there were not two committee members that attended those two meeting’s present at today’s meeting.

4. DECLARATIONS OF CONFLICTS OF INTEREST

None

5. MATTERS FOR CONSIDERATION

One item listed for consideration.

6. LATE REPORTS

None

7. NEXT MEETING

28 March 2013

INDEX

<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
DP-2012/3 (Application 2012-355)	103-125 Numurkah Road SHEPPARTON	The use and development of land for a service station, display of business identification signage, the creation of an access to a Road Zone (category 1), the Variation of landscape buffer strips along boundaries, 10 additional motel units and a 3 lot subdivision in the Residential 1 Zone, Development Plan Overlay (schedule 1) and Land Subject to Inundation Overlay	3

Application Details:

Responsible Officer:	Tim Watson
Application Number:	DP-2012-3 (Permit 2012-355)
Applicants Name:	Roy Costa & Assoc
Date Application Received:	30 October 2012
Statutory Days:	
Land/Address:	103-125 Numurkah Road SHEPPARTON VIC 3630
Zoning and Overlays:	Residential 1 Zone, Public Use Zone (Schedule 1), Land Subject to Inundation Overlay and Development Plan Overlay (schedule 1)
Why is a permit required (include Permit Triggers):	32.01-1 – use of land for service station 32.01-6 Buildings and works associated with a section 2 use 32.01-2 – subdivision ion the Residential 1 Zone 44.04-1 – Buildings and works in the land Subject to Inundation Overlay 44.04-2 – subdivision in the land Subject to Inundation Overlay 52.12 - variation to the requirements of clause 52.29 – creation of access and subdivision adjacent to a Road Zone Category 1 52.05 – display of internally illuminated business identification signage.
Are there any Restrictive Covenants on the title?	no

Proposal

An application for a planning permit and development plan was submitted on 30 October 2012 for the use and development of the land for a service station and takeaway shops, 3 lot subdivision, creation of an access on to a Road Zone Category 1, display of business identification signage and the extension to the existing motel.

An application to amend the application was made under section 57 of the *Planning and Environment Act 1987* to remove the use and development of one of the lots for takeaway food premises.

The proposal includes the development of proposed lot 1 with an area of 3000sqm for service station with associated convenience shop and café.

Lot 2 on the plan of subdivision with a proposed area of 6451sqm is to remain vacant.

Proposed lot 3 will contain the existing motel site with additional motel units to be constructed as part of the proposal.



Summary of Key Issues

- An application for a planning permit and development plan was made which proposed the use and development of the land for a service station and takeaway shops, 3 lot subdivision, creation of an access on to a Road Zone Category 1, display of business identification signage and the extension to the existing motel.
- An application to amend the application was made under section 57 of the *Planning and Environment Act 1987* on 2 January 2013 to remove the use and development of one of the lots for takeaway food premises.
- The application for a development plan was informally notified to the relevant parties including neighbouring properties and a sign was placed on site.
 - None of the authorities notified of the development plan objected.
 - Two submissions to the development plan have been made by the public.
- The application for a planning permit was referred to the relevant utility providers and the Goulburn Broken Catchment Management Authority and VicRoad's, neither of whom object subject to conditions.
- Council officer's met with both submitters to the development plan application onsite individually to better understand the matters raised and if anything could be done to resolve their concerns.
- Neither submitter has withdrawn their submission.

Recommendation

Development Plan Application

Moved by Braydon Aitken and Seconded by Colin Kalms

The Council having given informal notice of the application for a Development Plan, decides that Development Plan DP-2012-3 and Planning Permit 2012-355 be approved under delegation.

CARRIED

Subject Site & Locality

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

Date: **8/11/12** Time: **11:30** am

The site has a total area of **18998** square metres and currently contains:

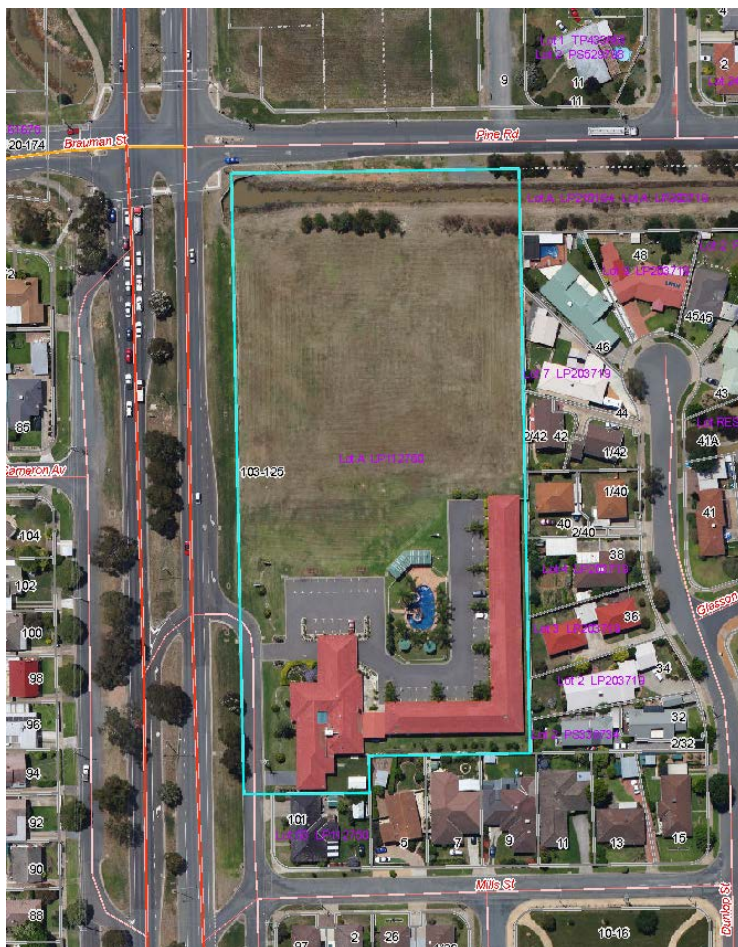
- an existing single storey motel with swimming pool and associated car parking facilities located within the southern half of the site.
- The south west corner of the site contains approximately 60 metres of the service road which services the dwellings fronting Numurkah road. The plan of subdivision shows this portion of land to be vested in the road reserve.
- Within the northern boundary of the site orientated east west is an existing Goulburn Murray Water Drain protected by an easement.



