

CONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 04/2017

HELD ON

MONDAY 18 SEPTEMBER 2017

AT 10.00AM

IN THE COUNCIL BOARDROOM

90 WELSFORD STREET

CHAIR

Councillor Dinny Adem

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 4 for 2017.

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”.

I would also like to acknowledge that this is our first DHP with officers from Benalla Rural City and Campaspe Shire Council present. Welcome officers.

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.

COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Dinny Adem (Chair),
- Johann Rajaratnam – Director Sustainable Development Greater Shepparton City Council
- Colin Kalms – Manager Building and Planning Greater Shepparton City Council
- Andrew Fletcher – Planning and Building Manager Campaspe Shire
- Cameron Fraser – Principal Planner Strathbogie Shire

We also have Nilesh Singh - Manager Development from Benalla Rural City observing today.

OFFICERS AND OTHERS PRESENT

The Planning Officers present for today's hearing are:

- Andrew Dainton – Principal Statutory Planner
- Ronan Murphy – Senior Planner

APOLOGIES

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the DHP meeting held on 11 March 2015. Minutes have been circulated

Moved by Colin Kalms and seconded by Johann Rajaratnam that the minutes of the meeting held on 11 March 2015 be adopted.

Carried

Minutes of the DHP meeting held on 22 July 2015. Minutes have been circulated

Moved by Colin Kalms and seconded by Johann Rajaratnam that the minutes of the meeting held on 22 July 2015 be adopted.

Carried

DECLARATIONS OF CONFLICTS OF INTEREST

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

ORDER OF PROCEEDINGS

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

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

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

MATTERS FOR CONSIDERATION

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

- The first item for consideration is planning permit application 2016-174/B seeking approval for an additional self-storage facility and removal of native vegetation at 19-27 Kialla Lakes Drive, Kialla.
- The second item for consideration is planning permit application 2016-53/A seeking approval for an amended location for two water tanks at 121-143 McLennan Street, Mooroopna.

10. LATE REPORTS

None

11. NEXT MEETING

TBC

Meeting concluded at 11.07 am

INDEX

<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2016-174/B	19-27 Kialla Lakes Drive, Kialla	To delete the indoor recreation facility and add new self-storage facility and remove two trees	3
2016-53/A	121-143 McLennan Street, Mooroopna	Amended location of two water tanks	39

Amended Application Details:

Responsible Officer:	Andrew Dainton
Amended Permit Number:	2016-174/B
Applicants Name:	B & K Kialla Pty Ltd and Pastucci Developments Pty Ltd
Date Amendment Received:	7 April 2017
Statutory Days:	137
Land/Address:	19-27 Kialla Lakes Drive KIALLA VIC 3631
Zoning and Overlays:	Industrial 3 Zone Urban Floodway Zone Design and Development Overlay 2 Land Subject to Inundation Overlay
Why was the amendment required?	To delete the indoor recreation facility and add new self-storage facility and remove two trees
Why is a permit required (include Permit Triggers):	Use of land for a store in the IN3Z under 33.03-1 Buildings and works in the IN3Z under 33.03-4 Buildings and works in the DDO2 under 43.02-2 Removal of native vegetation (two Grey Box trees) under 52.17-2
Are there any Restrictive Covenants on the title?	No

Proposal

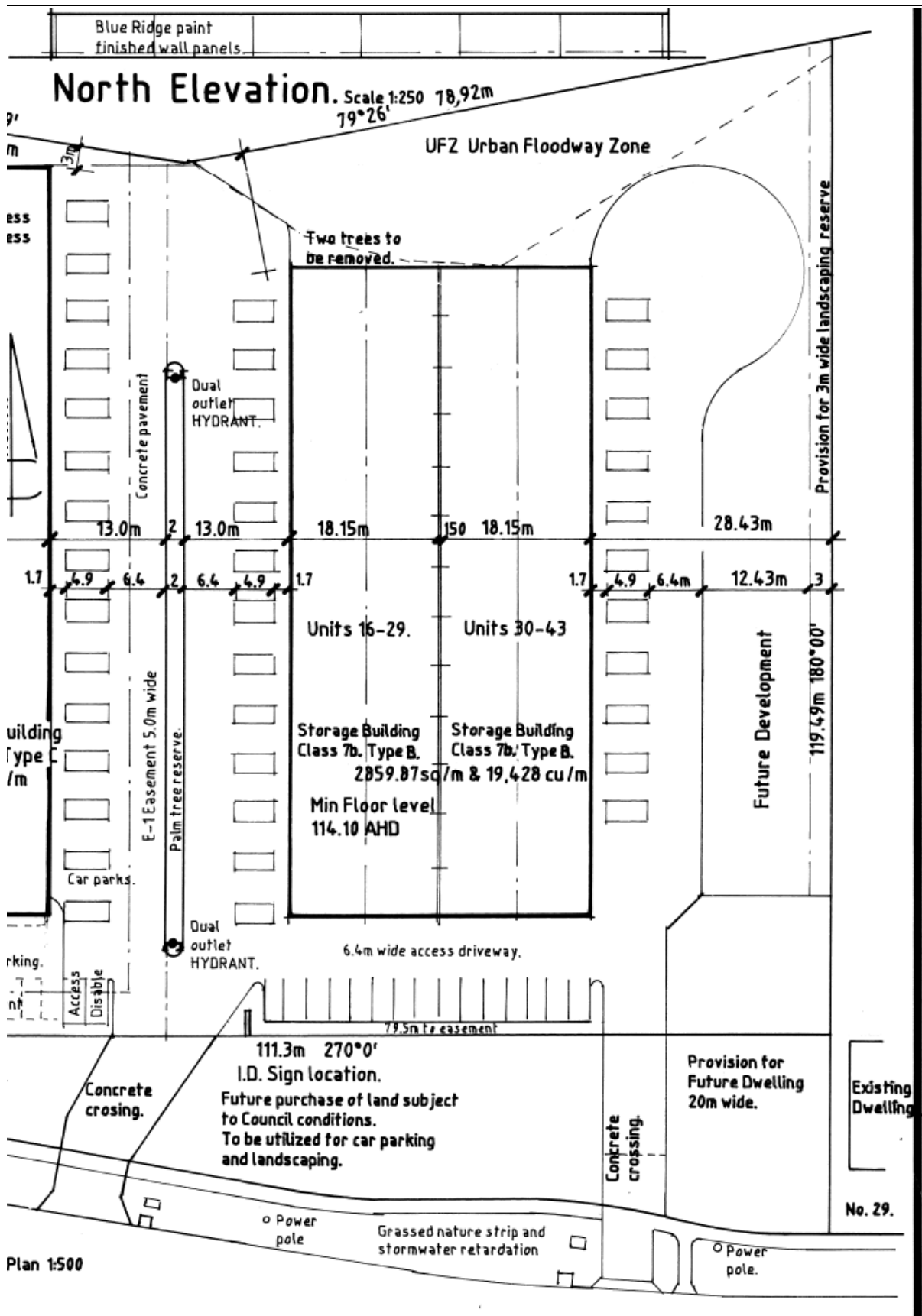
Planning permit 2016-174/A was issued on 15 June 2016 and allowed the following:

The use and development of land for a self-storage facility, indoor recreation facility (kids play centre) and caretakers house in the Design and Development Overlay 2

An amended application has been made which describes the proposal as:

Deletion of indoor recreation facility and inclusion of additional self-storage facility. Removal of two trees

A plan of the proposed amended development is below.



The development proposes the construction of a 2859sqm building which will house 27 self-store facilities. 15 on site car parking spaces are proposed to the front of the building.

The application has been advertised and five objections lodged. The main themes of objection relate to additional traffic on Kialla Lakes Drive, increased noise disturbance to residential areas and loss of native vegetation.

A number of the objectors have suggested that right turn movements from the site to Kialla Lakes Drive would reduce traffic disturbance.

Planning officers have raised this treatment with senior Council officers; these senior officers have rejected the proposal due to the loss of established street trees within Kialla Lakes Drive.

Council's Senior Traffic Engineer has reviewed the proposal and found that the self-storage sheds will generate as few as 20 vehicle trips per day. This additional traffic generation on Kialla Lakes Drive when compared with the current volumes of 7300 vehicles per day will not result in unacceptable traffic generations.

