

UNCONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 5/2019

HELD ON

FRIDAY 23 AUGUST 2019

AT 10.00AM

IN THE COUNCIL BOARDROOM
90 WELSFORD STREET

CHAIR

Councillor Dennis Patterson

COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Dennis Patterson (Chair)
- Michael MacDonagh – Team Leader Strategic Planning, Greater Shepparton City Council
- Joel Ingham – Planning Coordinator, Benalla Rural City Council
- Melissa Crane – Acting Manager Planning & Investment – Strathbogie Shire Council

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 5 for 2019

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”.

RECORDING OF PROCEEDINGS

I would like to advise all present today that:

- the proceeding is being minuted but not recorded and all minutes will be published on Council’s website.
- 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.

OFFICERS AND OTHERS PRESENT

The Planning Officers that will be in attendance for today’s hearing are:

- Sally Edmunds

I would also like to acknowledge all other parties present today. We will get you to introduce yourself when your turn comes to present.

APOLOGIES

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil

DECLARATIONS OF CONFLICTS OF INTEREST

No conflicts of interest declared

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, objectors and applicant will be limited to a maximum of 6 minutes per person with no extensions.

MATTERS FOR CONSIDERATION

There is one item listed for consideration in this session of the DHP:

1. Planning Permit application 2019-74 seeking permission for use and development of land to expand an existing materials recycling facility on the land at 73 Old Dookie Road, Shepparton.
2. Planning Permit application 2019-104 seeking permission for buildings and works for a dwelling extension and alterations in the Heritage Overlay on the land at 91 Corio Street, Shepparton.

10. LATE REPORTS

None

11. NEXT MEETING

N/A

Meeting concluded at 11.15am

Application Details:

Responsible Officer:	Sally Edmunds
Application Number:	2019-74
Applicants Name:	Bruce Mactier Building Designers
Date Application Received:	3 April 2019
Statutory Days:	
Land/Address:	73 Old Dookie Road SHEPPARTON VIC 3630
Zoning and Overlays:	Industrial 1 Zone Abuts RDZ2
Why is a permit required (include Permit Triggers):	33.01-1 Use of land for materials recycling/transfer station in the Industrial 1 Zone 33.01-4 Buildings and works in the Industrial 1 Zone 52.06-3 Reduction in car parking requirements
Are there any Restrictive Covenants on the title?	No

Proposal

The application proposes to use and develop the land to expand an existing materials recycling facility. The activities undertaken include the storage and transfer of waste and truck wash facility.

This application seeks permission to expand the existing Cleanaway operations across the entire site. Previously the land was used for two uses; Cleanaway and car wreckers. On this basis this application seeks permission for:

- Use of land for materials recycler/ transfer station;
- Buildings and works in the Industrial 1 Zone for the proposed shed of 2,035sqm; and
- Reduction in car parking for 1578sqm as that is the 10% site area for car parking required under Clause 52.06-5

The proposed shed will store general waste and trucks. To minimise odour, the shed will have filtered water with air freshener spraying from the roof and the shed will be emptied by a B Double daily to Melbourne.

EPA considered the uses amenity impacts and consented to grant a permit subject to conditions controlling wastewater, dust and pollution control.