The main site/locality characteristics are:

- the land to the south and the east is zoned Residential 1 and used accordingly with most allotments of conventional size.
- The land abutting the west boundary is used for service lanes and the Numurkah/Goulburn Valley Highway, with two lanes both directions.
- The land adjacent the western boundary is zoned Residential 1 and contains mostly conventional sized dwelling allotment with a few small allotments which have been subdivided.
- The northern boundary abuts Pine Road, with adjacent land zoned Business 4. The adjacent land is currently vacant, with land uses further north including a service station, and takeaway food shops.
- Other significant land uses within the locality include the Goulburn Valley Base Hospital approximately 350 metres to the south, the Shepparton North Sports and stadium precinct opposite the site to the north west and northern neighbourhood centre approximately 3890 metres to the north which includes a large IGA supermarket.

The Photos below show the existing site:



Permit/Site History

The history of the site includes:

- Planning permit 2010-235 approved the construction of a verandah.
- Planning permits 1998-666 and 2000-511

Further Information

Was further information requested for this application? yes

What date was the further information requested?: **9 November 2012**

What date was the further information received?: **6 December 2012**

The application for the development plan and planning permit however has since been amended.

Public Notification

The Development plan application was informally notified, by:

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

What evidence of proof was provided by the applicant indicating that notification was carried out correctly for the required period of time.

The application for a planning permit was exempt from being advertised in accordance with Clause 43.04-2 as the plans are generally in accordance with the development plan application.

The term generally in accordance with was considered in the decision of VCAT in *Canet v Brimbank CC [2003] VCAT 13*. At para 44 of that decision the tribunal stated:

"I agree with the Respondent's submission that the authorities establish that the following principles must be applied to determine whether a development is generally in accordance with a permit or plans.

(a) General accordance is a question of fact to be judged on the facts and circumstances of each case, and

(b) the less detail and precision there is in the primary document or documents, the more flexibility is given by the phrase "generally in accordance with".

Objections

The Council has received **two submissions** to date. The key issues that were raised in the submissions are.

- The proposed development and use of the land for a service station would disrupt traffic flow on Numurkah Road and into the service lane.
- The service station is a business to be located within a Residential locality and zone
- The proposed use will cause traffic issues with deliveries to the site and the noise from the site will impact on abutting residential properties.
- There are better suited locations for a service station in Shepparton.
- An increase of rubbish not disposed in bins to accumulate on abutting properties.
- The vacant lot will be used for a truck parking bay causing detriment to the locality.
- Buses servicing the motel site will have nowhere to park other than the service lane.

Ground of Submission	Officer's Response
Traffic	The applicant has submitted a traffic report which has been considered and consented to by Vicroads. The Council's Traffic Engineer has provided comment that they do not believe that vehicles exiting the site will result in traffic issues or any detriment through the use of local roads. Should a permit grant it will be subject to Vicroad's conditions.
Use of land in Residential 1 Zone for a service station	The use of land for Service station is a section 2 use and the application therefore

	needs to be assessed on its merits. The application meets the purpose of the zone in locating a non-residential use in an appropriate location. The characteristics of the site make it an acceptable outcome, which includes abutting a Road Zone 1, adjacent to a Business 4 Zone and abutting a motel.
There are more appropriate locations for a service station.	The use is permissible on the subject land and the application needs to be considered and assessed for the proposed site against the Planning Scheme.
Increase of rubbish from service station use	A condition on the permit should it grant will require bins to be appropriately located on site.
The vacant lot will be used for truck and vehicle parking and buses servicing the motel which currently park on the vacant land will be forced to park in the service lane.	Conditions on a permit should it grant will require that no vehicles park on the vacant lot and that bus parking is provided on the motel lot.

Title Details

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

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Pre-application discussions with the applicant, discussion with the applicant regarding further information and discussions with the submitters.

Pre-application Discussions

- Pre-application discussions between Council officers and the applicant took place, with the matters raised on whether a permit could be granted.
- These discussions also involved Vicroads and the points of proposed access onto a Road Zone Category 1

Further Information Discussion

- Council made a request for further information, of which the applicant was able to satisfy most requirements.
- The Council however made the applicant aware that unless the applicant was able to provide information to the contrary, the application for use was prohibited. The Council officer's formed this opinion based on the restriction of the use of the land for a service station in the Residential 1 Zone exceeding 3000 sqm. Though the proposed boundary of the service station showed the allotment to be 3000sqm, the fact that there was no physical boundary and that vehicles could move between the two abutting sites freely caused this concern. The two uses (service station and takeaway shops) would also be used in close association, with shared car parking further extending the services stations use beyond the boundary drawn on the plan of subdivision.
- The applicant proposed after a number of discussions to amend the application under section 57A of the Act to remove the use and development of the land for takeaway food shops. The application for the development plan was also amended to remove the development of the Takeaway food shops.