Planning officers have undertaken a detailed assessment of the amended proposal and recommend that DHP issue a NOD for the following reasons:

- A self-storage use when compared to other possible uses in the IN3Z is a well suited use to minimise amenity impacts to nearby dwellings in the Kialla Lakes estate
- Landscaping designs can assist in the screening of the building to Kialla Lakes Drive and assist in implementing boulevard style tree planting in the entry to the estate
- The removal of the two indigenous trees under the low risk pathway produces an acceptable planning outcome

Summary of Key Issues

- The application seeks permission to use and develop the land for self-storage in the IN3Z and DDO2 and to remove two trees.
- The two main assessment concerns were to consider the potential conflict between the proposed use and residential estates and the appearance of the development to Kialla Lakes Drive. Officers consider that the self-storage is a compatible use to residential dwellings and the use is well setback to the eastern boundary of the land which provides separation to the residential estate.
- The design provides for a warehouse type building that is to be well screened by canopy trees (not palms). The building is a mix of concrete and iron cladding with varying colours to add interest.

- Five objections have been received in response to the application. Officers have considered the objections and formed the view that the objections do not warrant refusal of the application. The land is within the IN3Z and a self-storage facility is a use that minimises potential amenity impacts to nearby residential dwellings.
- Council's traffic engineers have considered traffic related issues. The officers have advised that the self-store will create low vehicle movements that can be accommodated within Kialla Lakes Drive which is divided road in the Road Zone Category 2.

Recommendation

Notice of Decision to grant an amended permit

That Council having caused notice of Amended Planning Application No. 2016-174/B to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the five objections to the application, decides to Grant a Notice of Decision to issue an amended Permit under the provisions of the Greater Shepparton Planning Scheme in respect of the land known and described as 19-27 Kialla Lakes Drive Kialla, for the use and development of land for a self-storage facility, removal of two trees and caretakers house in the Design and Development Overlay 2 in accordance with the Notice of Decision.

Moved by Colin Kalms

Seconded by Johann Rajaratnam

That Council having caused notice of Amended Planning Application No. 2016-174/B to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the five objections to the application, decides to Grant a Notice of Decision to issue an amended Permit under the provisions of the Greater Shepparton Planning Scheme in respect of the land known and described as 19-27 Kialla Lakes Drive Kialla, for the use and development of land for a self-storage facility, removal of two trees and caretakers house in the Design and Development Overlay 2 in accordance with the Notice of Decision.

Amendment to the Notice of Decision is as follows:

Addition to condition 1

- c) Removal of some car parking spaces in the developments frontage to increase landscaping provision
- d) Removal of future development areas from the plan

CARRIED

Subject Site & Locality

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

Date: 5 September 2017

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

- The land is currently a construction site which when completed will be used as a large car wash facility and self-storage facility

The main site/locality characteristics are:

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

The Photos below show the existing site:



Car wash at the western end of the land which is under construction



View of Kialla Lakes Drive looking east and the mature trees in the centre median



Views of the proposed development site



Existing stage one self-storage building and pool type front fence



Entry to Lonsdale Square



View from 15 Lonsdale Square towards the development site



View of the two Grey Box trees that are proposed to be removed

Permit/Site History

The history of the site includes:

- Planning permit 2015-465 was issued on 7 March 2016 and allowed a two lot subdivision of the land

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

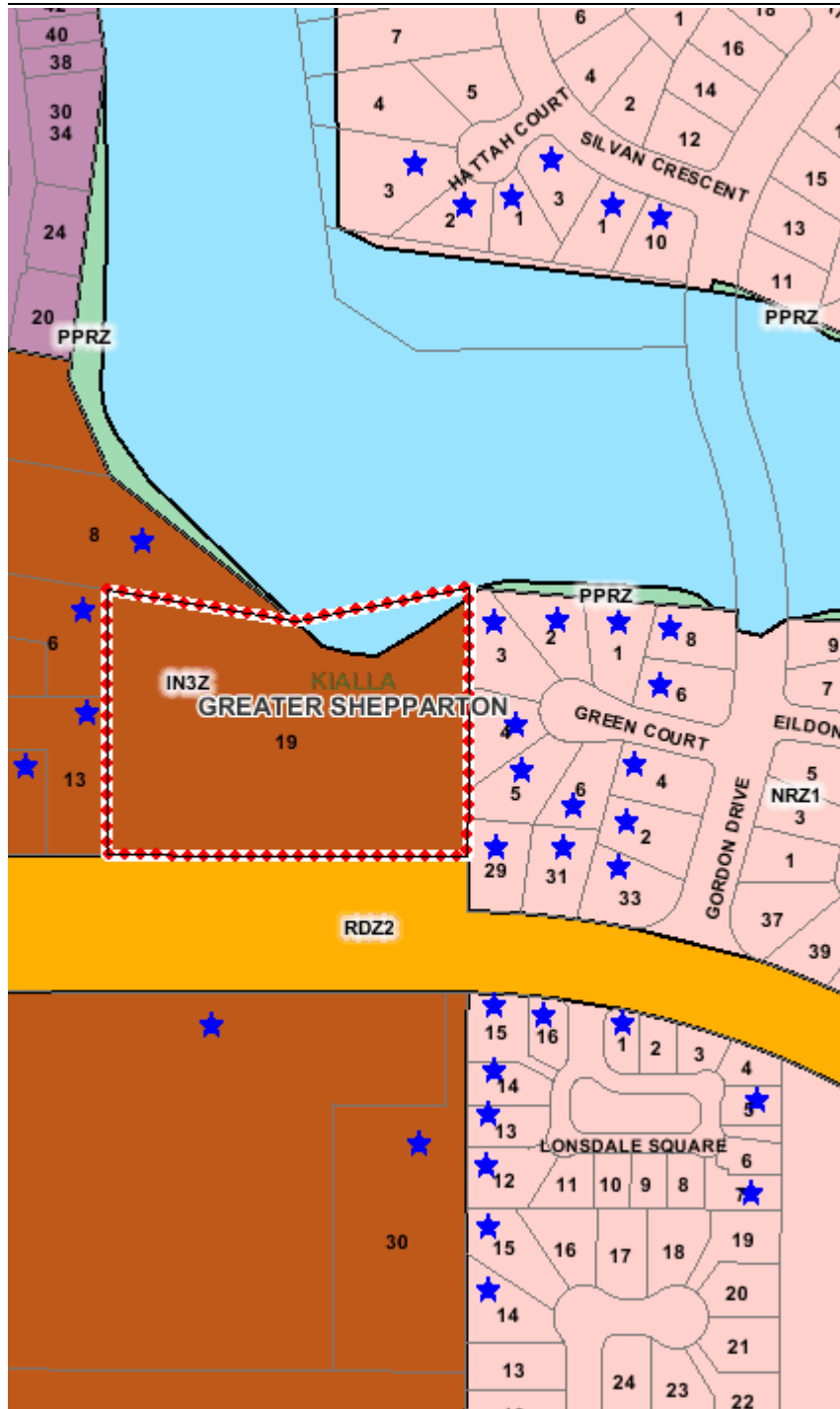
Further Information

Was further information requested for this application? No

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description use and development of the land for a self-storage facility and removal of two trees, by:

