

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 12/2015

**HELD ON
THURSDAY 26 NOVEMBER 2015
AT 2:00PM**

**IN THE COUNCIL BOARD ROOM
90 WELSFORD STREET**

**CHAIR
Councillor Chris Hazelman**

1. ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 12 for 2015.

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

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

2. RECORDING OF PROCEEDINGS

I would like to advise all present today that:

- the proceeding is being minuted but not recorded.
- and that out of courtesy for all other attendees any recording devices should be turned off during the course of the hearing unless the chair has been formally advised that a party wishes to record proceedings.

3. COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Chris Hazelman (Chair),
- Braydon Aitken – Team Leader Statutory Planning
- Michael MacDonagh – Acting Team Leader Strategic Planning, and
- Carl Byrne – Acting Team Leader Development

4. OFFICERS AND OTHERS PRESENT

The Planning Officers present today are:

- Andrew Dainton – Principal Statutory Planner
- Tim Watson – Senior Statutory Planner

I would also like to acknowledge all other parties present today. Given we have a two items for consideration today we will get you to introduce yourself when your turn comes to present.

5. APOLOGIES

Cr Adem, Johann Rajaratnam, Colin Kalms and Jon Griffin

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

None.

7. DECLARATIONS OF CONFLICTS OF INTEREST

None

8. ORDER OF PROCEEDINGS

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

- The DHP operates under Local Law No 2, with such modifications and adaptations as the DHP deems necessary for the orderly conduct of meetings.
- All DHP panel members have 1 vote at a meeting.
- Decisions of the DHP are by ordinary majority resolution. If a vote is tied the Chair of the DHP has the casting vote.
- The process for submitters to be heard by the Panel today shall be:
 - The planning officer to present the planning report recommendation
 - Any objector/s or representatives on behalf of the objectors present to make a submissions in support of their objection (should they wish to)
 - The applicant/applicant representative to present in support of the application
- The officer, objectors/submitters and applicant will be limited to three minutes per person unless granted a further 3 minute extension by the Chair (following a moved and seconded motion from the panel).

9. MATTERS FOR CONSIDERATION

There are two items formally listed for consideration today:

- The first item for consideration is planning permit application 2014-347 for an internally illuminated electronic promotion sign at 82 Wyndham Street, Shepparton.
- The second item for consideration is amended development plan application DP-2012-3, for a reduced setback on the eastern boundary, inclusion of an acoustic wall along this boundary and the inclusion of a pharmacy at 103-109 Numurkah Road, Shepparton.

10. LATE REPORTS

None

11. NEXT MEETING

10 December 2015

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<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2014-347	82 Wyndham Street, Shepparton	Internally illuminated electronic promotion sign	3
DP-2012-3	103-109 Numurkah Road, Shepparton	Application to amend the development plan proposes to reduce the setback on the eastern boundary from 10 metres to 3 metres, inclusion of a pharmacy and a 2.5 metre high acoustic fence along the eastern boundary at the neighbours request.	26

Application Details:

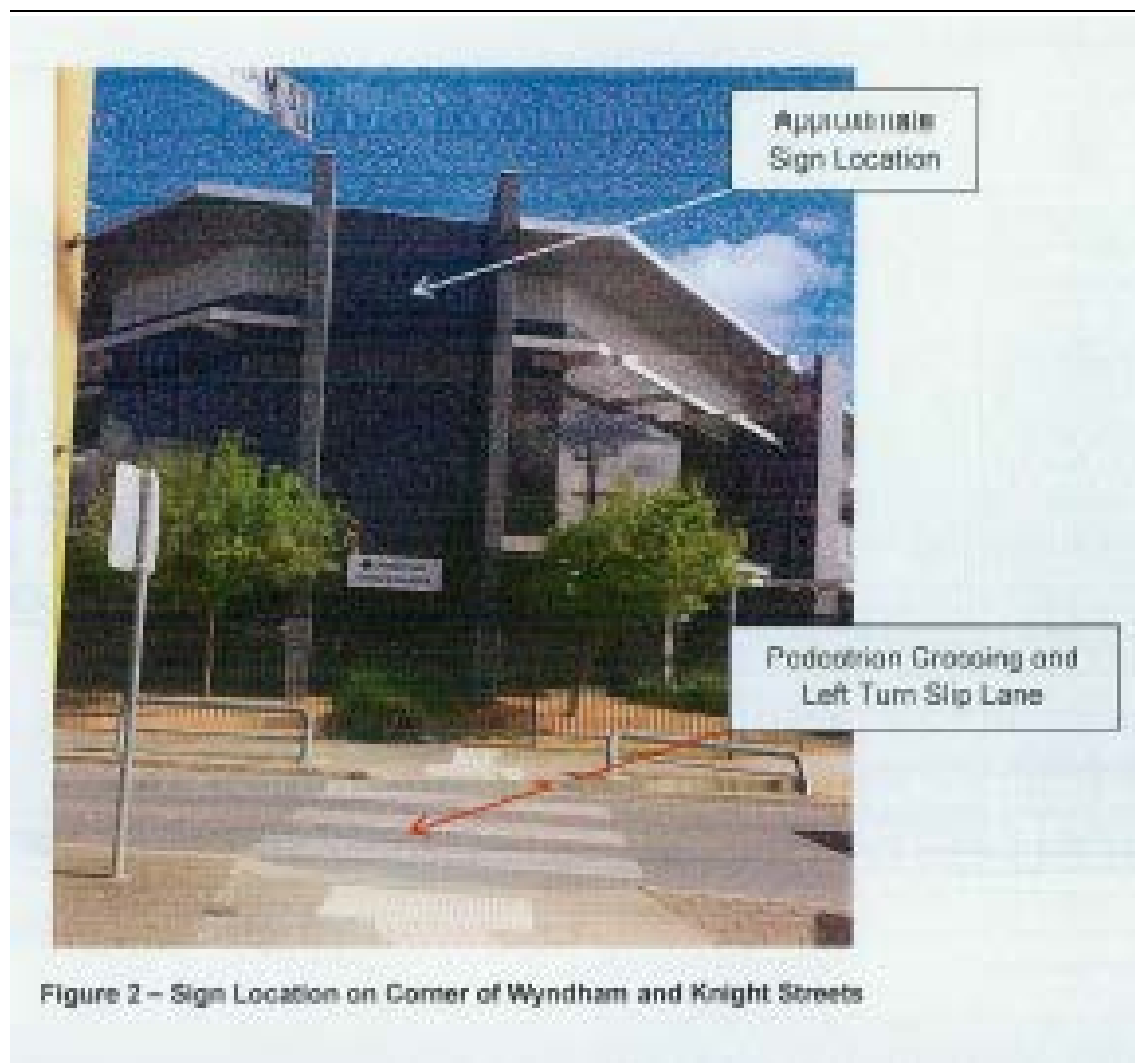
Responsible Officer:	Andrew Dainton
Application Number:	2014-347
Applicants Name:	Pop Design Studios
Date Application Received:	8 December 2014
Statutory Days:	310
Land/Address:	82 Wyndham Street SHEPPARTON VIC 3630
Zoning and Overlays:	Commercial 1 Zone Design and Development Overlay 3 Abuts Road Zone Category 1
Why is a permit required (include Permit Triggers):	Display of internally illuminated electronic promotion sign under 52.05-7
Are there any Restrictive Covenants on the title?	No