Onsite Meetings with submitters

- Council officers met with both submitters to the Development Plan application onsite to discuss their concerns.
- The submitter who abuts the motels site to the south was advised that Council would ensure that if a permit was to grant appropriate bins were provided on site, an area was provided on the motel site for bus parking and proposed lot two was not to be used for bus or truck parking.
- The submitter who resides at 87 Numurkah Road was advised that an application for the service station would be assessed on its merits and against the policies of the scheme as it was a section 2 use. They were advised a traffic report was currently being assessed by Vicroads with regard to traffic safety.
- Both submitters were advised of the process should their submission remain and that there were no appeal rights.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	<p>The application for a planning permit was referred to Goulburn Valley Water, Powercor, APA Group, Telstra, Vicroads and Goulburn Broken Catchment Management Authority. The referred authorities do not object to the issue of a permit subject to the following conditions:</p> <p><u>Goulburn Valley Water</u></p> <ol style="list-style-type: none">a) Payment of a new customer contribution for water supply to the development, such amount being determined by the corporation at the time of payment;b) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation;c) Payment of a new customer contribution for sewage services to the

	<p>development, such amount being determined by the Corporation at the time of payment;</p> <ul style="list-style-type: none">d) Provision of reticulated sewage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;e) Relocation of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;f) Provision of easements in favour of Goulburn Valley Region Water Corporation over all existing and proposed sewer main located within private property;g) 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 Agreement, 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;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) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988. <p><u>Telstra</u></p> <ul style="list-style-type: none">a) That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988. <p><u>Powercor</u></p> <ol style="list-style-type: none">1. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with section 8 of that Act.2. The applicant shall:<ul style="list-style-type: none">a) Provide an electricity supply to all lots in the subdivision 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 will be required).b) Where buildings or other installations exist on the land to be subdivided 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 (Network Assets) Regulations.d) Any construction work must comply with the Officer of the Chief Electrical Inspector "No Go Zone" rules.e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd Reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. <p>Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. 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.</p>
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	<p>Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.</p> <ul style="list-style-type: none">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 lots 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 easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000. (specifically, an easement is required on Lot-3 for the underground cable from the property line to the customer pillar.g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.i) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerlines and for the construction of any works in such an area.j) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required. <p><u>Goulburn Broken Catchment Management Authority</u></p> <ul style="list-style-type: none">a) The finished floor levels of the proposed service station building and motel units must be constructed at least 300 millimetres above the 100-year ARI flood level of 111.6 metres AHD, i.e. 111.9 metres AHD, or higher level deemed necessary by the responsible authority. <p><u>Vicroads</u></p> <ul style="list-style-type: none">1. Only two direct accesses shall be permitted from Lot 1 of the subject land to the Numurkah Road. The accesses shall be located as shown on the site plan appended to the application (Drawing No. TP02 Rev. P5 prepared by Bespoke Architects Pty Ltd dated 19 December 2012) as follows:<ul style="list-style-type: none">a. Northern access shall operate as entry only from Numurkah Road to proposed Lot 1.b. Southern access shall operate as exit only to Numurkah Road from proposed Lot 1.2. Access to proposed Lot 3 shall be via the existing access from the Numurkah Road service road.3. Prior to the issue of a Statement of Compliance, the applicant shall:<ul style="list-style-type: none">a. Construct the proposed accesses from Lot 1 of the subject land to Numurkah Road to the satisfaction of both VicRoads and the responsible authority (Greater Shepparton City Council).b. Construct the mitigating works at the access to the proposed development from Numurkah Road in accordance with the conclusions and recommendations of the Traffic Engineering Assessment (Proposed mixed-use development at 103-125 Numurkah Road, Shepparton) prepared by TraffixGroup dated January 2013 including the following:<ul style="list-style-type: none">i. A rural auxiliary left turn treatment - short turn lane (AUL(S)) to VicRoads satisfaction in accordance with Figure 8.3 of the Austroads Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections.4. Prior to the commencement of any works within the declared arterial road reserve the applicant shall submit detailed design plans and specifications for the proposed works, and obtain the written approval of the plans and specifications from VicRoads.5. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.
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	<ol style="list-style-type: none"> 6. Prior to commencement of the erection of the advertising sign a lighting report from a suitably qualified lighting engineer demonstrating how the lighting output prescribed at condition above will be achieved must be provided to VicRoads for approval. When approved, the report will form part of the planning permit and the sign must at all times operate in accordance with the report. 7. The crossovers must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (for example, by spilling gravel onto the roadway). 8. All works associated with the above requirements are to be completed at no cost to VicRoads and the road reserve must be left in a neat and tidy condition. 9. The final plan of subdivision submitted for certification must be referred to VicRoads in accordance with Section 8 of the Subdivision Act 1988.
<p>Section 52 Notices</p>	<p>The Development Plan application was notified to the relevant Authorities none of whom objected to the issuing of a development plan.</p> <p>The planning permit application was notified to the Goulburn Murray Water Authority, who initially made a request for further information regarding the retention and treatment of drainage on site. After further correspondence between the authority and council, G-MW have agreed to provide conditional consent to the application. The conditions are as follows:</p> <ol style="list-style-type: none"> 1. Prior to the commencement of any development or works a Stormwater Management Plan must be submitted to and approved by the Responsible Authority and Goulburn-Murray Water. The Stormwater Management Plan must show through the application of MUSIC modelling or similar that the development can meet post construction objective's for environmental management of stormwater, as specified in Table 2.1 of the Urban Stormwater: Best Practice Environmental Management Guidelines' (Victorian Stormwater Committee, 1999). 2. G-MW will only permit rainfall runoff to enter its drain. No other water or discharge is permitted, including sullage (grey water), sewage or water containing hydrocarbons or non approved detergents. 3. No works are to be constructed that may impact on drainage flows in G-MW's Shepparton Drain 3 without approval. 4. The development will be required to retard drainage inflows to the G-MW's Shepparton Drain 3 to 1.2 L/sec/ha. The retardation may be via a retarding basin, rain water tanks or alike. 5. The applicant must ensure that the development adheres to the criteria for retardation basin design for G-MW drains outlined in the attached document – appendix 1. The applicant must demonstrate to G-MW in the form of a design plan, with supporting calculations, how the development complies with the retardation basin design. This must be provided to G-MW prior to discharging into the Shepparton Drain 3. 6. No buildings or works may be erected or carried out within 30 metres of any Goulburn-Murray Water surface infrastructure (including open irrigation channels and drains), or 5 metres from any below surface infrastructure (including pipelines), located on any G-MW freehold, easements or reserves.