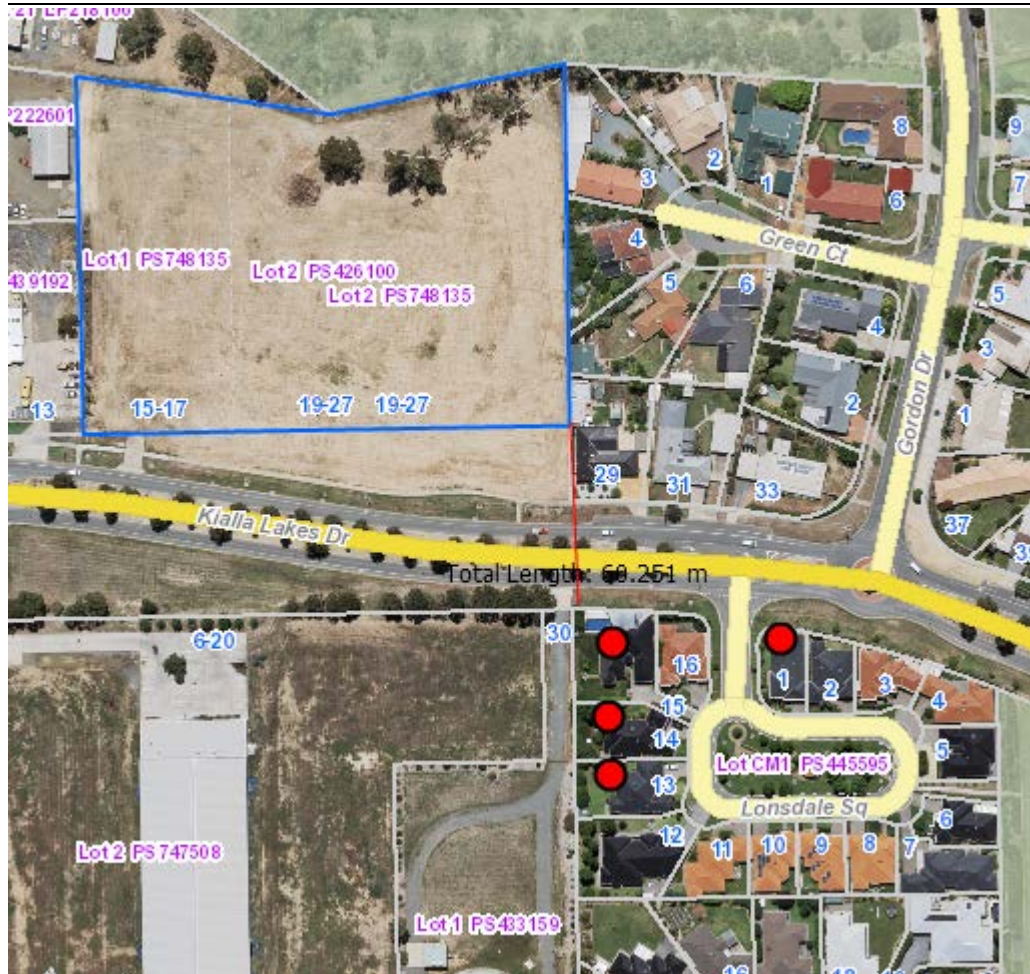
- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.



Objections

The Council has received five objections to date.

The below plan shows the location of the objectors.



Note: Two objections were lodged from the 13 Lonsdale Square address which resulted in a total of five objections being received for the application.

The key issues that were raised in the objections are.

Ground of Objection	Officers Response
Additional traffic generation on Kialla Lakes Drive	<p>Kialla Lakes Drive is a divided road that is within the Road Zone Category 2. The speed zone is 60km/h. Traffic counts have discovered that about 7311 vehicle use the road per day, with 3532 west bound and 3779 east bound.</p> <p>Under the IDM Kialla Lakes Drive is classified as a connector street level 2, which has a maximum design traffic volume of 12,000 vehicles per day.</p> <p>Council's senior traffic engineer has estimated that the development will</p>

	<p>generate 20 vehicle trips per day.</p> <p>Officers note that the land is within the IN3Z and has been for a long time, there should be an expectation that the site would at some time be developed for a purpose in accordance with the IN3Z. Therefore an industrial 3 development will lead to additional traffic, activities associated with the use and larger commercial type buildings.</p> <p>Officers are satisfied that Kialla Lakes Drive can accommodate the additional traffic generated from the proposed self-storage units.</p>
<p>Lack of right turn facility in and out of the site to Kialla Lakes Drive</p>	<p>Objectors are concerned that traffic exiting the site will use the entry to Lonsdale Square to U-turn back to the Goulburn Valley Highway. To discourage this movement officers will require that a no U-turn sign be installed at the entry to Lonsdale Square.</p>
<p>Increased noise levels and light spill</p>	<p>Officers acknowledge that noise disturbance from the land to residential uses needs to be managed to maintain a reasonable level of amenity to neighbours in Kialla Lakes. Officers propose a permit condition that provides if the need arises noise testing and measures to ensure noise emissions from the land comply with SEPP N-1.</p> <p>Permit conditions will require the baffling of lighting so that light spill is contained on the land.</p>
<p>Tree removal</p>	<p>Previously the permit applicant has removed two trees from the land without permission. Officers completed enforcement action which resulted in a Planning Infringement Notice and offsetting of the tree removal.</p> <p>This application seeks permission for a further two trees to be removed. Together</p>

	<p>the removal of the four trees results in a pathway assessment under low risk.</p> <p>Cultural heritage officers from the GBCMA have inspected the trees proposed for removal and confirmed that the trees contain no scars.</p> <p>Whilst the loss of native vegetation is not a desirable outcome, the removal of the two trees is not a reason to refuse the whole application. Furthermore as the application is under the low risk pathway there is not sufficient assessment reason to require a redesign of the building to allow retention of the two trees.</p>
Vermin / Rodent infestation	A standard amenity condition is proposed. This condition requires that a permit holder control mice / rats on the land.
Use of forklifts	Permit conditions will prohibit the use of forklifts associated with the self-storage units.
B'Double Access	Kialla Lakes Drive is not an approved B'Double route.

Title Details

The title does not contain a Restrictive Covenant.

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

Consultation

Consultation was undertaken which included various discussions with the permit applicants.

Referrals

External Referrals Required by the Planning Scheme:

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

Notice to Authorities

External Notice to Authorities:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council engineers consented to the application subject to standard drainage and access conditions.
Airport Committee	The airport committee consented to the application subject to their standard conditions.

Assessment

The zoning of the land

Industrial 3 Zone

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.
- To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.
- To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

33.03-2 Use of Land

Decision guidelines:

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

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

33.03-4 Buildings and Works

Decision guidelines

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

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

Relevant overlay provisions

DDO2 – Airport Environs

Design objectives

- To facilitate safe aircraft operations at Shepparton Airport.

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

A permit is required under the DDO2 as the proposed building overall height is more than 7.5m. The building is 7.587m in height.

The State Planning Policy Framework (SPPF)

15.01-1 Urban Design

Objective

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

Strategies

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

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

Clause 21.05 Natural Environment and Biodiversity

Clause 21.05 of the Planning Scheme notes that the natural landscape of the municipality and wider region has been modified significantly as a result of pastoral activities and more recently through extensive irrigation activities.

As a result, areas of remnant native vegetation are now primarily limited to waterways, road reserves and corridors. These corridors (as well as native vegetation stands on private

property) provide important habitat links for flora and fauna and for the fostering of biodiversity.

Objectives - Natural Environment & Biodiversity

- To maintain and enhance biodiversity of native flora and fauna communities.
- To protect and manage the natural resources of water, air and land.
- To identify natural landscape features which are to be protected and managed.
- To ensure structure planning for residential growth provides for biodiversity protection and enhancement measures.

Strategies - Natural Environment & Biodiversity

- Protect remnant areas of native vegetation, streamlines, wetlands and other environmentally sensitive features.
- Ensure appropriate identification of native vegetation on land to be developed or subdivided.
- Ensure that Precinct Structure Plans address the following biodiversity protection and enhancement measures:
 - Site and design development, including service infrastructure, roads and subdivision boundaries, in a manner that minimises the need to remove remnant native vegetation;
 - Site and design stormwater disposal and flood mitigation infrastructure to provide for waterway habitat enhancement; and
 - Enhance biodiversity values by requiring native vegetation in landscape treatments, in particular within floodways and reserves that link to rivers.

21.06-4 Industry

Objective and Strategies – Industry

General Objectives

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

Amenity Objectives

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

Amenity Strategies

Confirmed Minutes – Development Hearings Panel – 18 September 2017 HPERM M18/20597

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

Built Environment Objectives

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

Built Environment Strategies

- Facilitate improvements to access, parking, site layout, landscaping and building design in the municipality's existing industrial areas.
- Encourage new industrial developments to utilise, where practicable, energy efficiency, water conservation and reuse, water sensitive urban design, and recycling or reuse of waste products.
- Encourage industrial developments that incorporate high quality architectural design elements, create visual interest and incorporate landscaping and/or urban art.
- Discourage the use of culs-de-sac within industrial zoned land to improve lot efficiency and to limit on-street parking problems in court bowls. A cul-de-sac may be provided where the court bowl is used to access lots of 4,000m² or more or where there is no viable alternative.
- Ensure all new industrial development incorporates best practice water sensitive urban design and waste management practices.

Relevant Particular Provisions

52.06 – Parking

Purpose

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

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

52.17 – Native vegetation

Purpose

- To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:
 - Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
 - Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
 - Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.
- To manage native vegetation to minimise land and water degradation.
- To manage native vegetation near buildings to reduce the threat to life and property from bushfire.

Decision guidelines are at 52.17-5 and include the following for low risk applications.

For all applications

- The contribution that native vegetation to be removed makes to Victoria's biodiversity. This is determined by:
 - The extent and condition of the native vegetation.
 - The biodiversity value of the native vegetation, including whether the native

vegetation is important habitat for rare or threatened species.