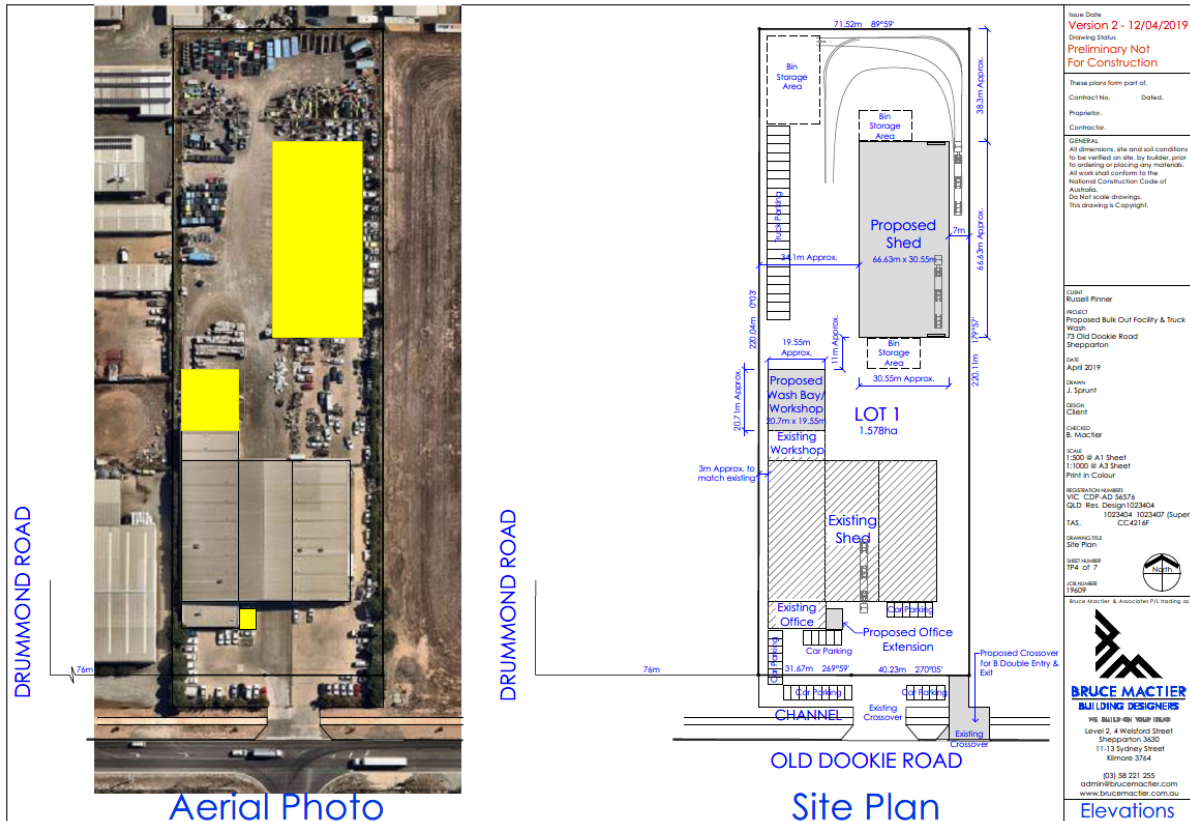
Officers placed the application on public notice and one objection was received from 87 Old Dookie Road which abuts the land to the east. The grounds of the objection relate to the B Double entry crossover, the existing drainage system, car parking and the use of land for a transfer station.

Officers consider that the concerns raised in the objection can be addressed within conditions to a permit should one grant and therefore do not believe that the objection warrants refusal of the application.

Officers consider that the following conditions will satisfy the objectors concerns:

- The requirement for a drainage discharge plan in accordance with the IDM with a restricted discharge rate of 1.2l/s/ha
- A works within road reserves permit will need to be obtained prior to any works to upgrade the existing crossovers as per the engineering conditions.

Plans of the proposal are below:



The main assessment concern associated with the application is adequate drainage from the site and the compatibility of the materials recycling use to surrounding uses. Officers have considered the application and recommend that a NOD to grant a permit be issued for the following reasons:

- The planning scheme encourages appropriately located materials recycling uses to divert materials from land fill and move towards a zero waste state.
- Officers consider that the location for the materials recycling facility is appropriately located due to freight links and lack of proximity to residential zones.
- Officers require a drainage plan as part of the conditions on the NOD to determine computations for the retardation on site.

Summary of Key Issues

The land is within the Industrial 1 Zone which lists materials recycling as a Section 2 Use.

Officers placed the application on public notice and one objection was received from 87 Old Dookie Road which abuts the land to the east. The grounds of the objection relate to the B

Double entry crossover, the existing drainage system, car parking and the use of land for a transfer station.

The application was sent to referral and notice and the authorities consented to the application subject to conditions.

It is considered the proposed use of land for materials recycling is acceptable for the following reasons:

- The scheme encourages the development of resource recovery to move Victoria towards zero waste
- The IN1Z is the most appropriate zone within Greater Shepparton to locate the use
- The land is remote from the nearest residential zone which is approximately 893m away.
- The use is setback more than 200 metres to the nearest dwelling not in the same ownership. Additionally the dwelling is not in a residential zone and therefore cannot expect the level of residential amenity enjoyed in a residential zone
- The land has direct access to high order roads being Old Dookie, which is designed to cater for heavy vehicle movements
- Appropriate permit conditions can adequately deal with offsite amenity impacts
- Officers require a Drainage Condition Plan as part of the conditions on the NOD to limit the lands discharge rate to 1.2l/s/ha.