Internal Council Notices	Advice/Response/Conditions
Development Engineering	The application for a planning permit was referred internally to the Development Engineers, who do not object to the issue of a permit.
Environmental Health	The application for a planning permit was referred internally to the Council's

	Environmental Health Department, who do not object to the issue of a permit, subject to a condition requiring that they be registered as a food premises.
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Assessment

The zoning of the land

Residential 1 Zone 32.01

The purpose of the zone is to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households and encourage residential development that respects the neighbourhood character. The purpose identifies that in appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

Pursuant to clause 32.01-1 the use of land for a Service station is a section 2 use (permit required). The use is a section 2 subject to the following conditions being able to be met.

The Site must either:

- Adjoin a business zone or industrial zone.
- Adjoin, or have access to, a road in a Road Zone.

The site must not exceed either:

- 3000 square metres.
- 3600 square

Response

The application abuts Numurkah Road, a Road Zone Category 1 and will be located on a site of 3000 square metres and therefore the use can be assessed as a section 2 use.

The zone in allowing the use of land for a service station and the purpose identifying that non-residential uses can be located in appropriate locations provides scope for the proposal to be assessed on its merits. The key locational factors for this site are the location of the motel on the southern portion, the abutting Road Zone Category 1 and the buffer that can be provided between the closest dwelling and the use.

The ability of the proposed use to provide a buffer between it and the closest dwellings is achieved through the location of the motel to the south and the land to remain vacant on proposed lot 2 of the subdivision. Noise reducing measures can be further implemented to reduce any potential detriment through vegetation buffers and walls. The residents would not however currently enjoy a perfect residential level of amenity given the large number of traffic which use Numurkah Road.

The location of a service station on a Road Zone Category 1 is suitable given the number of traffic movements and the expected amenity close to a significant road way, even in a Residential Zone is not what could be considered perfect.

A planning permit was required for subdivision in the Residential 1 Zone pursuant to Clause 32.01-2 with an assessment against the standards and objectives of clause 56 provided in the particular provisions section of this report.

A planning permit was required for buildings and works associated with a section 2 use pursuant to Clause 32.01-6 for the construction of the service station and extension to the existing motel.

Public Use Zone, Schedule 1 – Service and Utility

The purpose of the zone is to recognise public land use for public utility and community services and facilities.

The zone has been used to provide control for the existing Goulburn Murray Water managed drain. No buildings and works are proposed by the application within the Public Use Zoned land.

Pursuant to Clause 36.01-2 a permit is required to subdivide land within the Zone. Goulburn Murray Water (the public land manager) has provided their consent to the proposal subject to conditions.

Relevant overlay provisions

Development Plan Overlay – Schedule 1

The purpose of the Development Plan Overlay is to identify areas which require form and conditions for future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

A permit must not be granted to use or subdivide land until a development plan has been prepared. A permit granted must be generally in accordance with the development plan.

Before approving each development plan, the responsible authority must consider:

Development Plan Overlay Decision guidelines

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The design objectives of the relevant schedule to this overlay.
- The provisions of any relevant policies and urban design guidelines.

- Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or area.
- Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.
- Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.
- Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Any other matters specified in a schedule to this overlay.

Response

The assessment of the development plan application and Planning permit application has been done concurrently and therefore some points of the assessment have been undertaken within other sections of this report.

The proposed buildings and works for the motel are considered in keeping with the character of the area and will match the existing motel units. The service station application has provided elements within the design to blend in with the existing character and form of the locality. In particular, a pitched roof design on the two main structures on site provides a sympathetic design to the residential locality.

Appropriate landscaping of the site will be required, which will include the required buffers under particular provision 52.17 which have not been applied to be varied.

Schedule 1 to the Development Plan Overlay considerations

- The need to provide for residential, low density residential, industrial or commercial development in accordance with the directions outlined in the Municipality Strategic Statement.
- The relationship of the subdivision to the existing and proposed subdivision and use of adjoining land.
- The need to provide for safe and efficient vehicle access and ensure that traffic generated by the proposed use and development does not have a detrimental impact on the amenity of surrounding properties or roads.

- The need to protect and enhance the existing environment and character of the area, including the retention of existing trees and vegetation.
- The need for any agreement to be made pursuant to the provisions of Section 173 agreement of the Planning and Environment Act 1987 with respect to matters arising from the proposed use and development.
- Any requirements and/or views of the responsible authority and referral authorities for urban design and landscaping, traffic works, storm water disposal, engineering works, environmental protection and enhancement, sewage, drainage or flood mitigation works required to properly service the proposed use and development of the land.

Any requirements and/or views of the responsible authority and referral authorities for urban design and landscaping, traffic works, stormwater disposal, engineering works, environmental protection and enhancement, sewage, drainage or flood mitigation works required to properly service the proposed use and development of the land.

Response

All vehicle movements to and from the site will be from Numurkah Road, a Road Zone Category 1 and with Vicroads Consent subject to conditions relating to the submitted traffic report, the traffic matters relating to the use are considered to be satisfactorily addressed.

Land Subject to Inundation Overlay

The Overlay identifies land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority. The Overlay's purpose is to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

A planning permit was required pursuant to Clause 44.04-1 and 44.04-2 for buildings and works in the overlay and Subdivision in the Overlay. The application was referred to the Goulburn Broken Catchment Management Authority, who do not object to the issue of a permit subject to conditions.

The State Planning Policy Framework (SPPF)

Business 17.01-1

To encourage development which meets 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.

Response

The application provides for the extension to the existing motel and the use and development of land for a service station, both of which are considered positives when considering the net community benefit of business for the Municipality.

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

Non Residential uses 21.04-6

Council acknowledges that there is a need to protect the amenity of existing and future residential areas. While a range of non-residential uses in residential areas provide services to the local community, (including places of worship, schools, medical centres, display homes, child care centres, cafés, restaurants, and the like), it is important to ensure that these uses do not have a negative impact on residential amenity through inappropriate location, unsympathetic design, and traffic impacts. Petrol stations and car washes in particular are discouraged in residential zones.