Proposal

The application proposes the display of a 2.4m by 4.2m electronic promotion sign. The dwell sign for the non-static images is 15 to 20 seconds. The applicant also informs that there will be no moving images within the sign.

A plan of the proposed sign location is below:





Summary of Key Issues

- That VicRoads is a 'determining authority' for this application and has objected to the granting of a permit. Consequently the application must be refused by the responsible authority.
- The decision guidelines of Clause 52.05 indicate that the proposed sign may be a road safety hazard at this location.
- The road safety audit conducted by BECA on behalf of the applicant acknowledges that the proposed sign may fail some of the road safety guidelines of Clause 52.05-3 without strict controls on the content of advertisements displayed and experience with similar signage would indicate this to be an impractical condition to impose on a permit.
- Victoria Police has objected to the proposed sign on safety grounds.
- The proposed sign is contrary to Council's local planning policy on advertising signs as expressed in Clause 21.04 Urban Design. The proposal is contrary to policy for fewer signs and primarily for business identification, and discourages internally illuminated

promotion signs. The nature and location of this sign proposal would detract from the desired streetscape and built form character of this area.

- The proposed sign is contrary to advertising sign requirements in the Design and Development Overlay Schedule 3 and should not be supported having regard to decision guidelines of that Overlay. In particular the internally illuminated electronic promotion sign is out of keeping with the desired streetscape character and building design required to respond to and respect mixed residential/office development and front landscape settings.
- The proposed sign does not produce a satisfactory outcome as required having regard to decision guidelines of Clause 65.

Recommendation

Refusal

That the Council having caused notice of Planning Application No. **2014-347** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of **Clause 52.05** of the Greater Shepparton Planning Scheme in respect of the land known and described as **82 Wyndham Street SHEPPARTON VIC 3630**, for the **internally illuminated electronic promotion sign**.

On the following grounds:

1. VicRoads is a 'determining authority' for this application and has objected to the granting of a permit. Consequently the application must be refused by the responsible authority.
2. Consideration of the Decision Guidelines of Clause 52.05 indicate that the proposed sign may be a road safety hazard at this location.
3. The road safety audit conducted by BECA on behalf of the applicant acknowledges that the proposed sign may fail some of the road safety guidelines of Clause 52.05-3 without strict controls on the content of advertisements displayed and experience with similar signage would indicate this to be an impractical condition to impose on a permit.
4. Victoria Police has objected to the proposed sign on safety grounds.
5. The proposed sign is contrary to Council's policy on advertising signs for this area as expressed in local planning policy for Urban Design.
6. The proposed sign is contrary to advertising sign requirements in the Design and Development Overlay Schedule 3 and should not be supported having regard to decision guidelines of that Overlay.
7. The proposed sign does not produce a satisfactory outcome as required having regard to decision guidelines of Clause 65.

Moved by Braydon Aitken

Seconded by Michael MacDonagh

That the Council having caused notice of Planning Application No. **2014-347** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of **Clause 52.05** of the Greater Shepparton Planning Scheme in respect of the land known and described as **82 Wyndham Street SHEPPARTON VIC 3630**, for the **internally illuminated electronic promotion sign**.