Officers consider that the application complies with the Planning Scheme which encourages appropriately located materials recycling uses.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2019-74** 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 **33.01-1, 33.01-4 and 52.06-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **73 Old Dookie Road SHEPPARTON VIC 3630**, for the **Buildings and works for a materials recycling and transfer station facility in the Industrial 1 Zone and reduction in car parking requirements** in accordance with the Notice of Decision and the endorsed plans.

Motion: That the matter lay on the table to allow both parties to provide further information.

Moved by Joel Ingham

Seconded by Melissa Crane

CARRIED

Subject Site & Locality

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

Date: **13 August 2019**

Time: **10:00am**

The site has a total area of **1.67ha** and currently contains:

- Cleanaway waste storage facility
- Vacant shed on eastern side of the property

The main site/locality characteristics are:

- Within a developed industrial area to the west and north
- Vacant land to the east
- Opposite GVW water tower
- Existing freight linkage

The Photos below show the existing site:



Existing unsealed crossover to Old Dookie Road



Existing crossover to Old Dookie Road



Existing open drain along eastern boundary



Location of proposed workshop extension



Stored baled waste including plastic and cardboard and proposed location of truck wash

Location of proposed new shed at the rear of the property



13/08/2019 11:13



13/08/2019 11:14

Location of proposed new shed at the rear of the property

View from the rear of the property through to Old Dookie Road