- Whether the removal of native vegetation is defined as being in the low, moderate or high risk-based pathway, as defined in the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) and apply the decision guidelines accordingly.

Other matters

The responsible authority must also consider the following issues, as appropriate:

- The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to the other available bushfire risk mitigation measures.
- The role of native vegetation in:
 - Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway and in special water supply catchment areas listed in the *Catchment and Land Protection Act 1994*.
 - Preventing land degradation, including soil erosion, salination, acidity, instability, and water logging, particularly:
 - Where ground slopes are more than 20 per cent.
 - On land which is subject to soil erosion or slippage.
 - In harsh environments, such as coastal or alpine area.
 - Preventing adverse effects on groundwater quality on land:
 - Where groundwater recharge to saline waterbodies occurs.
 - That is in proximity to a discharge area.
 - Which is a known recharge area.
- In the case of timber production, the benefits of including a condition requiring operations to be carried out in accordance with any relevant code of practice under Part 5 of the *Conservation, Forests and Land Act 1987*.
- Managing native vegetation to preserve identified landscape values.
- The conservation of native vegetation protected under the *Aboriginal Heritage Act 2006*.

Property address 19-27 KIALLA LAKES DRIVE KIALLA 3631

Summary of marked native vegetation

Risk-based pathway	Low
Total extent	4 trees
Scattered trees	4 trees
Location risk	A

See Appendix 1 for risk-based pathway details

Offset requirements

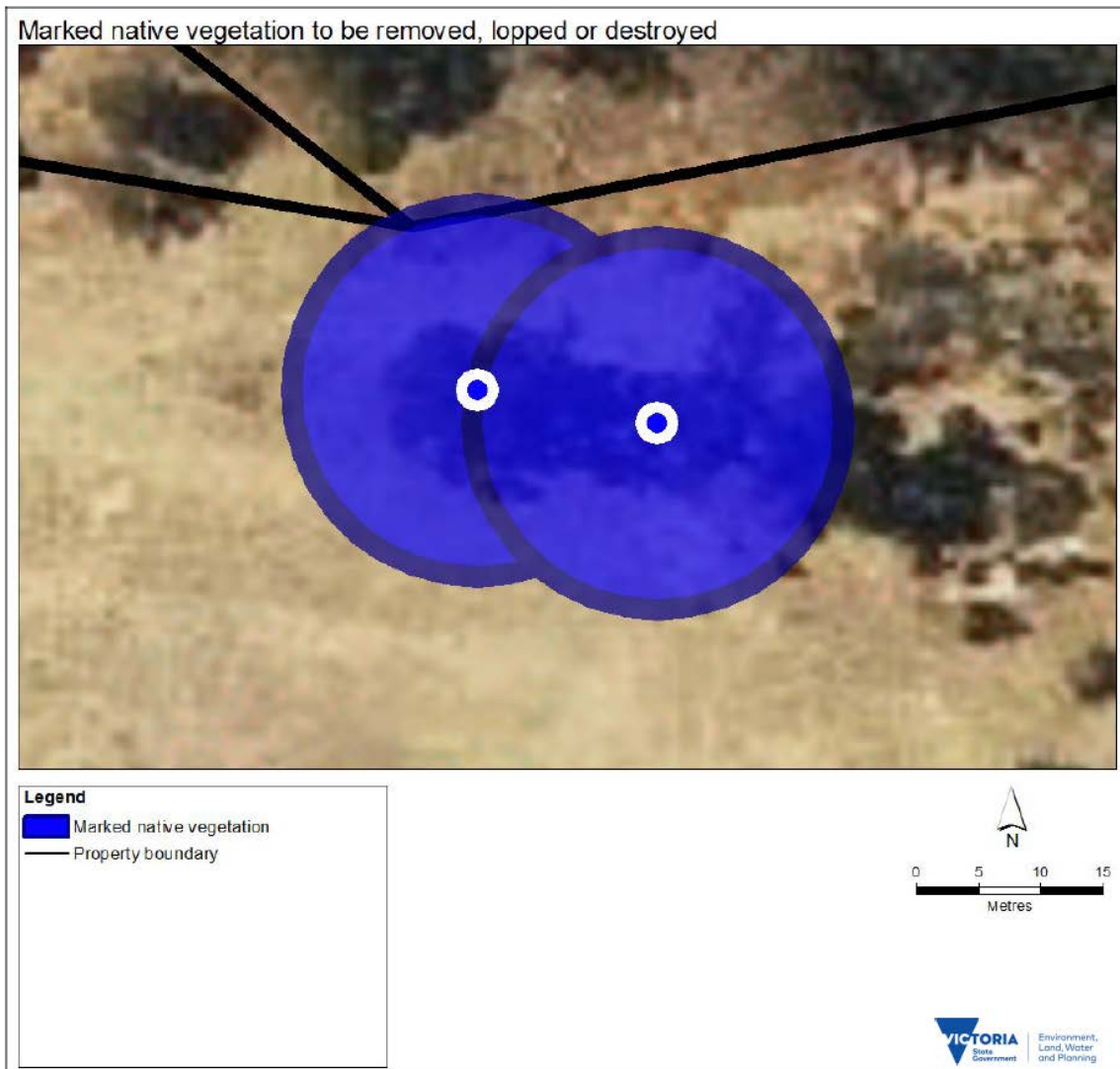
If a permit is granted to remove the marked native vegetation, a requirement to obtain a native vegetation offset will be included in the permit conditions. The offset must meet the following requirements:

Offset type	General offset
Offset amount (general biodiversity equivalence units)	0.018
Offset attributes	
Vicinity	Goulburn Broken Catchment Management Authority (CMA)
Minimum strategic biodiversity score	0.349
Strategic biodiversity score of marked native vegetation	0.436

See Appendix 2 for offset requirements details

Biodiversity assessment report

Maps of marked native vegetation



Officers Response

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

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

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

The Telford shed model is a properly developed area consisting of concrete accesses, designated parking areas with roller door access to the storage units. Each unit is about 108sqm and is aimed at the storage of boats, caravans and the like from residents within Kialla Lakes or over flow storage space for tradespersons, file storage and the like.

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

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

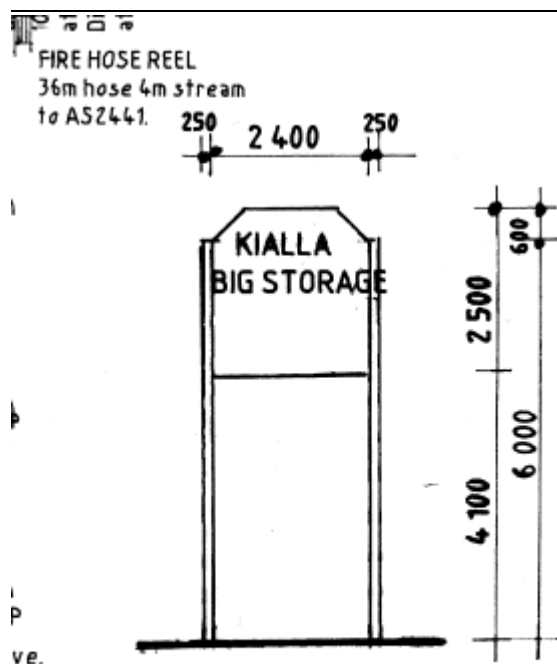
The main point of conflict between this use and residential neighbours is noise disturbance in the evening and night times. Potential noise sources include the unloading of trailers, boats, caravans etc. at night after a camping trip or the like. A permit condition will require noise testing if noise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

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

The application proposes the removal of two trees under the low risk based pathway. It is considered that the loss of the two trees is a low risk to the state's biodiversity and can be appropriately offset by protecting vegetation via purchasing offsets.

The applicant will be required to appropriately offset prior to the removal of any of the native vegetation.

The application includes a business identification sign which is 6.6m in height and is shown below.