Objectives and strategies

- To ensure that non-residential uses are appropriately located.
- To allow complementary non-residential uses to be integrated into residential areas.
- To ensure that non-residential uses are appropriately located having regard to:
 - The intensity and hours of operation of the proposed activity.
 - The siting and design of proposed buildings and works, including car parking areas and advertising signs and telecommunication facilities.
 - The location of access points.
- To ensure that the appearance and scale of non-residential development in residential zones is consistent with nearby housing.
- Ensure non-residential uses are located in areas that are appropriate to the intensity and scale of the proposed use and that will have minimal impact on the amenity of nearby residential properties.
- Ensure major facilities serving catchments beyond the local level are located in commercial areas or sites on roads which avoid the generation of additional through traffic on residential streets.
- Discourage service stations and car washes in residential areas.
- Ensure the siting and design of buildings and works (including car parking areas) responds to the surrounding housing and streetscape and includes features to reduce the noise, loss of privacy and to enhance the appearance of the development, including landscaping, screening, acoustic fencing.

Response

The key policy to address under the above non-residential uses is that service stations and car washes should be discouraged in residential zones. Firstly it needs to be noted that a service station is a permissible use within the Residential 1 Zone and therefore can be considered under the provisions of the scheme. As identified in the assessment of the Residential 1 Zone, non –residential uses can be provided in appropriate locations to meet the needs of the community. The location is considered appropriate, with the land abutting a Road Zone Category 1 and a buffer being able to be provided with the motel to the south and proposed lot 2 to remain vacant to the east. The land is adjacent to Business 4 Zoned land is in close proximity to the Shepparton North Community Hub.

Relevant Particular Provisions

Public Open Space Contribution and Subdivision 52.01

A condition on the permit will require that a 5 percent contribution is made.

Advertising Signs 52.05

The purpose of this provision is to:

- Regulate the display of signs and associated structures;
- 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;
- 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.

Pursuant to Clause 52.05-5 a planning permit is required to display a major promotional sign.

Decision Guidelines 52.05-3

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

- The character of the area
- Impacts on views and vistas
- The relationship to the streetscape, setting or landscape
- The relationship to the site and building

- The impact of structures associated with the sign
- The impact of any illumination
- The impact on road safety

Response

Though the land is zoned Residential 1, the character of the area is influenced by Numurkah Road, the adjacent Business 4 Zone and the mix of uses along the road including the motel, Goulburn Valley Base Hospital and the takeaway food premises to the north. The proposed signs are considered standard for a service station and though large and not appropriate for a conventional residential area the locality is not envisaged to be detrimentally impacted by the display of the signs. The illumination of the signs will be controlled by conditions to ensure that light does not spill onto adjoining properties or dazzle road users. The size of the signs are vital to the operation of the business to ensure that road users have sufficient time to decide to use the service station.

Car Parking 52.06

The purpose of the provision is to ensure that car parking facilities are provided in accordance with:

- The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and Local Planning Policies.
- Any parking precinct plan.

To provide the opportunity to use parking precinct plans in appropriate locations.

To promote the efficient use of car spaces through the consolidation of car parking facilities.

To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.

To ensure that the design and location of car parking areas:

- Does not adversely affect the amenity of the locality, in particular the amenity of the pedestrians and other road users.
- Achieves a high standard of urban design.
- Creates a safe environment for users, particularly at night.
- Enables easy and efficient use.
- Protects the role and function of nearby roads.
- Facilitates the use of public transport and the movement and delivery of goods

Car spaces 52.06-1

A new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.

Response

Pursuant to the table listed in clause 52.06-5 there is no set car parking rate for a service station and therefore a provision is to be provided to the satisfaction of the responsible authority. Given that a large portion of the use is for a convenience shop the rate of 10 parks per premise has been applied. The applicant is proposing to provide 12 car parks in addition to the fuel pump bays and therefore the service station component of the application is considered to achieve an acceptable parking outcome. A rate of 1 car park is to be provided per unit for the proposed motel extension. The applicant has provided more than adequate car parking on the submitted plan to meet this requirement. The applicant should a permit be granted, will be required to provide a bus parking bay.

Loading and Unloading of Vehicles 52.07

The applicant has provided an appropriate loading and unloading area onsite for the convenience shop section of the use. A traffic plan submitted indicates that's fuel trucks are able to move to and from the site freely.

Service Station 52.12

The purpose of this provision is to ensure that amenity, site layout and design are considered when land is to be used for a service station, especially if the site adjoins a residential zone and to ensure that use of land for a service station does not impair traffic flow or road safety.

Response

The particular provision pursuant to clause 52.12-1 sets out a number of requirements to be met for the use and development of the land for a service station of which can be varied with a planning permit. The applicant has requested the variation to one of the requirements relating the requirement of a landscape buffer which is addressed below. All other requirements are to be met as shown on submitted plans or through conditions placed on a permit should it grant.

The applicant has requested that the requirement of the 3 metre buffer along the southern boundary between the proposed motel units and service station be waived completely. The applicant has submitted plans indicating that the service station wall will abut the boundary of the motel site.

The applicant has advised that a visual screening is not required on this site of the use given the proposed motel units will back onto the site and not allow for any view of rear of the service station building. The applicant has also advised that the wall will provide a better noise buffer from the proposed use than vegetation. The Council is satisfied with the applicant's response and believes that an acoustic wall/fence will provide a better sound

barrier between the residential uses to the east and motel to the south. A condition will require that the northern boundary be treated with a reduced landscaping buffer, with better surveillance of the vacant block and a visually more attractive buffer to the north able to be provided by this.

Land Adjacent to a Road Zone, Category 1 - 52.29

A planning permit was required pursuant to Clause 52.29 for the subdivision of land adjacent to a Road Zone, Category 1 and for the creation of access points onto a Road Zone Category 1. The application was referred to Vicroads with the submitted traffic report for their assessment. Vicroads do not object to the issue of a permit subject to conditions.

Residential Subdivision

This clause specifies the specific subdivision design objectives whereby any proposed subdivision of two or more lots in a Residential 1 Zone must comply.