Open drain at the rear of the property that flows into 87 Old Dookie Road



Location of proposed new shed at the rear of the property



13/08/2019 11:16



13/08/2019 11:18

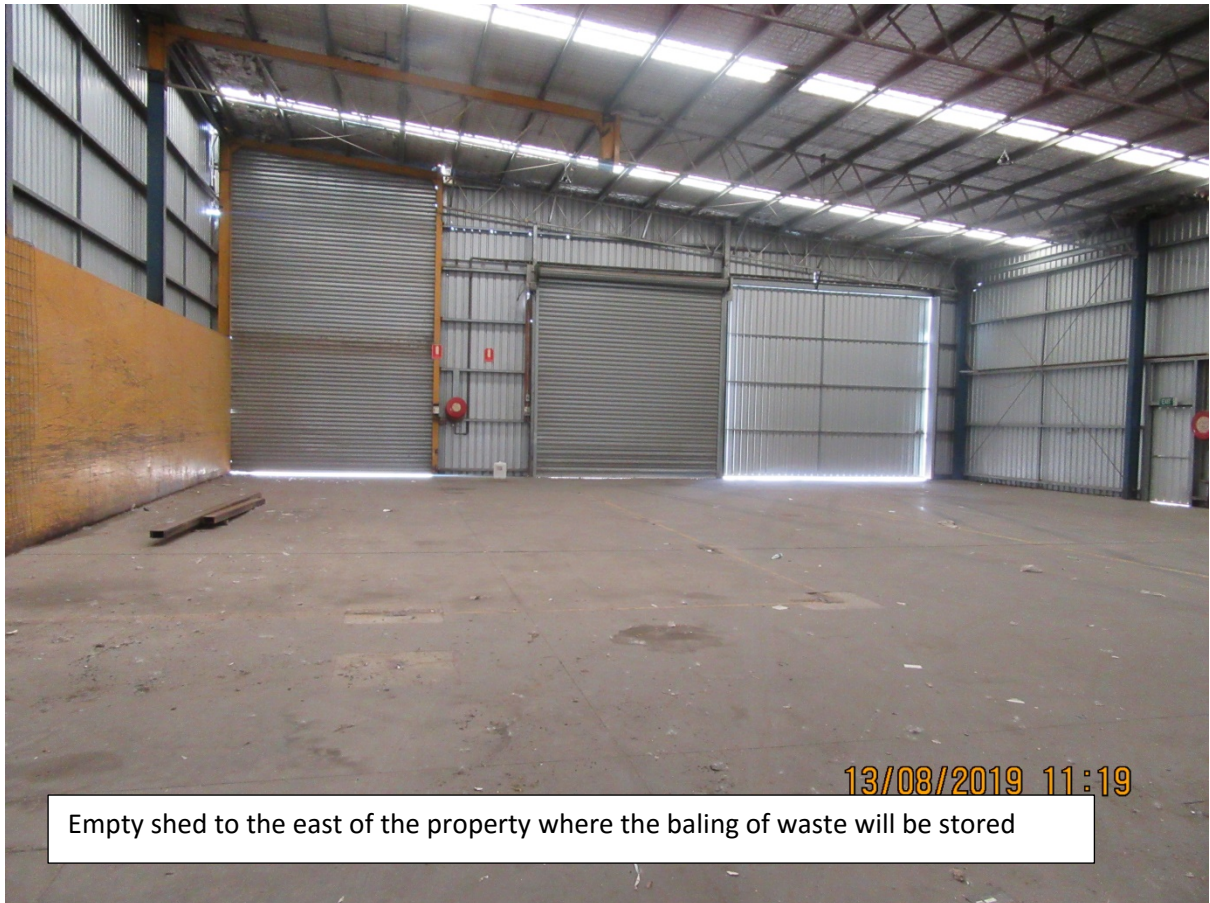
Existing shed where baling takes place



Existing through access to the rear of the property



Empty shed to the east of the property where the baling of waste will be stored



Permit/Site History

The history of the site includes:

- 1995-117 the use and development of land for the purpose of a transport depot
- 1995-76 the subdivision of land into two lots
- 2002-289 materials recycling facility
- 2012-220 Buildings and works in the Industrial 1 Zone and reduction in car parking requirements
- 2013-327 the land to be used for motor vehicle sales in the Industrial 1 Zone and variation to Clause 52.14
- 2013-327/A the land to be used for motor vehicle sales in the Industrial 1 Zone and variation to Clause 52.14

Further Information

Is further information required for the application? **Yes**

What additional information is required?

- **A written explanation of the activities to be undertaken in the expanded Cleanaway site including details of additional truck movements, storage of waste, processing of waste and location of truck parking.**

- **Consideration of whether a works approval or licence is required from the EPA.**

What date was the information requested?: **29/4/19**

What is the lapse date? **29/5/19**

What date was the information received?: **7/5/19**

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **use of land and buildings and works for a materials recycling/transfer station in the Industrial 1 Zone**, by:

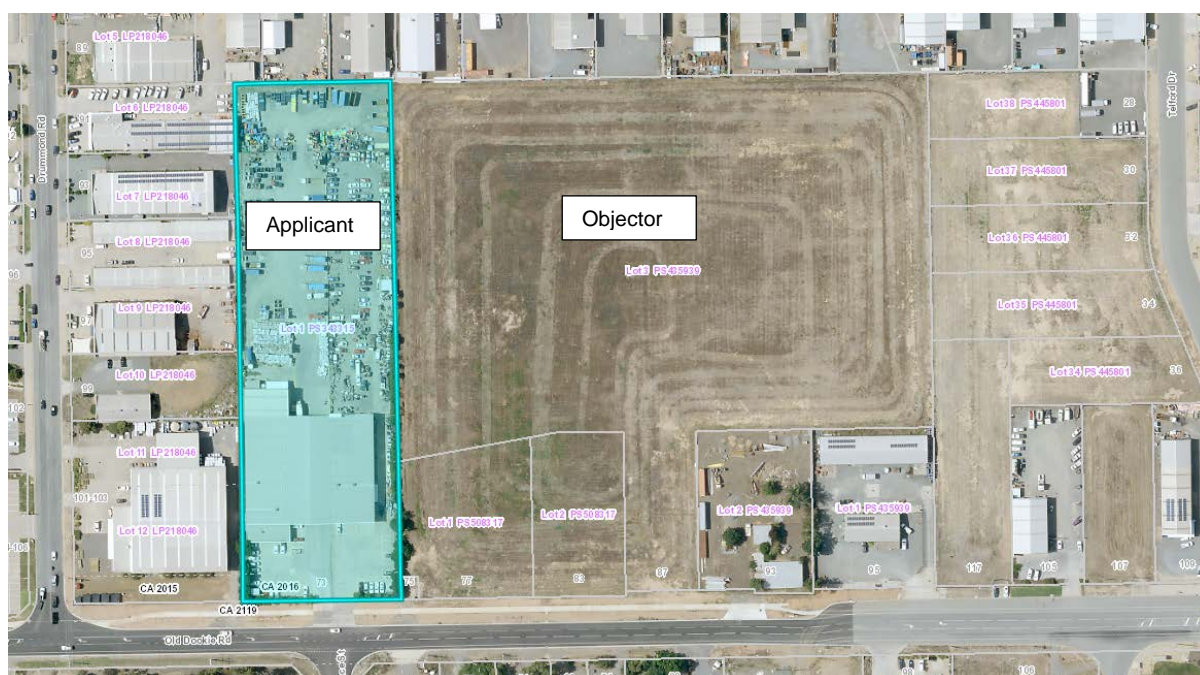
- Sending notices to the owners and occupiers of adjoining land.
- Sign on site.