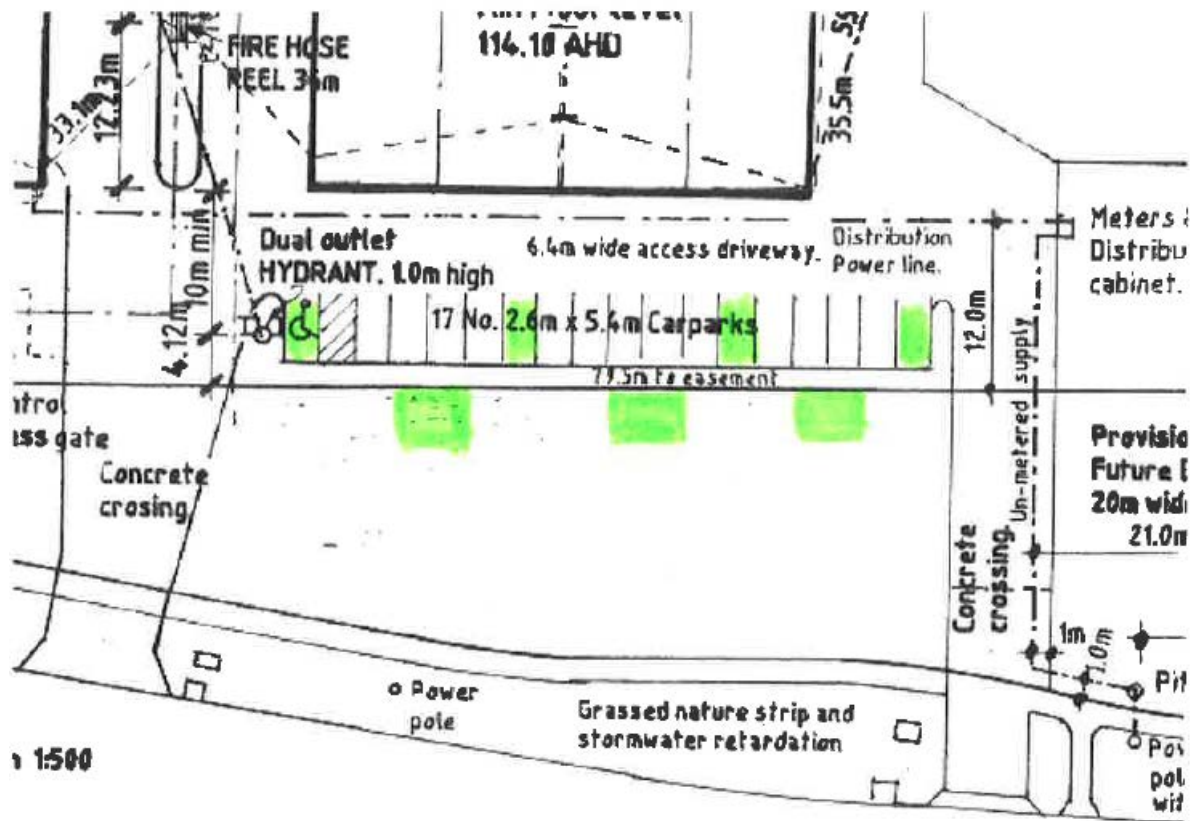


Permission is required under the DDO2 as the height of the proposed building exceeds 7.5m being 7.587m. The application was referred to the airport committee; the authority consented to the application. Plans indicate that the roof of the proposed shed will be constructed with non-reflective materials.

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

In Moor Room Self Storage P/L V Frankston CC VCAT 2220 (30 October 2008), VCAT found that 0.2 spaces per 100sqm for self-storage was the required parking rate. Based on a total self-storage space of 2859sqm a total parking provision of 15 spaces exceeds the uses parking requirement.

Officers consider that a well-designed landscape plan is an important element of the proposal to soften the building from neighbouring residential properties and to provide a boulevard style entry to Kialla Lakes. Part of this design needs to include canopy trees (not palms); officers would agree to reduce on site car parking to provide for more substantial landscaping in the front setback of the building. Such a landscape design could provide for canopy tree plantings as shown below that makes use of the private and public land.



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

For completeness officers note that this amended application when first received proposed vehicle access ways and car parking in the UFZ. Officers at the time informed that the UFZ prohibits the proposal; as a result a revised plan was submitted that excluded the UFZ from the development site. Should a permit issue, officers should ensure when endorsing plans that development does not expand into the UFZ.

The decision guidelines of Clause 65

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The officer's assessment has determined that a self-storage use is well suited to an IN3Z with a residential interface. Officers consider that the self-storage use effect on the amenity can be controlled to an acceptable level through the use of permit conditions.

Relevant incorporated or reference documents

IDM

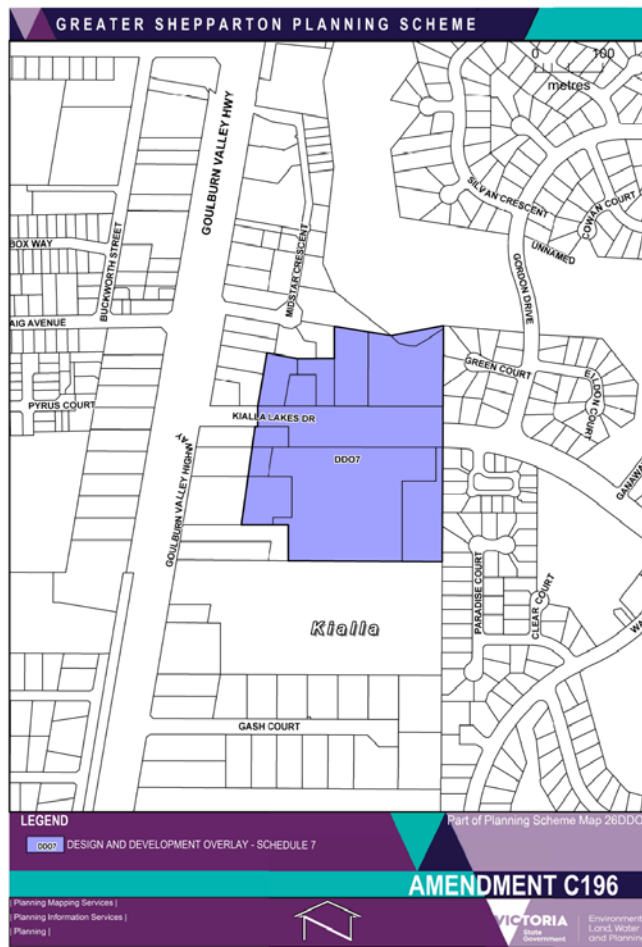
Other relevant adopted State policies or strategies policies

There is no other relevant adopted state or strategic policies to the application.

Relevant Planning Scheme amendments

C-196

C196 proposes to extend the DDO7 to the land as shown below. C196 is on exhibition until 4 September 2017. At the time of writing this report a number of submissions have been made in relation to the PSA and it is likely C-196 will proceed to a Panel Hearing.



An assessment of the amended application is undertaken against the proposed DDO7 below:

- The building height is below the listed maximum of 11m
- The proposed building is setback 14.12m from the front boundary or about 24m from the Kialla Lakes footpath (officers note that the DDO7 allows a minimum setback of 9m)
- A black powder coated pool type fence has been constructed across the lands frontage. Under the DDO7 the constructed fence would not require permission due to the fence being transparent.
- Permit conditions will require the submission of a detailed landscape plan including the planting of canopy trees
- Vehicle access is properly designed and allows for all vehicles to enter and exit the site in a forwards direction

Are there any significant social & economic effects?

The application does not raise any significant social or economic effects.

Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts to this application.

The Aboriginal Heritage Act 2006

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

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

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

Charter of Human Rights and Responsibilities

The application has been considered in accordance with the P&E Act including the giving of notice, therefore the Charter has been complied with.

Conclusion

The proposed application is considered to be an acceptable use and development in the IN3Z that will not unreasonably impact on residential amenity. It is also considered that the use will provide a net community benefit by locating conveniently located self-storage to the entry to the Kialla Lakes residential estate. Therefore it is recommended that a NOD issue to amend the existing permit.

Draft Notice Of Decision

APPLICATION NO: 2016-174/B

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO AMEND A PERMIT.

THE AMENDED PERMIT HAS NOT BEEN ISSUED.

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

PERMIT FOR WHICH AMENDMENT WAS SOUGHT: 2016-174/A

WHAT AMENDMENT IS BEING MADE TO THE PERMIT: THE PERMIT IS BEING AMENDED TO DELETE THE CHILDREN'S PLAY CENTRE AND REPLACE WITH A SELF-STORAGE BUILDING WHICH INCLUDES THE REMOVAL OF TWO GREY BOX TREES

TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT?

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of 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:

- a) Details of southern elevation of the building
- b) Electronic entry at the eastern gate to the self-storage use

2. Layout Not Altered

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

Prior to the occupation of any buildings, all buildings and works shown on the endorsed plans associated with the subject building must be constructed to the satisfaction of the responsible authority.