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7. The proposed sign does not produce a satisfactory outcome as required having regard to decision guidelines of Clause 65.

CARRIED

Subject Site & Locality

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

Date: 26 February 2015 Time: 11.05am

Note: the date and time shown on photos is incorrect.

The site has a total area of **677** square metres and currently contains a two storey office complex with access to parking from the centre of the frontage to Wyndham Street.

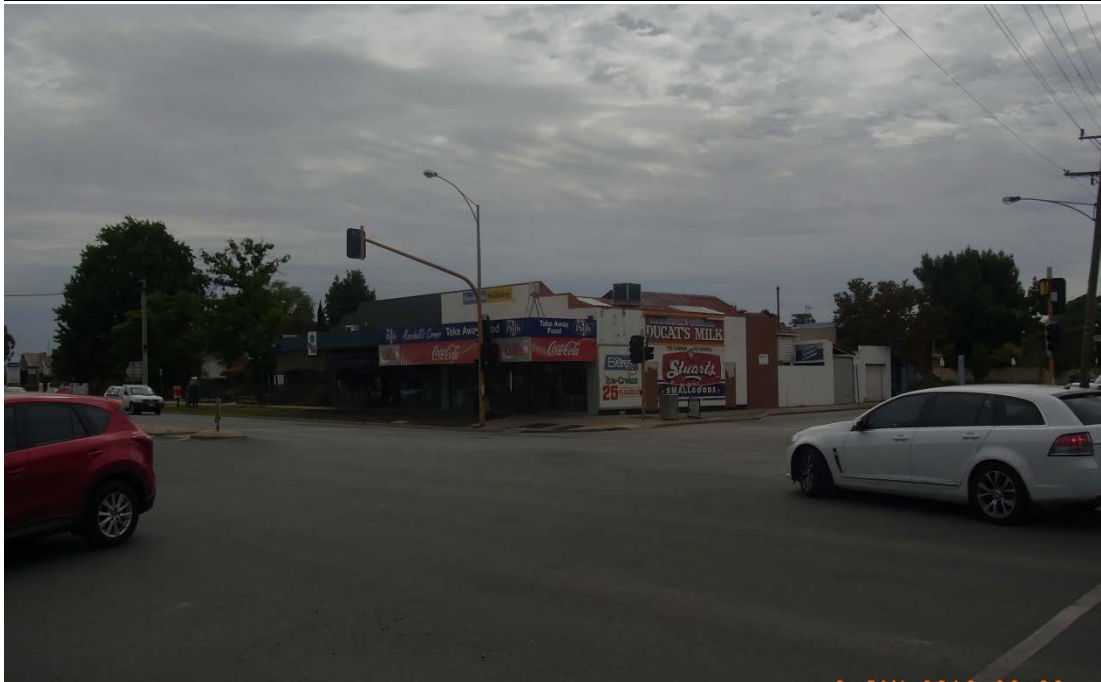
The main site/locality characteristics are;

- ground floor offices in a converted dwelling abutting the north side of the site,
- ground floor retail and office development opposite the site to the east,
- ground floor businesses and first floor offices in a two storey development on the south-east corner,
- RSL club on one large site on the south side of Knight Street opposite the site.

The Photos below show the existing site:



View of building on south-east corner of Wyndham and Knight. There is a modest unlit promotion sign on the buildings façade which is set back from the Wyndham Street frontage.



View of Marshall's corner milk bar with business identification type signage



View of building looking north across Knight Street



View of top corner of subject building where sign is proposed fixed to the top parapet.



View of intersection looking north-east

Permit/Site History

The history of the site includes:

- Planning permit 2006-325/C was issued on 20 November 2006 and allowed the development of the site for an office complex
- Planning permit 2009-317 was issued on 4 March 2010 and allowed a four metre high multi tenancy business identification sign

Further Information

Further information was required for the application on 23 December 2014, as follows;

- A detailed written description of the sign including the following details:
- Whether the sign is an electronic sign
- Luminance levels of the sign
- Dwell and change time for any non-static images
- Whether there will be moving images within signs

The applicant sought an extension to the 2 February 2015 lapse date by email dated 2 February 2015 and Council officers extended the lapse date to 3 March 2015.

On 23 February 2015 the applicant provided a response to the further Information request as follows:

The Illuminated electronic sign is 4.2m wide x 2.4m high.

The sign will be mounted to the 2 concrete fins which are on the corner of Knight Street and Wyndham Street.

The Illuminated sign is an electronic sign.

The Luminance level is exactly the same as the electronic sign on the Shepparton Hotel sign which is located on the corner of High Street and Wyndham Street.

The Dwell and charge time for any non-static images is 15 to 20 seconds.

There won't be any moving images within the sign.

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description display of an internally illuminated electronic promotion sign, by:

- 1) Sending notices to the owners and occupiers of abutting and nearby properties as shown by blue stars on the map below.



Also by

- 2) Placing a sign on site, and by
- 3) Notice in Newspaper.

Objections

The Council has received no objections to date, except from VicRoads and Victoria Police.