The application was exempt from being advertised in accordance with Clause **33.01-4** of the planning scheme.

Objections

The Council has received **one** objection to date from the abutting neighbour 87 Old Dookie Road.



The key issues that were raised in the objections are.

Objection	Comments
The proposed B Double entry crossover on the eastern end is not contained at right angles to the developments boundary; this will prohibit future development options on our adjoining allotment.	<p>A works within road reserves permit will need to be obtained prior to any works to upgrade the existing crossover.</p> <p>Officers require a swept paths analysis for the entry and exit to be undertaken by an engineer as part of the conditions on the permit.</p>
<p>The current drainage system is inadequate from the site and is a remnant of swale drains provided to cater to rural paddock runoff only. Any future development proposal must be provide for a solution with regards to volume, retardation, treatment etc. The proposal must be designed to cater for;</p> <ul style="list-style-type: none"> the increased flows due to the larger development any potential contaminations from the site discharging onto the adjacent site any contributions for drainage upgrades required with consideration to the pre 	<p>The requirement for a drainage discharge plan will satisfy any drainage concerns as the development will not be allowed to be undertaken prior to the endorsement of the plan. This will include drainage to and from the site.</p>

and post development flows.	
The car parking provided seems inadequate given the expansion almost doubles the size of the roofed area.	Officers consider that the addition of 11 new car parks is sufficient to meet the uses parking demand as 3 more staff is proposed. This leaves an additional 8 car parks for visitors.
I also believe the development should have restrictions dealing with the type of transfer station allowable on the site particularly in respect to what type of items are allowable on the site. Experience shows that as time passes businesses change and rarely are permits for use updated with these changes. My concerns are in regards to odour, litter, visual amenity and noise. The proposal does not detail the current and future uses of the site adequately.	<p>Officers consider that the use of land is compatible to surrounding industrial uses and that a transfer station is expected within an industrial area.</p> <p>Officers will place a condition on the NOD allowing only Cleanaway to operate a transfer and materials recycling facility to operate on the site.</p> <p>Officers referred the application to the EPA who consented to the application subject to conditions. One of the conditions being that dust and particles must not be discharged beyond the boundaries of the premises.</p>

Title Details

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

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Officers met on site on 16 May 2019 with the applicant, Bruce Mactier and Councils engineers. Items discussed were the ownership of the small lot between 73 Old Dookie Road and 87 Old Dookie Road, the Future Court basin capacity, catchment for the surrounding properties and the potential formal drainage agreement.
- Officers met at Council on 21 June 2019 to discuss drainage with the applicant, objector and Councils engineers. Officers tasked DTR Designs with formalising a drainage agreement between the objector and the applicant.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Goulburn Valley Water	<p>Consented to the application subject to the following conditions:</p> <ul style="list-style-type: none"> • Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. <p>All works required are to be carried out in accordance with AS 3500.2 -</p>

	<p>'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;</p> <ul style="list-style-type: none"> Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement <p>The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted;</p>
EPA	<p>Consented to the application subject to the following conditions:</p> <ul style="list-style-type: none"> Wastewater generated at the premises must be connected to a reticulated sewer. Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises. Pollution control devices including bunds and cut-off drains must be installed around the boundary of the operational areas to prevent contaminated run-off entering into a waterway or stormwater system. <p>A permit note advising the following should be included on any permit issued; The permit operator (occupier) must comply with the Waste Management Policy (Combustible Recyclable and Waste Materials), as published in Government Gazette No. S397 on 28 August 2018 to ensure that combustible and recyclable waste materials are managed and stored in a manner that minimises the risks of harm to human health and environment. Non-compliance with this policy could lead to sanctions under the Environment Protection Act 2018.</p>

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>Consented to the application subject to the following conditions:</p> <p><u>Car Park Construction Requirements</u></p> <p>Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' or <i>Australian Standard AS2890.1-2004 (Off Street Parking) & AS2890.6 (Off Street Parking for People with Disabilities)</i> and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions.</p> <p>Before the use or occupation of the development starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:</p> <ol style="list-style-type: none"> surfaced with an all-weather seal coat / surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust; constructed and completed to the satisfaction of the Responsible Authority; drained in accordance with an approved drainage plan; line-marked to indicate each car space and all access lanes; properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land; measures taken to 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;

- g) Provision of traffic control signage and or structures as required;
- h) All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
- i) Details of turning movement of B-Double vehicles.

to the satisfaction of the responsibility authority.