3. **Native Vegetation**

Native vegetation offsets are required to offset the removal of native vegetation (2 scattered trees) approved as part of this permit. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment, Land, Water and Planning)*:

The offset must:

- contribute gain of at least 0.018 general biodiversity equivalence units
- be located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton City Council Municipal district
- have a strategic biodiversity score of at least 0.349

No alteration to Offset requirements

The requirements noted in an approved and endorsed offset plan must not be altered without the written consent of the responsible authority.

Native Vegetation Offset evidence

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries)*.

Offset evidence can be either:

- a) An allocated native vegetation credit register extract from the Native Vegetation Credit Register; or
- b) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority.

Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

The Offset Management Plan must be in accordance with *Permitted clearing of native vegetation; First party general offset kit (Department of Environment and Primary Industries)* and include:

- a) The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions.

- b) Location of where offsets are to be provided and size of area (to be drawn to scale).
- c) Type of offsets to be provided.
- d) If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density.
- e) Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses.
- f) Management actions that will be undertaken to ensure long term sustainability of offset(s) such as permanent fencing, weed control, revegetation maintenance, retention of timber/branches and other habitat management actions.
- g) Method of permanent protection for offset(s) such as a formal agreement.
- h) Person(s) responsible for implementing and monitoring the Offset Management Plan.
- i) Time frame for implementing the Offset Management Plan.
- j) Other actions (to be specified).

4. Civil Construction Requirements

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

- a) details (and computations) of how the works on the land are to be drained including underground pipe drains conveying stormwater to the legal point of discharge;
- b) the legal point of discharge is to the Grated Top Entry/Junction Pit in Kialla Lakes Drive;
- c) the maximum discharge rate from the site shall not be more than (64) litres/second/hectare with (11) litres of storage for every square meter of lot area in accordance with IDM Clause 19 Table 13 (or as agreed to in writing by the Responsible Authority);
- d) details of how water sensitive urban design has been incorporated into the development and submission of a MUSIC model demonstrating compliance with the performance provisions nominated in Table 2.1 of "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- e) maintenance schedules for the stormwater treatment features;
- f) erection of no U-turn signage at the entry to Lonsdale Square;
- g) carparking areas, circulation lanes and access' shall be designed and

constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'

- h) no fewer than 26 car parks shall be provided including one car park provided for people with a disability associated with the self-storage buildings;
- i) all areas associated with carparking, circulation lanes and access' shall be surfaced with an all-weather seal coat, line marked to indicate each car space and access lane and traffic control signage installed including signage directing drivers to the area(s) set aside for carparking;
- j) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
- k) the design of the carparking areas, access and circulation lanes shall prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;

to the satisfaction of the responsible authority.

All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit.

Before the any of buildings are occupied, all works constructed or carried out must be in accordance with these plans to the satisfaction of the responsible authority

5. Urban Vehicle Crossing Requirements

Prior to the occupation of the development, vehicular crossings shall be constructed in accordance with the endorsed plans and constructed to Councils IDM standard drawing (*SD250*), and must:

- a) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel) and the nature strip reinstated;
- b) be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree;
- c) any services pits within the vehicle crossing must be modified and the covers are to be replaced with heavy duty trafficable covers
- d) The vehicle crossing shall be constructed from reinforced concrete generally in accordance with the standard (*industrial*) crossing (*SD250*) found as part of the Infrastructure Design Manual as revised from time to time;
- e) industrial vehicular crossings shall not be less than (*6 metres nor more than 9.8 m (double crossing)*) in width and shall be constructed from concrete or other material as approved in writing by the responsible authority

6. 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 three copies must be provided. The landscaping plan must show:

- a) a schedule of all proposed trees, shrubs and ground covers for area to be landscaped on site and within the Council road reserve, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- b) the method of preparing, draining, watering and maintaining the landscaped area;
- c) details of surface finishes of pathways and driveways;
- d) the weed management program;
- e) all landscaped areas to be used for stormwater retardation;

Before the use or occupation of the development 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.

7. Council Assets

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

8. Underground Connection

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

9. Storage of Dangerous Goods

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

10. General Amenity

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

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

to the satisfaction of the responsible authority.

No forklifts are permitted to be used on the land.

11. Control of Lightspill

Before the occupation of the development any external lighting must be designed, baffled and located so as to prevent any unreasonable adverse effect on adjoining land to the satisfaction of the responsible authority.

12. Noise Control

- a) The uses hereby permitted must be conducted such that noise levels generated do not exceed permissible noise levels established in accordance with State Environmental Protection Policy No. N-1 (Control of Noise from Commerce, Industry and Trade) under the Environment Protection Act 1970, or NIRV (Noise from Industry in Regional Victoria) as applicable.
- b) In the event that reasonable complaint is received by the responsible authority about noise from the premises then within two months of a request by the responsible authority an acoustic report including noise measurements by a suitably qualified consultant must be obtained by the operator under this permit and submitted to the responsible authority to determine whether allowed noise levels are being exceeded and what measures are required to ensure that noise from the function centre does not exceed permitted levels.
- c) Any reasonable controls that can be implemented immediately to keep noise emission to permitted levels must be carried out, and within three months after the noise report is produced a permanent solution must be implemented with the details of all measures implemented to ensure compliance will be achieved, given to the responsible authority in writing.

Before the use starts and thereafter, any security alarm installed on the premises must be fitted with a cut off device limiting any sounding of the alarm to a maximum duration

of five minutes, with no repeat sounding until manually reset and or silently wired to a security firm or the Victoria Police.

13. Goulburn Broken Catchment Management Authority Requirement

The finished floor levels of the proposed storage units and care takers dwelling must be constructed at least 300 millimetres above the 100 year ARI flood level of 113.8 metres AHD, i.e. 114.1 metres AHD, or higher level deemed necessary by the responsible authority.

14. Goulburn Valley Region Water Corporation Requirements

- a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) Payment of new customer contribution charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- c) Should the applicant wish to subdivide each tenement onto spate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development.

15. Powercor Requirements

- a) Planning permit applicants must make application to Powercor for any new or upgraded electricity supply. Large supplies may require the establishment of onsite substations which can affect setbacks, parking and useable area.
- b) Planning permit applicants must ensure the works proposed in the application (e.g. buildings and tree planting) maintain statutory clearances from electrical assets and comply with both the Service & Installation Rules and the Electricity Distribution Code.
- c) Where the proposed works are likely to breach statutory clearances or contravene the Service & Installation Rules or the Electricity Distribution Code, applicants must negotiate an agreement with Powercor to relocate the affected electrical assets.

16. Time for Starting and Completion

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

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

NOTATIONS

Building Approval Required

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

Amended Application Details:

Responsible Officer:	Ronan Murphy
Amended Permit Number:	2016-53/A
Applicants Name:	Jovaras Westland Partnership
Date Amendment Received:	9 June 2017
Statutory Days:	75
Land/Address:	121-143 McLennan Street MOORoopNA VIC 3629
Zoning and Overlays:	Neighbourhood Residential Zone Floodway Overlay Adjacent to a Road Zone Category 1
Why was the amendment required?	The applicant wishes to amend the location of the water tanks.
Why is a permit required (include Permit Triggers):	32.09-7 Buildings and works associated with a Section 2 Use 44.03-1 Buildings and works in the Floodway Overlay 52.29 Alteration to an access to a Road Zone Category 1
Are there any Restrictive Covenants on the title?	No