The following is an assessment against the relevant objectives and standards of Clause 56:

<i>56.03-5 – Neighbourhood character</i>	The proposed subdivision facilitates the proposed use and development, and aligns with the neighbourhood character in allowing a mixture of uses - Complies
<i>56.04-1 – Lot Diversity and distribution objectives</i>	The proposed subdivision provides for the diversity of lot sizes in subdividing the existing large allotment for the existing and proposed uses. - Complies
<i>56.04-2 – Lot area and building objective</i>	The lot with no proposal is capable of containing a dwelling, however it is envisaged that was it to be used for residential purposes further subdivision would occur. - Complies
<i>56.04-3 – Solar orientation of lots objective</i>	The proposed subdivision provides for appropriate solar orientation, should dwelling be proposed. - Complies
<i>56.04-4 – Street orientation objective</i>	The motel allotment will make use of the existing access, the service station has proposed an access point from Numurkah. Access to Propoed lot 2 is to be provided by easement or access from Pine Road. - Complies

56.04-5 – <i>Common area objective</i>	No common property is proposed - N/A
56.05-1 – <i>Integrated urban landscape objectives</i>	The proposed subdivision does not create any streets or public open space and therefore will not include landscaping of streets or public spaces - N/A
56.06-2 – <i>Walking and cycling objectives</i>	The construction of a footpath will be required along the frontage of Numurkah Road - Complies
56.06-4 – <i>Neighbourhood street network objective</i>	The subdivision will only be creating separate lots and will not see the construction of any new streets. The proposed allotments will be integrated within the existing street network. - Complies
56.06-5 – <i>Walking and cycling network detail objectives</i>	N/A – see above
56.06-7 – <i>Neighbourhood street network detail objective</i>	N/A – see above
56.06-8 – <i>Lots access objectives</i>	The proposed subdivision lot layout enables safe and appropriate access to and from all lots via existing and proposed access points - Complies
56.07-1 – <i>Drinking water supply objectives</i>	All proposed lots will have independent connections to reticulated town water to the satisfaction of Goulburn Valley Water. - Complies
56.07-2 – <i>Reused and recycled water objective</i>	Reticulated reused water is not available to this subdivision. - Complies
56.07-3 – <i>Waste water management</i>	Reticulated sewerage is provided to the land and each proposed lot can easily be connected to the satisfaction of Goulburn Valley Water. - Complies
56.07-4 – <i>Urban runoff management</i>	The applicant will be required to submit drainage plans as part of a condition for this permit. - Complies
56.08-1 – <i>Site Management objectives</i>	A construction management condition will

	be placed on the permit. - N/A
<i>56.09-1 – Shared trenching objectives</i>	Shared trenching for service connections to the lots will be utilised where appropriate and to the satisfaction of the responsible authority. - Complies
<i>56.0-2 – Electricity, telecommunications and gas objectives</i>	Only very minor alterations to existing electricity and telecommunications connections will be required to service the proposed lots. This will be carried out to the satisfaction of Powercor, Telstra and APA. - Complies
<i>56.09-3 – Fire hydrants objective</i>	-N/A
<i>56.09-4 – Public Lighting objective</i>	Public lighting is currently provided on Numurkah and Pine Roads

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.

The following decision guidelines are relevant to this application:

- 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.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The effect of development on the use or development of other land which has a common means of drainage.

Response

The relevant decision guidelines have been considered and addressed when assessing these applications as identified within this report. The proposed use and development of the land is considered in keeping with the orderly development of the area and is not envisaged to impact the amenity of the area beyond what would be considered reasonable. Given the location of the land a high residential amenity cannot be expected with the land abutting a Road Zone 1 and adjacent to a Business 4 Zone and motel. The proposed use achieves one of the purposes of the zone in locating a non-residential use in an appropriate location to serve a community need. Drainage will be managed through the submissions of plans to Council's and Goulburn Murray Water's Satisfaction.

Relevant incorporated or reference documents

Greater Shepparton Floodplain Development Plan, Precinct of Goulburn River, October 2006.

Other relevant adopted State policies or strategies policies

There are no other relevant adopted State or strategic policies that relate to these applications.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments that relate to these applications.

Are there any significant social & economic effects?

There are no relevant significant social or economic effects that relate to these applications

Discuss any other relevant Acts that relate to the application?

Subdivision Act 1988.

Conclusion

The application for a development plan is considered to meet the decision guidelines of the schedule and achieve an acceptable outcome when assessed against the policies of the planning scheme and therefore it is recommended that the application for a development plan be approved under delegation.

The proposed use and development of the land for a service station, 3 lot subdivision, creation of access on to a Road Zone Category 1, display of business identification signage and extension to the existing motel is considered to achieve an acceptable outcome when assessed against the objective and polices of the Greater Shepparton Planning Scheme and it is therefore recommended that the application be approved under delegation.

DRAFT PLANNING PERMIT

DRAFT DATE:	6 March 2013
PERMIT NO:	2012-355
ADDRESS OF THE LAND:	103-125 Numurkah Road SHEPPARTON VIC 3630
THE PERMIT ALLOWS:	The use and development of land for a service station, display of business identification signage, the creation of an access to a Road Zone (category 1), the Variation of landscape buffer strips along boundaries, 10 additional motel units and a 3 lot subdivision in the Residential 1 Zone, Development Plan Overlay (schedule 1) and Land Subject to Inundation Overlay in accordance with the endorsed Plans forming part of this Permit.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- Layout Not Altered**
The use and/or development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
- Amended Plans Required**
Before the use and/or 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 three 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:
 - An area designated for bus parking on the motel site;
 - A footpath with a width of 2 metres abutting Numurkah Road from the southern boundary to Pine Road;
 - A landscape plan in accordance with condition;
 - A car parking plan in accordance with condition;
- Landscape Plan**
Before the development starts a landscape plan must be submitted to and approved by the Responsible Authority, .When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping must show:
 - building envelopes and vehicular access points for each lot in the subdivision.

- b) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- c) the method of preparing, draining, watering and maintaining the landscaped area;
- d) landscaping and planting within all open areas of the site
- e) garden bed heights above car-park surface;
- f) the planting of low level shrubs on the northern boundary of Lot 3 to identify the boundary.