The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

Urban Vehicle Crossing Requirements

Before the Statement of Compliance vehicular crossings shall be constructed in accordance with the endorsed plan(s) 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);
- 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) Commercial 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.

Drainage Discharge Plan

Before any of the development starts, a properly prepared drainage discharge plan 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 and/or retarded.
- b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority
- c) underground pipe drains conveying stormwater to the legal point of discharge
- d) measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- e) a maximum discharge rate from the site not exceeding 1.2l/s/ha in accordance with council's Infrastructure Design Manual
- f) documentation demonstrating approval from the relevant authority for the legal point of discharge.
- g) the provision of gross pollutant and/or 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.
- h) No contamination of wastewater from the proposed wash down facility into stormwater system
- i) the details of the incorporation of water sensitive urban design, designed

	<p>in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.</p> <p>j) maintenance schedules for treatment elements.</p> <p>Before the use begins and/or the building(s) is/are occupied all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority</p> <p><u>Council's Assets</u></p> <p>Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.</p> <p><u>Works on Municipal Road Reserves Permit Required</u></p> <p>A road opening/crossing permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.</p>
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Assessment

The zoning of the land

33.01 INDUSTRIAL 1 ZONE

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

33.01-4 Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out 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 Municipal Planning Strategy and the Planning Policy Framework.
- 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.

Relevant overlay provisions

There are no overlays on the site

The State Planning Policy Framework (SPPF)

17.03-1S Industrial land supply

Objective

- To ensure availability of land for industry.

Strategies

- Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.
- Identify land for industrial development in urban growth areas where:
- Good access for employees, freight and road transport is available.
- Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.
- Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.
- Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.

17.03-2S Industrial development siting

Objective

- To facilitate the sustainable development and operation of industry.

Strategies

- Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.
- Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.
- Minimise inter-industry conflict and encourage like industries to locate within the same area.
- Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.
- Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.
- Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.
- Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

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

21.06-4 Industry

In the past few decades, Shepparton has developed a critical mass of manufacturing-based employment that has further strengthened its role within the region and is now an important component of the local economy. Owing to the presence of a number of significant national and international food processing and packaging companies within the municipality, the agricultural, food processing and manufacturing sectors are all closely interlinked.

Objectives 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.

General Strategies

- Consolidate existing major areas of industrial zones within the new urban growth boundaries and around major transport routes and infrastructure assets.
- Protect the supply of existing and future industrial land from encroachment by incompatible land uses.
- Encourage industrial subdivisions to provide a variety of lot sizes on all undeveloped land.
- Encourage land in undeveloped areas to be retained in large holdings until it is required for development.
- Monitor industry and business investment trends to better understand and plan for changes in development, demand and locational needs. Ensure high quality design in industrial areas by requiring all future industrial development and subdivisions to comply with the requirements of the *Infrastructure Design Manual*.
- Continue to identify, assess and include places of industrial cultural heritage significance in the Heritage Overlay to conserve their significance.
- Avoid incremental approvals and development in identified investigation areas until an integrated investigation has been completed to assess and resolve future land opportunities and constraints, land use, development opportunities, subdivisional layout and servicing for the area.

Economic Development Objectives

- To provide an adequate supply of appropriately located industrial land that meets the needs of different industry sectors.
- To protect the integrity and viability of existing and future industrial areas within Shepparton,

- Mooroopna and Tatura from competing and non-compatible land uses.
- To direct different types of industrial development to appropriate locations within the municipality.
- To encourage future industrial land uses to locate on existing vacant industrial zoned lands and, where this is not possible, to examine opportunities to rezone additional lands to facilitate such industrial or related land uses.
- To facilitate the redevelopment of under-utilised industrial sites for more intensive forms of industrial uses to make more efficient use of existing infrastructure.
- To encourage resource recovery uses to establish across the region in locations where impacts on nearby land uses can be minimised.