Proposal

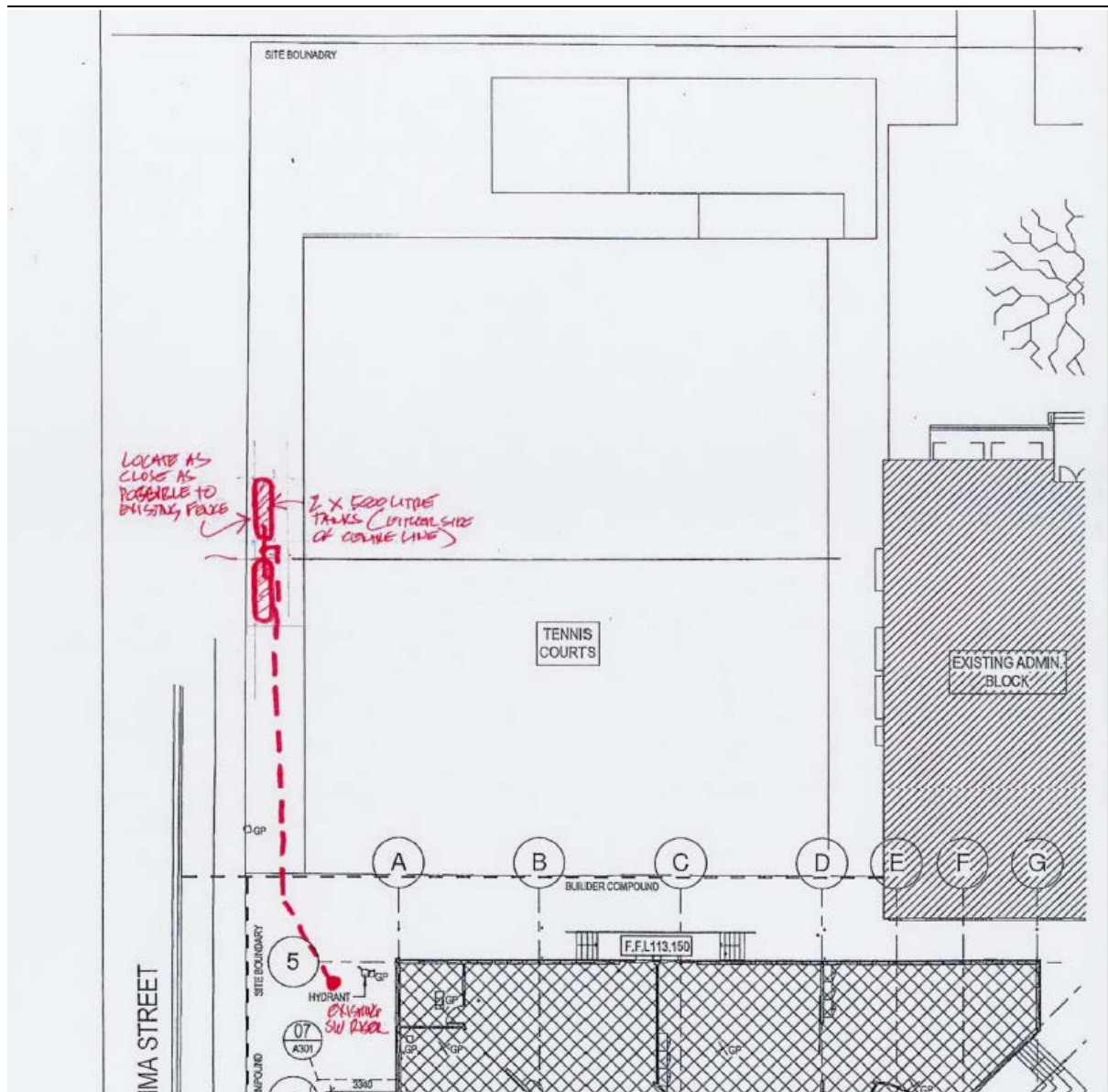
The application seeks retrospective approval to amend the layout of the permitted development to allow the relocation of water tanks from their permitted location in proximity to the school building to a location on the western boundary of the land.

This amended application has been lodged post enforcement action.

The applicant has stated that the relocated tanks provide an enhanced stormwater drainage outcome for the site.

The application was notified to surrounding properties and one objection was received.

The tanks are located as shown below:



Summary of Key Issues

The application seeks permission to amend the location of water tanks to the western boundary of the land.

The application was referred to the Goulburn Broken Catchment Management Authority who did not object to the proposal.

The application was notified to Goulburn Valley Water who did not object to the proposal.

The application was referred to the Council's Development Engineering Department who did not object to the proposal.

The application was notified to surrounding properties and 1 objection was received.

The grounds of objection can be summarised as follows: the location of the tanks would devalue the objectors property and would reduce the objectors pride and enjoyment of their home.

In response to the objection it is noted that the water tanks may obscure some views into the school, it is considered that northerly views remain unaffected. It is also noted that the objectors land is approximately 25 meters to the south west of the tanks. In light of the position of the tanks and the distance of the objectors property, planning officers are of the opinion that the relocated water tanks would not cause material detriment to the objector.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2016-53/A** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 32.09-7 and 44.03-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as **121-143 McLennan Street, Mooroopna, VIC 3629**, for the Relocation of permitted water tanks in accordance with the Notice of Decision and the endorsed plans.

Moved by Colin Kalms

Seconded by Cameron Fraser

That Council having caused notice of Planning Application No. **2016-53/A** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 32.09-7 and 44.03-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as **121-143 McLennan Street, Mooroopna, VIC 3629**, for the Relocation of permitted water tanks in accordance with the Notice of Decision and the endorsed plans.

Amendment to the Notice of Decision is as follows:

The addition of two new conditions

Condition 4

Street Trees

Within 3 months of the date of this permit, two. street trees must be planted in the nature strip along the frontage of the water tanks to the satisfaction of the responsible authority, unless otherwise agreed to in writing.

Condition 5

Screening Fence

Within 3 months of the date of this permit, the landowner must construct a slatted type fence in either metal or wood to screen the water tank from the Emma Street to the satisfaction of the responsible authority. The length of the fencing required is to be agreed upon by the responsible authority prior to the commencement of works.

The original condition 4 now becomes condition 6 and the original condition 5 now becomes condition 7.

CARRIED

Subject Site & Locality

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

Date: **20/6/17** Time: **11.13** am

The site has a total area of **2.8 ha** and currently contains:

- Existing education centre – St Mary’s School;
- Sports facilities associated with the education facility - tennis courts, basketball courts, cricket oval.

The main site/locality characteristics are:

The subject land is used for a primary school;

Surrounding land primarily residential.

The Photos below show the existing site:



Permit/Site History

The history of the site includes:

2016-53

Planning Permit granted for the construction of a new classroom block

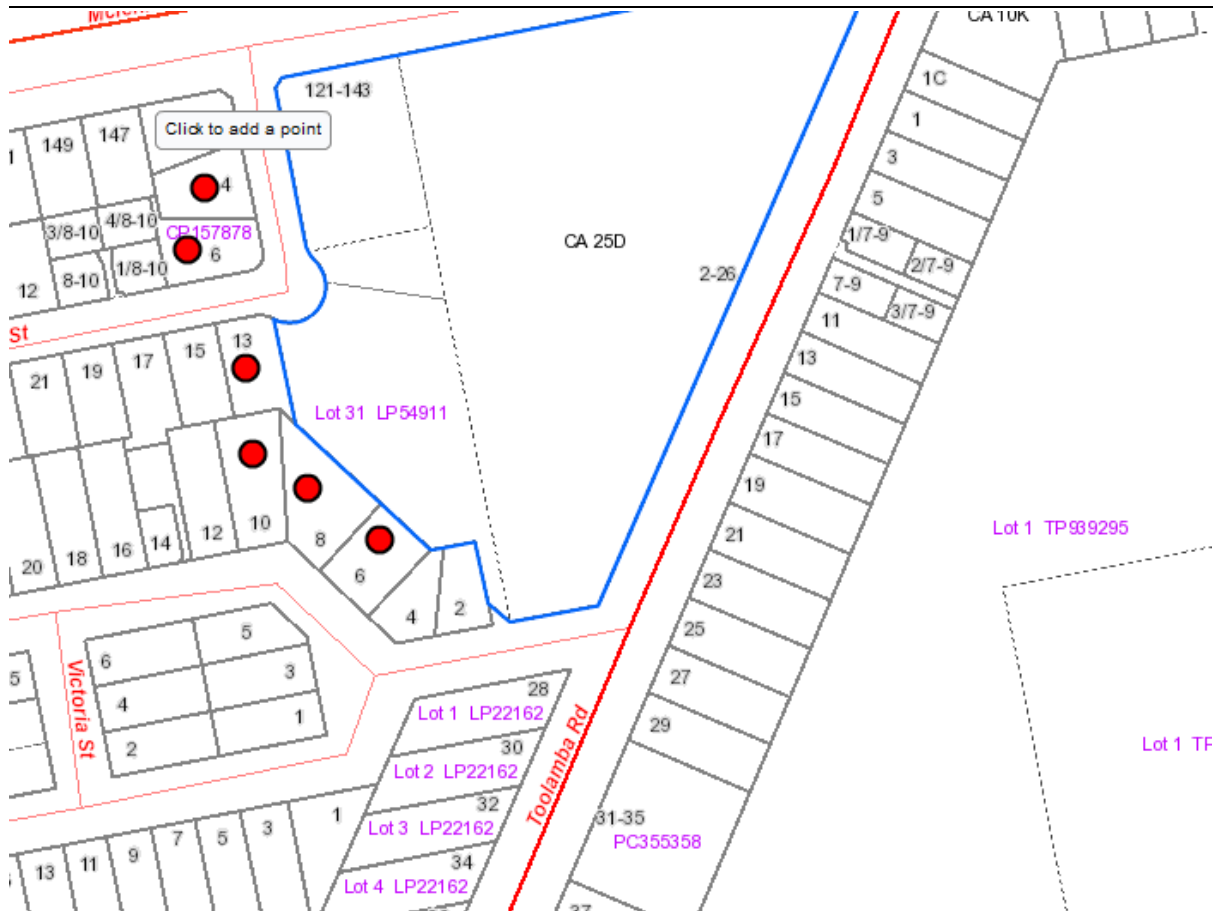
Further Information

Was further information requested for this application? **No**

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description *Amended plans for the relocation of water tanks*, by:

- Sending notices to the owners and occupiers of adjoining land.