Title Details

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

Consultation

Consultation was not undertaken.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Vic Roads	66.03	Determining	Objected to the granting of a permit because: <ol style="list-style-type: none"> 1. The road safety audit does not demonstrate how the proposed illuminated sign will affect the existing crashes at the intersection or any other crash type. 2. The requested lighting report was not submitted to ascertain the luminosity of the proposed sign.

Notice to Authorities

External Notice

External Notices	Advice/Response/Conditions
Vic Police	It is the opinion of local police that the proposal will represent a significant distraction to drivers, at an intersection already notorious for injury collisions. On that basis, this application is NOT SUPPORTED.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Informal response that the sign must not distract drivers and be mostly static and not too bright. Development Engineers were aware that VicRoads have responsibility along the highway and had responded.

Assessment

The zoning of the land

The land is within the Commercial 1 Zone (C1Z).

Purposes of the C1Z include:

- *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.*

Clause 34.01-9 states that the C1Z is in category 1 for signage under Clause 52.05.

Relevant overlay provisions

Design and Development Overlay 3 – Shepparton Entry North Precinct

Design objectives

- *To implement the design and development guidelines for the Shepparton Town Entry – North along Wyndham Street extending from Balaclava Road to Knight Street in accordance with the ‘Urban Design Framework – Shepparton North & South Business Areas’.*
- *To encourage a vibrant and active business centre with new commercial development that respects the scale and character of the surrounding residential area.*
- *To ensure the developments respond and contribute to the existing residential built form character.*
- *To direct future business development in this precinct towards a built form that reinforces the surrounding residential character; particularly building mass and height, and architectural style (pitched roof forms, façade articulation, entrances and front landscapes).*
- *To ensure the developments present and maintain front landscape setting to Wyndham Street and contribute to the existing character. New developments should maintain and reinforce this characteristic of a front landscape setting.*
- *To reinforce the gateway role this precinct plays to the Shepparton central activities district.*
- *To ensure and encourage new developments clearly define the northern ‘entry’ to the Shepparton town centre and provide legibility, gateway style architecture at the intersections of Wyndham Street / Balaclava Road and Wyndham Street / Knight Street.*
- *To reinforce the gateway role of this precinct by encouraging gateway features at specific localities that signify entrance points to central Shepparton.*
- *To encourage significant architectural outcomes in terms of building facades, roof forms and lines, colours and materials that reinforce the extent of this precinct.*
- *To ensure safe and efficient parking and vehicular/pedestrian access are provided on the site.*
- *To encourage environmentally sustainable designs that incorporate solar orientation, natural ventilation, efficient use of energy and water.*

6.0 Advertising sign requirements

- *One business identification sign is permitted per development.*
- *Multiple business occupancies are to share space on the sign.*
- *Freestanding business identification signs are to fit in an envelope that is a maximum height of 1.5 metres, and a maximum width of 1.0 metre. This envelope includes the height of any supporting structure.*
- *Signs attached to a building are encouraged and should be a maximum height of 1.0 metre, and a maximum width of 3.0 metres.*
- *Signs should form an integral part of the building façade or landscaped front area and be in keeping with the scale of the building.*

- *Promotional signs should be avoided.*
- *All large dominating signs, V-board signs, above verandah signs and advertising elements such as banners, flags and inflatable should be avoided.*
- *Colours and materials that interfere with the safety or efficiency of traffic circulation should be avoided.*

8.0 Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- *The effect of the proposed development on the amenity of abutting residents.*
- *The character of the area as a whole including a design that is responsive to the streetscape and the neighbouring buildings.*
- *The architectural quality and innovative response of the building design.*
- *The interface with existing residential dwellings and the inclusion of design elements which protect the amenity of abutting residents.*
- *Any loss of privacy caused by overlooking of developments to residential dwellings.*
- *Whether building setbacks demonstrate appropriate consideration of the streetscape and the residential interface.*
- *Whether the layout allows for safe access and egress from the site.*
- *The location of any proposed car parking.*
- *Whether the proposal promotes the continued road safety, amenity and visibility of Wyndham Street.*
- *Whether the design considers energy and resource efficient and sustainable design principles.*
- *Whether the proposal is in accordance with the 'Urban Design Framework – Shepparton North & South Business Areas, July 2006'.*
- *Whether the proposal achieves a cohesive streetscape character based on the following considerations:*
 - *Materials for all external surfaces of new developments should complement those used in existing buildings in the area, such as brickwork and timber. The use of rendered concrete may be used where it is complemented by the use of specific claddings such as timber and metals that highlight façade definition.*
 - *Reflective glass, PVC, unrelieved painted render, unarticulated concrete surfaces and unarticulated cladding systems must be avoided.*
- *Colour schemes of all external surfaces of new developments must complement those found in the local neighbourhood. These should consider references to brickwork in red-brown tones, and other neutral colours such as whites and cream. Contrasting colours may be used to highlight architectural elements or façade definition. Bright, extravagant colour schemes are to be avoided.*

The State Planning Policy Framework (SPPF)

15 BUILT ENVIRONMENT AND HERITAGE

Planning should ensure all new development appropriately responds to its landscape and valued built form.