Economic Development Strategies

- Identify future industrial areas in strategic locations adjacent to major transport routes and infrastructure assets, which are separated from areas of environmental significance or high residential amenity.
- Support the expansion of the industrial base in appropriate locations, as shown on the Industrial Framework Plans
- Promote and develop the GV Link freight logistic centre.
- Protect and facilitate the expansion of existing and designated future industrial areas from encroachment by incompatible land uses.
- Support the development of new industries in established industrial zones, with access to infrastructure and constructed roads.
- Support food related industries and the development of value-adding opportunities.
- Encourage new-value adding industries.
- Facilitate appropriately located industrial lands in rural townships for light industrial and related uses for industries associated with the storage, packing and processing of local agricultural produce or the immediate servicing needs of local communities.
- Allow limited light industry in the townships if it relates to local agricultural production or services the immediate needs of local communities, subject to servicing and environmental constraints.
- Direct industries which require substantial buffer zones from sensitive land uses to locations that minimise land use conflicts and impacts on the amenity of surrounding areas.

Amenity Objectives

- To minimise any impact on the amenity and safety of surrounding land uses from traffic, noise and emissions generated by industrial land and resource recovery 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

- 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.
- Direct resource recovery industries to locations that minimise land use conflicts and impacts on the amenity of surrounding areas.

Relevant Particular Provisions

52.06 CAR PARKING

Purpose

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the 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.

52.06-3 Permit requirement

A permit is required to:

- Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

52.06-10 Decision guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.

- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards
- AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay.

53.14 RESOURCE RECOVERY

Purpose

- To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

53.14-1 Application

- This clause applies to all land used and developed or proposed to be used and developed for:
 - A Transfer station;
 - A Materials recycling facility.

53.14-2 Application requirements

An application must be accompanied by the following information:

- A location plan showing the site and surrounding uses including distances to nearby sensitive uses such as residential, hospital or education uses.
- A detailed site plan showing the layout and height of buildings and works, materials, reflectivity, colour, lighting, landscaping, access roads and parking areas.
- Plans or other media showing anticipated views of the facility from sensitive use locations.
- A written report(s) including:
 - Identification of the purpose of the use.
 - A description of the proposal including the materials to be processed, the types of processes to be used and any materials to be stored and handled.
 - Proposed hours of operation.
 - Likely traffic generation including heavy vehicles.
 - Consideration of whether a works approval or licence is required from the Environment Protection Authority.
- An assessment of:
 - Potential amenity impacts such as noise, odour, emissions to air, land or water, vibration, dust, light spill, visual impact.
 - The impact of traffic generation on local roads.

53.14-3 Decision Guidelines

Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider:

- The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.
- The impact of the proposal on the amenity of the surrounding area.
- The Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015).
- Any Regional Waste and Resource Recovery Implementation Plan including the *Metropolitan Waste and Resource Recovery Implementation Plan* (Metropolitan Waste and Resource Recovery Group, 2016).
- Relevant guidelines applicable to the application including the guideline for *Designing, Constructing and Operating Composting Facilities* (Environmental Protection Authority, 2015), the *Guide to Best Practice for Organics Recovery* (Sustainability Victoria, 2009) and the *Guide to Best Practice at Resource Recovery Centres* (Sustainability Victoria, 2009).

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.

Officer Response:

The application proposes the use of land to expand the existing materials recycling facility to include the drop off of waste material and the buildings and works in the Industrial 1 Zone for a new shed and office extension.

This application seeks permission to expand the existing Cleanaway operations across the entire site. Previously the land was used for two uses being Cleanaway and car wreckers. On this basis this application seeks permission for:

- Use of land for materials recycler and transfer station.
- Buildings and works in the IN1Z.

Officers as part of their initial assessment consider further information is required being:

- A written explanation of the activities to be undertaken in the expanded Cleanaway site including details of additional truck movements, storage of waste, processing of waste and location of truck parking.
- Consideration of whether a works approval or licence is required from the EPA.

The existing use of the land is for materials recycling including the disposal of cardboard and plastic which is compacted and baled on site in the main shed. The bales are currently stored outside to the rear of the workshop and truck wash. The bales are then picked up and transported to Altona for export.

Planning permit 2002-289 was issued on 19 September 2002 and allowed the land to be used and developed for material recycling facility.