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

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

All trees planted as part of the landscape works must be a minimum height of 2 metres at the time of planting.

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

4. Access to Lot 2

Prior to the certification of the plan of subdivision, an amended plan of subdivision must be submitted which shows the location of a carriageway easement on lot 3 in favour of lot 2 to the satisfaction of the Responsible authority.

5. 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 and/or footpaths 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.

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality, including:

- a) Avoiding the transport of mud onto roads;

- b) Minimising the generation of dust during earthworks or vehicles accessing site;
- c) The retention of all silt and sediment on the site during the construction phase, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991)' and;
- d) Maintaining a neat and tidy site.

6. Prior to Use

Prior to the use of the land commencing for a service station, Statement of Compliance must be issued.

7. General Amenity

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

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

to the satisfaction of the responsible authority.

8. Neat and Tidy Site

The subject land must be kept clean and tidy at all times and must not adversely affect the amenity of the area, to the satisfaction of the responsible authority.

9. External Lighting

All lighting used to externally illuminate buildings, works and uses shall be designed, baffled and located, so as to prevent the emission of light onto adjoining roadways and land.

10. Waste / Recycling Collection Area

An area on the subject land must be set aside for the purpose of a waste disposal/collection bin. Such area must have minimum dimensions of 2.4 metres wide by 1.8 metres deep and where located outside a building it must be screen-fenced so as not to be visible from any public road or thoroughfare. The waste bin area must be provided prior to the commencement of the use permitted by this permit, maintained and used to the satisfaction of the Responsible Authority and must not be used for any other purpose.

11. Public Waste Bins

Prior to the commencement of the use permitted by this permit, public waste bins must be provided on the subject land to the satisfaction of the Responsible Authority.

12. Waste Collection

Waste Collection must only be carried out in the allocated waste collection area and waste collection must only be made:

- 7.00am to 7:00pm on Monday to Sunday

13. Roof Plant

Before the occupation of the building plant equipment, vents and other mechanical equipment on the roof must be screened so that it is not visible from Provincial Crescent to the satisfaction of the responsible authority.

14. Noise Control

Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 and Noise levels emanating from the land must comply with the requirements of the Environment Protection Authority's Information Bulletin No. N3/89 Interim Guidelines for the Control of Noise in Country Victoria; as applicable.

In the event of complaints of noise, within two months of a request by the responsible authority, an acoustic report must be submitted to the responsible authority giving details of noise measurements to achieve compliance with the SEPP No. N-1 and N3/89 or later replacement policies, and if necessary, to recommend additional measures (physical construction and/or operation modifications) required to ensure compliance. Such measures must then be implemented as soon as practical to the satisfaction of the responsible authority.

15. Public Address System

A public address system must not be used on the land that is audible from adjoining land.

16. Vehicle Parking

- a) Lot 2 is not to be used for the parking of vehicles associated with the use of lot 3 for a service station.
- b) Trailers must not be parked or displayed on areas set aside for landscaping.

17. Internal Fencing

Before the use begins, a 1.8 m high acoustic fence must be constructed on the northern and southern boundaries of lot 3 or as otherwise agreed to the satisfaction of the Responsible Authority. All fencing must be coloured or painted in muted tones to the satisfaction of the responsible authority

18. Signs Not Altered

The signs to be erected must be in accordance with the endorsed plan and must not be altered or modified without the prior written approval of the Responsible Authority.

19. Sign maintenance

All signs must be constructed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.

20. No flashing light

Signs must not contain any flashing light, animated or reflective or moving parts, no iridescent or fluorescent colours or materials shall be used on the external surface of the sign. The colours to be exhibited on the sign must not result in any adverse impact on the amenity of the surrounding area.

21. Sign illumination

Illumination of the signs is such that they do not cause glare, dazzle or otherwise distract road users or affect the amenity of the area. External sign lighting must be baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

22. No additional signs

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

23. Sign Erection Expiry

This permit will expire and the sign(s) permitted by this permit must be removed on or before 15 years from the permit issue date. The time within which the sign(s) must be removed, may on written request before the expiry of this permit, be extended by the Responsible Authority.

24. Car Park Construction Requirements

Before the development starts plans must be submitted to and approved by the responsible authority detailing the provision of car parking areas in accordance with AustRoads 'Guide to Traffic Engineering Practice : Part 11 Parking' to the satisfaction of the responsible authority. The plans must be drawn to scale and fully dimensioned. When approved the plans will be endorsed and form part of the permit.

Before the use or occupation of the development starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) surfaced with an all-weather seal coat;
- b) drained in accordance with an approved drainage plan;
- c) line-marked to indicate each car space and all access lanes;
- d) treated with measures to prevent damage to fences or landscaped areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing;
- e) treated with traffic control signage and or structures as required;

to the satisfaction of the responsibility authority.

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

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

25. Vehicle Turning

All car parking spaces and accessways must be designed to allow vehicles to enter and exit the land in a direction.

26. Delivery of Goods and Fuel

a) The loading and unloading of goods (excluding fuel) from vehicles in association with the use on the land, must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.

b) The filling of underground tanks, shall be carried out entirely on the site.

27. Construction of Works

Before the use of the land commences, the owner must construct and complete road works, drainage and other civil works, in accordance with endorsed plans and specifications approved by the Responsible Authority. Works must include:

- a) the footpath on Numurkah Road;
- b) landscaping;
- c) car parking; and
- d) boundary fencing.

to the satisfaction of the responsible authority.

28. Health Requirements

Prior to commencing construction of any food preparation area, the owner must seek the advice of the Council's Environmental Health Officer.

Prior to commencing the business the applicant shall make application to the Council Environmental Health Department for the registration of the premises under the Food Act 1984.

At the time of making application for registration under the Food Act 1984, the applicant shall lodge a copy of their food safety program as required by the Act and the name and accreditation details of their nominated Food Safety Supervisor.