Planning should achieve high quality urban design and architecture that:

- *Contributes positively to local urban character and sense of place.*
- *Reflects the particular characteristics, aspirations and cultural identity of the community.*
- *Enhances liveability, diversity, amenity and safety of the public realm.*
- *Promotes attractiveness of towns and cities within broader strategic contexts.*
- *Minimises detrimental impact on neighbouring properties.*

Comment: The proposed internally illuminated electronic promotion sign is considered to be contrary to the desired local urban character, and does not enhance amenity and safety of the public realm, being the adjacent highway.

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

21.04-4 Urban Design

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

Objectives - Urban design

- *To achieve a high standard of sustainability in the design and development of new buildings and subdivision.*
- *To promote a high standard of architectural, landscaping and urban design for built form and public spaces throughout the municipality.*
- *To ensure development implements the “Urban Design Framework- Shepparton North and South Business Areas”.*
- *To control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment or the built form in the municipality.*

Strategies - Urban Design

- *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.*
- *Major Promotional signs are discouraged, but if approved are to be confined to Regional & Sub-regional Centres attached to a building wall and should not be more than 3 metres above the ground or be internally or externally illuminated.*

Relevant Particular Provisions

52.05 – Advertising 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.*
- *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.

Under this category no signage type is prohibited.

Clause 73 provides definitions for outdoor advertising.

An electronic sign is defined as:

A sign that can be updated electronically. It includes screens broadcasting still or moving images.

An internally illuminated sign is defined as:

A sign illuminated by internal lighting or which contains lights or illuminated tubes arranged as an advertisement.

A promotion sign is defined as:

A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.

Based on these definitions it is considered the proposed sign is an internally illuminated electronic promotion sign, which is a section 2 sign under 52.05-7.

The proposed sign is 10.08sqm in size.

Decision guidelines are at 52.05-3 and include:

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 including:

- *The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.*
- *The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.*
- *The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.*
- *The consistency with any identifiable outdoor advertising theme in the area.*

Impacts on views and vistas:

- *The potential to obscure or compromise important views from the public realm.*
- *The potential to dominate the skyline.*
- *The potential to impact on the quality of significant public views.*
- *The potential to impede views to existing signs.*

The relationship to the streetscape, setting or landscape:

- *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*
- *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
- *The ability to screen unsightly built or other elements.*
- *The ability to reduce the number of signs by rationalising or simplifying signs.*
- *The ability to include landscaping to reduce the visual impact of parts of the sign structure.*

The relationship to the site and building:

- *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
- *The extent to which the sign displays innovation relative to the host site and host building.*
- *The extent to which the sign requires the removal of vegetation or includes new landscaping.*

The impact of structures associated with the sign:

- *The extent to which associated structures integrate with the sign.*
- *The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.*

The impact of any illumination:

- *The impact of glare and illumination on the safety of pedestrians and vehicles.*
- *The impact of illumination on the amenity of nearby residents and the amenity of the area.*
- *The potential to control illumination temporally or in terms of intensity.*

The impact of any logo box associated with the sign:

- *The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.*
- *The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.*

The need for identification and the opportunities for adequate identification on the site or locality

The impact on road safety. A sign is a safety hazard if the sign:

- *Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.*
- *Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.*

- *Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.*
- *Is at a location where particular concentration is required, such as a high pedestrian volume intersection.*
- *Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.*
- *Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.*
- *Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.*
- *Is within 100 metres of a rural railway crossing.*
- *Has insufficient clearance from vehicles on the carriageway.*
- *Could mislead drivers or be mistaken as an instruction to drivers.*

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.*

Commentary on how the application responds to the Greater Shepparton Planning Scheme.

1. Zone Purpose - The proposed sign may be considered to help create a 'vibrant' commercial area by adding colour and interest to the commercial area, although it is not supported by local policy for this particular commercial precinct.
2. The Shepparton North Business Area is a discreet area (Shepparton Entry North Precinct) for which a Design and Development Overlay 3 has been included in the planning scheme. Again a vibrant and active business centre is an objective, however this is a reference to new development and such development must respect the scale and character of the surrounding residential area. Built form must reinforce the surrounding residential character and front landscapes. An electronic sign is considered out of keeping with a streetscape character that respects and responds to residential development and front landscape setting. Generally an internally illuminated electronic sign would be expected in the central commercial area where it adds interest and colour to hard bulky surfaces found in such areas.
3. Gateway style architecture is encouraged at the Wyndham and Knight Street intersection, and the existing new building achieves this goal with interesting articulated architecture and front landscaping to soften the area. The electronic sign is considered to be contrary to the desired character.
4. Specific Sign requirements are included in the DDO3, and these requirements discourage the proposed electronic sign. The proposed sign is larger than 1m by 3m, it is in addition to any business sign for the premises and therefore proposes that more than one sign would be displayed from the premises which is not supported.
5. The electronic sign is a 'promotional sign' which are to be avoided.
6. The sign could be considered in the context or the preferred character of this area to be a large and dominating sign that does not form an integral part of the building or landscaped front area, and is therefore not supported.
7. Colours and materials (in this case an electronic board with bright colourful advertising) that interferes with the safety or efficiency of traffic circulation should be avoided. The sign would distract drivers at this intersection where concentration is required, and where vehicles having taken off from the intersection or proceeding through without stopping may slow down again unexpectedly to enter the driveway in the centre of the building frontage to access the rear car park. It is important that following drivers are paying attention to turning indicators of vehicles ahead and not be distracted by the advertising sign and assume the vehicle ahead will continue down the road.
8. Decision guidelines require consideration of the character of the area as a whole, so in relation to this building and the proposed sign, the desired character being respectful of surrounding residential scale and colour is relevant and would not support the sign.
9. Safe access to the site is a specific decision guideline and may be compromised by a distraction from the sign as mentioned earlier.