Objections

The Council has received one objection to date.

Objector Concerns	Officer Response
<p>The location of the tanks would devalue the objectors property and would reduce the objectors pride and enjoyment of their home.</p>	<p>Property devaluation cannot be considered by Planning.</p> <p>However, many property devaluation concerns align with perceived amenity impacts.</p> <p>In this case, it is noted that the location of the tanks would not provide an overbearing development on the surrounding area.</p> <p>It is noted that the objectors land is located approximately 25 metres to the south west of where the tanks are located. It is considered that the tanks would not have an unacceptable impact on the outlook from the objectors property. It is considered that the</p>

	<p>tanks would not be inconsistent with the overall development of the land for a school.</p> <p>The tanks may obscure some views from the objectors land to some school infrastructure; however it is considered that the general outlook from the land to the north (towards midland highway) remains unchanged.</p>
--	--

Title Details

The land at Lot 33 on LP54911 (Subject land) does not have any Section 173 Agreements or restrictive covenants.

Consultation

Consultation has not been undertaken.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	<p><u>Goulburn Broken Catchment Management Authority</u> <i>Submitted documentation indicates that the proposed amendment to planning permit consists of the relocation of two water tanks.</i></p> <p><i>In the light of the above information and pursuant to Section 56 of the Planning and Environment Act 1987, the Goulburn Broken CMA does not object to the proposed amendment to planning permit.</i></p>
Section 52 Notices	<p><u>Goulburn Valley Water</u> <i>The Corporation has investigated the Planning Permit application forwarded under Section 52 of the Planning and Environment Act, 1987, and does not object to Council granting the permit.</i></p>

Internal Council Notices	Advice/Response/Conditions
Development Engineers	No objection subject to connections are made as per the endorsed drainage plan

Assessment

The zoning of the land

The land is within the Neighbourhood Residential Zone. The purpose of the Neighbourhood Residential Zone is:

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

- *To recognise areas of predominantly single and double storey residential development.*
- *To limit opportunities for increased residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

It is noted that one of the purposes of the Neighbourhood Residential Zone is to allow for educational (and a selection of other non-residential uses) to serve local community needs.

The proposed amended location of water tanks would ensure the most efficient drainage infrastructure for the land.

The following decision guidelines are set out:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of this zone.*
- *The objectives set out in the schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*

The proposal would comply in the following ways:

- A purpose of the Neighbourhood Residential Zone is to allow for educational uses to serve the local community. The proposed re-located tanks would ensure that the land is efficiently used for purposes of the existing school on the land. This is considered to comply with the purposes of the Neighbourhood Residential Zone.
- There are no objectives set out in this schedule to the Neighbourhood Residential Zone.

Non-residential use and development

In the local neighbourhood context:

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated access ways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

It is considered that the proposal would comply in the following ways:

- The water tanks would provide sufficient water storage for a school which provides a community service.
- The scale of the proposal is consistent with the use of the land for a school.
- The design, height and location of the tanks are appropriate.

In light of the above, it is considered that the proposal would comply with the provisions of the Neighbourhood Residential Zone.

Relevant overlay provisions

The land is affected by the Floodway Overlay. The purpose of the Floodway Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A planning permit is required pursuant to the provisions of Clause 44.03-1 of the Planning Scheme for buildings and works in the Floodway Overlay.

The amended application was referred to the Goulburn Broken Catchment Management Authority who did not object to the proposal and did not require any conditions be included on the Notice of Decision.

It is therefore considered that the proposal would comply with the provisions of the Floodway Overlay.

The State Planning Policy Framework (SPPF)

13.02-1 Floodplain Management

The objective of Clause 13.02-1 of the Planning Scheme is:

To assist the protection of:

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

The following strategies are set out:

- *Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority.*
- *Avoid intensifying the impacts of flooding through inappropriately located uses and developments.*
- *Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters and schools) outside the 1 in 100 year floodplain and, where possible, at levels above the height of the probable maximum flood.*
- *Locate developments and uses which involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) must not be located on floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.*

The amended application was referred to the Goulburn Broken Catchment Management Authority who did not object to the proposal and did not require any conditions be included on the Notice of Decision. It is therefore considered that the proposal would comply with the provisions of Clause 13.02-1 of the Planning Scheme.

The Local Planning Policy Framework (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans
21.05-2 Floodplain and Drainage Management

The following objectives are set out:

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

The following strategies are set out:

- *Discourage development and subdivision on land subject to flooding.*
- *Ensure that all new development maintains the free passage and temporary storage of floodwater, minimises flood damage is compatible with flood hazard and local drainage conditions, and minimises soil erosion, sedimentation and silting.*
- *Prevent tree removal to minimise loss of riparian vegetation as a result of development on the floodplain.*

The application was referred to the Goulburn Broken Catchment Management Authority who did not object to the proposal. It is therefore considered that the proposal would comply with the provisions of Clause 21.05-2 of the Planning Scheme.

Relevant Particular Provisions

There are no Particular Provisions that relate to the amended application.

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.*

The proposal would comply in the following ways:

- The location of the water tanks would comply with the provisions of the Neighbourhood Residential Zone and Land Subject to Inundation Overlay.
- The proposal would not cause any amenity impacts and would comply with the orderly planning of the area.
- The relocated water tanks would not provide appropriate water detention on the land.
- No native vegetation was required to be removed to facilitate the water tanks.

In light of the above, it is considered that the proposal would comply with the provisions of Clause 65 of the Planning Scheme.

Relevant incorporated or reference documents

There are no relevant incorporated or reference documents that relate to the proposal.

Other relevant adopted State policies or strategies policies

There are no adopted State policies or strategies that relate to the proposal.

Relevant Planning Scheme amendments

There are no Planning Scheme amendments that relate to the proposal.

Are there any significant social & economic effects?

There are no significant social and economic effects that relate to the proposal.

Discuss any other relevant Acts that relate to the amended application?

There are no Acts that relate to the amended application.

The Aboriginal Heritage Act 2006

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

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

Exempt Division 3 of Part 2 of the Aboriginal Heritage Regulations as the land has been subject to significant ground disturbance.

Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered

Conclusion

The proposal is considered to achieve an acceptable planning outcome and it is recommended that a Notice of Decision should grant.

Draft Notice Of Decision to Amend a Permit

APPLICATION NO: 2016-53/A

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO AMEND A PERMIT.

THE AMENDED PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 121-143 MCLENNAN STREET
MOOROPNA VIC 3629

PERMIT FOR WHICH AMENDMENT WAS SOUGHT: 2016-53

WHAT AMENDMENT IS BEING MADE TO THE PERMIT ?:

The Permit has been amended to allow the relocation of 2 x 5000 litre water tanks

TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT ?:

1. Layout Not Altered

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

2. Drainage Discharge Plan

Before the development starts, a properly prepared drainage discharge plan (by a suitably qualified person or organisation) with computations to the satisfaction of the responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a) details of how the works on the land are to be drained/retarded.
- b) underground stormwater pipe from the building works connected to an existing stormwater pipe within the property
- c) stormwater storage volume of 9 litres for every square meters of impermeable

area of proposed works.

- d) the provision of litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.

Before the buildings are occupied all works shown on the endorsed plans must be constructed in accordance with those plans to the satisfaction of the Responsible Authority

3. Construction Phase

Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.

Before the development starts, a construction management plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

4. Goulburn Broken Catchment Management Authority Requirements

The finished floor level of the proposed classroom block must be constructed at least 300 millimetres above the 100-yearARI flood level of 112.85 metres AHD, i.e. 113.15 metres AHD, or higher level deemed necessary by the responsible authority.

5. Time for Starting and Completion

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

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