29. VicRoads Requirements

1. Only two direct accesses shall be permitted from Lot 1 of the subject land to the Numurkah Road. The accesses shall be located as shown on the site plan

appended to the application (Drawing No. TP02 Rev. P5 prepared by Bespoke Architects Pty Ltd dated 19 December 2012) as follows:

- a. Northern access shall operate as entry only from Numurkah Road to proposed Lot 1.
 - b. Southern access shall operate as exit only to Numurkah Road from proposed Lot 1.
2. Access to proposed Lot 3 shall be via the existing access from the Numurkah Road service road.
 3. Prior to the issue of a Statement of Compliance, the applicant shall:
 - a. Construct the proposed accesses from Lot 1 of the subject land to Numurkah Road to the satisfaction of both VicRoads and the responsible authority (Greater Shepparton City Council).
 - b. Construct the mitigating works at the access to the proposed development from Numurkah Road in accordance with the conclusions and recommendations of the Traffic Engineering Assessment (Proposed mixed-use development at 103-125 Numurkah Road, Shepparton) prepared by TraffixGroup dated January 2013 including the following:
 - i. A rural auxiliary left turn treatment - short turn lane (AUL(S)) to VicRoads satisfaction in accordance with Figure 8.3 of the Austroads Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections.
 4. Prior to the commencement of any works within the declared arterial road reserve the applicant shall submit detailed design plans and specifications for the proposed works, and obtain the written approval of the plans and specifications from VicRoads.
 5. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.
 6. Prior to commencement of the erection of the advertising sign a lighting report from a suitably qualified lighting engineer demonstrating how the lighting output prescribed at condition above will be achieved must be provided to VicRoads for approval. When approved, the report will form part of the planning permit and the sign must at all times operate in accordance with the report.
 7. The crossovers must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (for example, by spilling gravel onto the roadway).
 8. All works associated with the above requirements are to be completed at no cost to VicRoads and the road reserve must be left in a neat and tidy condition.
 9. The final plan of subdivision submitted for certification must be referred to VicRoads in accordance with Section 8 of the Subdivision Act 1988.

30. Goulburn Broken Catchment Management Authority Requirements

The finished floor levels of the proposed service station building and motel units must be constructed at least 300 millimetres above the 100-year ARI flood level of 111.6 metres AHD, i.e. 111.9 metres AHD, or higher level deemed necessary by the responsible authority.

31. Goulburn Murray Water Requirements

1. Prior to the commencement of any development or works a Stormwater Management Plan must be submitted to and approved by the Responsible Authority and Goulburn-Murray Water. The Stormwater Management Plan must show through the application of MUSIC modelling or similar that the development can meet post construction objective's for environmental management of stormwater, as specified in Table 2.1 of the Urban Stormwater: Best Practice Environmental Management Guidelines' (Victorian Stormwater Committee, 1999).
2. G-MW will only permit rainfall runoff to enter its drain. No other water or discharge is permitted, including sullage (grey water), sewage or water containing hydrocarbons or non approved detergents.
3. No works are to be constructed that may impact on drainage flows in G-MW's Shepparton Drain 3 without approval.
4. The development will be required to retard drainage inflows to the G-MW's Shepparton Drain 3 to 1.2 L/sec/ha. The retardation may be via a retarding basin, rain water tanks or alike.
5. The applicant must ensure that the development adheres to the criteria for retardation basin design for G-MW drains outlined in the attached document – appendix 1. The applicant must demonstrate to G-MW in the form of a design plan, with supporting calculations, how the development complies with the retardation basin design. This must be provided to G-MW prior to discharging into the Shepparton Drain 3.
6. No buildings or works may be erected or carried out within 30 metres of any Goulburn-Murray Water surface infrastructure (including open irrigation channels and drains), or 5 metres from any below surface infrastructure (including pipelines), located on any G-MW freehold, easements or reserves.

32. Goulburn Valley Region Water Corporation Requirements

- a) Payment of a new customer contribution for water supply to the development, such amount being determined by the corporation at the time of payment;
- b) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation;
- c) Payment of a new customer contribution for sewage services to the development, such amount being determined by the Corporation at the time of payment;
- d) Provision of reticulated sewage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- e) Relocation of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;

- f) Provision of easements in favour of Goulburn Valley Region Water Corporation over all existing and proposed sewer main located within private property;
- g) 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 Agreement, 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;
- 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) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

33. Powercor Requirements

- 1. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with section 8 of that Act.
- 2. The applicant shall:
 - a) Provide an electricity supply to all lots in the subdivision 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 will be required).
 - b) Where buildings or other installations exist on the land to be subdivided 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 (Network Assets) Regulations.
 - d) Any construction work must comply with the Officer of the Chief Electrical Inspector "No Go Zone" rules.
 - e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd Reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. 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 prior to the registration of the plan of subdivision.
 - 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 lots 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 easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000. (specifically, an easement is required on Lot-3 for the underground cable from the property line to the customer pillar.

- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- i) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerlines and for the construction of any works in such an area.
- j) Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

34. Telstra Requirements

That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.

35. Standard Referral Authority Requirements

- a) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- b) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- c) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

36. Form 13

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

37. Payment in Lieu of Open Space

Before the statement of compliance is issued under the Subdivision Act 1988, the owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all land in the subdivision.

The owner must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

38. Time for Starting and Completion

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

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

39. Time for Starting and Completing a Subdivision

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

- a) the subdivision is not started (certification) within **two (2) years** of the date of this permit;
- b) the subdivision is not completed (statement of compliance) within **five (5) years** of the date of certification.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards. Prior to approval being given for the extension of these periods the Responsible Authority may require the re-submission of Plans, Computations and other relevant information to assess compliance with current requirements, Acts and Regulations, Codes of Practice and Australian Standards, as may be relevant.

NOTATIONS

Vicroads

- a) Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include construction of the proposed shed.
- b) Submit to VicRoads a traffic management plan and Memorandum of Authorisation (MoA). The traffic management plan shall be prepared in accordance with the Road Safety Act 1986 and shall comply with Road Safety (Traffic Management) Regulations 2009 and Road Management Act 2004 Code of Practice: Worksite Safety-Traffic Management (Gazetted 31 August 2010).

Meeting closed at 10.50am