10. The proposal is considered to not promote the continued road safety of Wyndham Street as required in the decision guidelines.
11. The decision guideline that 'Bright, extravagant colour schemes are to be avoided' does not support an electronic sign board such as proposed.
12. Local planning policy at Clause 21.04-4 under Urban Design acknowledges that Advertising signage is a key and often highly visible component of the physical environment and deliberately plans to avoid inappropriate placement in terms of design, location and display of signage where this would be incompatible with character of streetscapes. This desire to control the number of signs and appearance, size, illumination and location of signs is repeated in objectives and strategies for urban design in local planning policy.
13. Local Planning Policy guidelines for advertising signs is quite specific, and of relevance to the proposed electronic promotion sign, the guiding provisions, being for fewer signs and primarily for business identification, does not support the proposed sign. Additionally internally illuminated promotional signs are discouraged. The policy is specific and comprehensive on this , and while exceptions may be able to be supported in the central business area, the particular character desired for this precinct spelled out in the DDO3 makes it clear that this is not the location for such an exception.
14. The purpose of Clause 52.05 includes regulating signs to provide that signs are compatible with the amenity and visual appearance of an area, including the existing and desired future character. Reference to local policy shows the desired character for this area does not support the proposed sign.
15. The purpose of Clause 52.05 also refers to signs not affecting safety, appearance or efficiency of a road. The replies from Victoria Police and objection from VicRoads specifically refer to a concern that the proposed electronic sign will adversely affect safety of the road at this intersection.
16. The relevant decision guidelines of Clause 52.05 include consideration of the character of the area. It is considered that the desired character of the area has been articulated within the Planning Scheme by inclusion of both local policy and the DDO3 both of which also set an identifiable outdoor advertising theme for this area. The proposed sign being an additional sign, a promotion sign rather than a business sign, and being an electronic sign is not supported by this decision guideline.
17. The decision guideline on relationship to the streetscape, setting or landscape is relevant to the proposed sign. The form of the sign relative to the streetscape, setting or landscape is not supported by reference to local policy and DDO3 which sets a desired character and envisages landscape frontages. The dominating position of the sign being angled to the centre of the intersection and set high on the building face ensures no ability to screen the sign, it will protrude above the landscaping of this building and adds to signage rather than rationalising signs, all of which are not supported by this decision guideline. The sign seeks to use a prominent location to display by electronic means

commercial advertising that does not relate to the premises from which it will be displayed. There is a place for such additional and vibrant advertising but local policy and the DDO3 indicates that this is not the right location.

18. In respect to relationship to the site and building, and impact of structures, the proposed sign does not dominate the building by size and is fixed to existing architectural features. However the significant features designed into the façade of this building to add interest at a gateway location and reduce and soften visual bulk to integrate into the office/residential mix will be lost by attaching an electronic sign to the vertical fins in a way that will dominate the view of this building. The electronic sign is likely to be the only feature noticed by the public. Consideration of these decision guidelines does not lend much or any support for the proposed sign.
19. The impact of illumination on safety, and amenity is difficult to gauge as insufficient information was supplied in the application. Reference was made to similarity with the existing electronic sign on the Shepparton Hotel in the heart of Shepparton CBD area. Since the hotel sign was upgraded recently with new technology, it has been apparent that the sign has much more visual impact and seems much brighter and more like a television screen than previously. Everyone is attracted to looking at a television screen where the image changes, and the hotel sign similarly demands that you look at it. The 'colour' that it adds is appropriate at this CBD location, but will detract from the type of amenity desired at the subject site.
20. It is the combination of illumination and changing message of an electronic sign that will have the detrimental effect on road safety.
21. The application for the proposed sign is not a response to a need for identification on the site or locality. The electronic sign is for promotion purposes and is proposed at this location for its ability to be viewed from two major roads intersecting at this corner. The *Urban Design Framework – Shepparton North and South Business Areas, July 2006* desires advertising signs to be limited in size and number and be for business identification purposes. The site being a 'gateway site' does not alter this policy for signage, on the contrary it reinforces the need to avoid dominating this appropriately designed building by an attention demanding electronic promotion sign.
22. The last decision guideline of Clause 52.05 requires assessment of the impact of the sign on road safety. Of the ten points listed, it is considered that the second, third, fourth and sixth points are most relevant. The electronic sign is considered likely to be a distraction to drivers due to colouring and being illuminated and animated. The sign is at an intersection where particular concentration is required, including for vulnerable right-turning and u-turning vehicles, pedestrians crossing the roadway into which vehicles are turning, and where vehicles may slow unexpectedly to enter the subject premises.
23. The above safety concerns are supported by the objection of VicRoads and adverse comments from local police referring to accident history.

24. The road safety audit conducted by BECA on behalf of the applicant acknowledges that the proposed sign may fail some of the road safety guidelines of Clause 52.05-3 without strict controls on the content of advertisements displayed and experience with similar signage would indicate this to be an impractical condition to impose.
25. The electronic sign is designed to change frequently and the most recent models can display more complex messages and images which demands longer attention time. The electronic sign is designed to attract attention and may have just changed to a new message or image at a time when a driver is moving, entering or completing a manoeuvre within the intersection. This demand for closer attention or study is considered to be in conflict with dot point six as it occurs when a vehicle or pedestrian is vulnerable from passing traffic.
26. Considering the decision guidelines of Clause 65, most of which are covered by previous comments on policy, overlays, and particular provisions, the matters of orderly planning and effect on amenity of the area do not support the electronic sign at this proposed location.
27. The planning scheme contains specific local planning policy statements on signage and acknowledges different approaches are encouraged or discouraged and inappropriate by reference to the preferred character or amenity of particular areas. This is reinforced by controls within Design and Development Overlays. Such an approach represents orderly planning. To ignore such policy and overlay controls and permit a sign in this location simply because it presents a prominent position to display advertising unrelated to the business at the premises is not orderly planning.
28. Lastly, all of the above policy statements, overlays and sign controls when considered in relation to the proposed electronic promotion sign at this location leads to a conclusion that this permit application should be refused because the proposal will not produce an acceptable outcome in terms of all the relevant decision guidelines.

Relevant incorporated or reference documents

Urban Design Framework – Shepparton North & South Business Areas, July 2006
(reference document)

Other relevant adopted State policies or strategies policies

None relevant

Relevant Planning Scheme amendments

None relevant

Are there any significant social & economic effects?

No significant social and economic effects beyond those detailed in this report. That this location is found to be inappropriate for an electronic promotion sign is particular to this location and does not mean that such advertising which might have some beneficial social and economic effects may not be permitted in a more suitable location.

Discuss any other relevant Acts that relate to the application?

None relevant.

The Aboriginal Heritage Act 2006

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

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

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

Charter of Human Rights and Responsibilities

The process of consideration and decision-making in respect of the application has given proper consideration to and is compatible with the requirements of the Charter of Human Rights and Responsibilities.

Conclusion

It is considered that the proposal for an electronic internally illuminated promotion sign at this location will not produce an acceptable planning outcome having regard to local planning policy and decision guidelines for signage in the Commercial 1 Zone, the Design and Development Overlay Schedule 3, and Particular provisions on signage and that a Notice of Refusal should be issued on the grounds listed on the draft Notice of Refusal.

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2014-347

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 82 Wyndham Street SHEPPARTON VIC 3630

WHAT HAS BEEN REFUSED: Internally illuminated electronic promotion sign

WHAT ARE THE REASONS FOR THE REFUSAL?

1. VicRoads is a 'determining authority' for this application and has objected to the granting of a permit. Consequently the application must be refused by the responsible authority.
2. Consideration of the Decision Guidelines of Clause 52.05 indicate that the proposed sign may be a road safety hazard at this location.
3. The road safety audit conducted by BECA on behalf of the applicant acknowledges that the proposed sign may fail some of the road safety guidelines of Clause 52.05-3 without strict controls on the content of advertisements displayed and experience with similar signage would indicate this to be an impractical condition to impose on a permit.
4. Victoria Police has objected to the proposed sign on safety grounds.
5. The proposed sign is contrary to Council's local planning policy on advertising signs as expressed in Clause 21.04 Urban Design. The proposal is contrary to policy for fewer signs and primarily for business identification, and discourages internally illuminated promotion signs. The nature and location of this sign proposal would detract from the desired streetscape and built form character of this area.
6. The proposed sign is contrary to advertising sign requirements in the Design and Development Overlay Schedule 3 and should not be supported having regard to decision guidelines of that Overlay. In particular the internally illuminated electronic promotion sign is out of keeping with the desired streetscape character and building design required to respond to and respect mixed residential/office development and front landscape settings.
7. The proposed sign does not produce a satisfactory outcome as required having regard to decision guidelines of Clause 65.

Application Details:

Responsible Officer:	Tim Watson
Application Numbers:	DP-2012-3
Applicant Name:	Roy Costa Planning & Development
Date Received:	23-Oct-2012
Statutory Days:	
Land/Address:	103-109 Numurkah Road SHEPPARTON VIC 3630
Zoning & Overlays:	
Why is a permit required (include Permit Triggers):	43.04-1 – a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.
Are there any Restrictive Covenants on the title?	yes

Proposal

The application to amend the development plan proposes to reduce the setback on the eastern boundary from 10 metres to 3 metres, inclusion of a pharmacy and a 2.5 metre high acoustic fence along the eastern boundary at the neighbour's request.

The amended development plan was initially submitted with request for a reduced setback from 10 metres to 2.3, however was revised to 3 metres after three submissions were received to the reduced setback.



Summary of Key Issues

- The application proposes to amend the development plan to reduce the setback to the eastern boundary of the proposed takeaway shops to 3 metres and remove two takeaway tenancies to be replaced by a pharmacy.
- The application to amend the development plan was initially notified with three submissions received from the abutting properties along the eastern boundary.
- The application was amended to include a 2.5 metre high acoustic wall and a 3 metre setback after discussions were undertaken between the applicant and submitters.
- The amended application was advertised with no submissions received.

Recommendation

The Council having given informal notice of the application to amend a Development Plan, decides that the amendment to Development Plan DP-2012-3 be approved under delegation.

Moved by Braydon Aitken

Seconded by Carl Byrne

The Council having given informal notice of the application to amend a Development Plan, decides that the amendment to Development Plan DP-2012-3 be approved under delegation.

CARRIED

Subject Site & Locality

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

Date: **28 May 2015**

The site has a total area of **9511** square metres and currently contains:

- A recently constructed service station which occupies 3000 sqm of the site in the south western corner abutting Numurkah Road.
- The remainder of the site is vacant and forms an L shape around the service station site
- 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 General 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 General 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 Commercial 2. 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.
-

Permit/Site History

- Planning permit 2010-235 approved the construction of a verandah.
 - Planning permits 1998-666 and 2000-511
 - Planning permit 2012-355 approved a three lot subdivision and use and development of the land for a service station
 - DP2012-3 – approved Development Plan, application is being considered to amend the DP.
-

Public Notification

The initial application for an amendment to the development plan which only proposed a reduced setback was notified to the abutting property owners, with three submissions received.

A revised plan was submitted after discussions were undertaken between the submitters and applicant in which it was agreed that the building would be setback 3 metres, an acoustic wall constructed on the eastern boundary and a pharmacy replace two of the takeaway shops.

This amendment was advertised and no further submissions received.

Objections

Three submissions were received to the initial application to amend the development plan, with the following a summary of the concerns:

- The development will attract vermon, produce odours and result in increased noise levels.
 - The height of the building and setback will result in overshadowing issues.
 - De-valuation of land.
 - The proposal will create a small area with no form of restricting people from entering it.
 - Height of buildings resulting in privacy issues
-

- Drainage
 - Control of rubbish
-

Title Details

The title contains two section 173 agreements which provide for the following:

- If lot 1 on the plan of subdivision is further subdivided to create additional lots, then prior to SOC, the land owner must make an open space contribution in accordance with clause 52.01.
 - The owner agrees that the land may only be used and developed generally in accordance with the Development Plan.
-

Consultation

Consultation was undertaken between the applicant and the submitters in which it was decided that a 2.5 metre acoustic fence would be constructed along the eastern boundary. Council officers were not involved with this process.

Assessment

The zoning of the land

Commercial 2 Zone 34.02

The purpose of the zone is to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services and to ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Response

The proposed use and development in the Commercial 2 zone is considered acceptable. The inclusion of an acoustic fence to be shown on the development plan will help to alleviate noise concerns from abutting more sensitive uses. The change of use of some of the tenancies to a pharmacy is also likely to contribute to a less level of detriment of the abutting properties.

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

Given the basic nature of the proposed development plans only illustrating building envelopes, uses and site access it is difficult to comment on a number of the above and it is envisaged that they will be addressed during the planning permit application assessment.

The proposed takeaway shops and chemist are considered to provide a wide enough buffer between the residential allotments to the east and the proposed building to be used, so as to help mitigate emissions and noise generated from the use. Furthermore after discussions between the applicant and abutting land owners it was agreed that a 2.5 metre high acoustic wall would be located along the eastern boundary to help mitigate acoustic issues.

The proposed development is envisaged through design and planning permit conditions provide for a development which respects the surrounding uses while still taking advantage of the location and the intended commercial use of the land.

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 Municipal 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 previously provided. Once an application is made for a planning permit the proposed access from Pine Road will be addressed with conditions from Goulburn Murray Water likely to dictate the type of crossing required. The Council's Traffic Engineer has provided comment on the access to Pine road and the traffic report submitted with no concerns raised.

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 or Pine Road 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.

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, Pharmacy and takeaway shops, all 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
Commercial/Activity Centres 21.06-5

The Activity Centre Hierarchy identified in the report can be described as:

- The Shepparton CBD is nominated as the Regional Centre.
- Shepparton Marketplace, Mooroopna CBD and Shepparton Plaza are designated Sub- Regional Centres.

Peripheral sales (bulky goods) uses are directed to existing highway locations. When the future population reaches critical mass, these peripheral sales outlets are likely to form thematic clusters, for example a homemakers centre, or trades supplies centre.

Relevant objectives and Strategies include:

- To have a hierarchy of viable activity centres.
- Provide neighbourhood commercial and retail centres that are accessible to the local community, especially by public transport and bicycle, and that also have adequate car parking provisions.
- Encourage and promote the location of peripheral sales, bulky goods and restricted retail as shown on the Framework Plan.

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.

Response

The proposed use and development provide for an improved level of services within the Shepparton township.

Relevant Particular Provisions

There are no relevant particular provisions that relate to this application for a planning permit.

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 the application 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 Commercial 2 Zone and motel. 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 this application to amend a development plan.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments that relate to this application to amend a development plan.

Are there any significant social & economic effects?

There are no relevant significant social or economic effects that relate to this application to amend a development plan.

Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts that relate to this application to amend a development plan.