The officer's report described the proposal as:

Pursuant to Clause 33.01-1, an application is required for the change in use of the land to a Materials Recovery Facility. The proposal meets the decision guidelines and objectives of Clause 65 for the following reasons.

The subject land was previously used for a transport depot and for the recovery of waste plastics, cardboard and paper. The proposal is for the change in use to a Materials Recovery Facility. The applicant provided a report addressing the proposed development, being a Cleanaway project, comparing it to the existing Wodonga facility.

The land is zoned Industrial 1, and the surrounding land uses and developments are also of an industrial nature. The proposed development will utilise the existing office and industrial building. The applicant has provided 10% of the site for car parking purposes.

It has been proposed that the Materials Recycling Facility will operate seven days a week, generally daytime hours. This will be conditioned so as to ensure the noise doesn't impact on surrounding land uses.

The main existing shed will include the addition of new offices to the front of the building which will contain an additional 3 rooms for 3 more staff. The additional staff and size of the property will mean that the car parking area will need to be 1578sqm as that is the 10% site area for car parking required under Clause 52.06-5.

The application proposes the reduction in car parking requirements under Clause 52.06-3. The use of land for a materials recycling is listed in the table to Clause 52.06-5, which requires 10% of the site area be dedicated to car parking.

This would mean that a site of 1578sqm will need to be provided to accommodate the car parking. Officers, through numerous site visits have observed the existing car park and consider that there is currently insufficient car parking on site. The application includes the addition of 11 new car parks; however the overall size of the car park is 700sqm. Therefore, a reduction of 878sqm will need to be included in the application.

Officers consider that the addition of 11 new car parks is sufficient to meet the uses parking demand as 3 more staff is proposed. This leaves an additional 8 car parks for visitors.

The proposed shed will store general waste and trucks. To minimise odour, the shed will have filtered water with air freshener spraying from the roof, the shed will be emptied by a double daily to Melbourne.

Officers in considering whether the use of land is appropriately located and have had regard to the following VCAT decision:

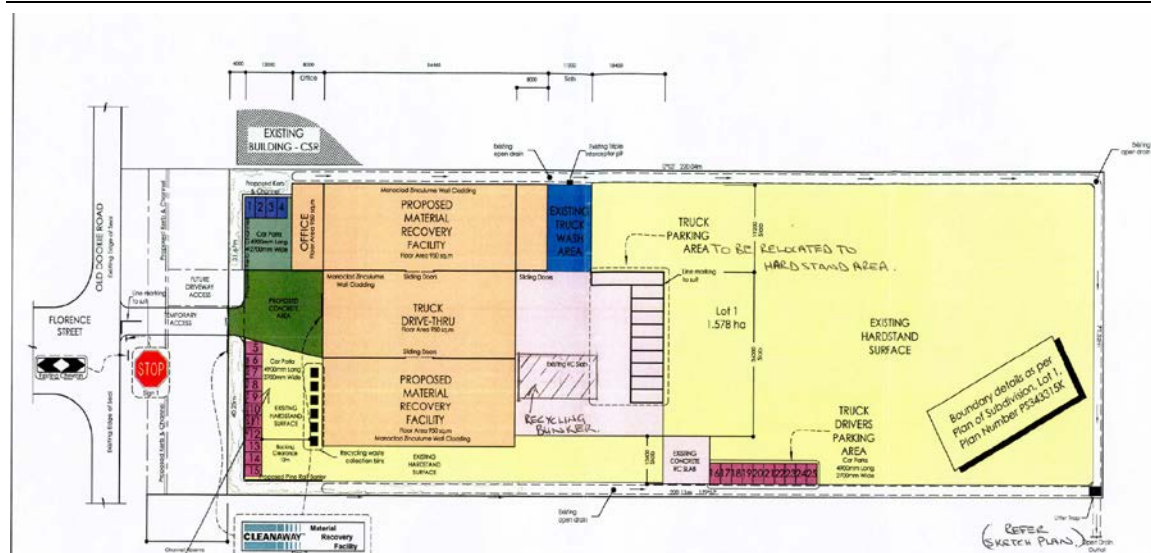
Voskop Enterprises Pty Ltd v Greater Shepparton CC (2013) VCAT considered an application for materials recycling at 121-135 Old Dookie Road, Shepparton. A significant matter was the compatibility of the land for material recycling to surrounding land uses.

Having considered the submissions, the provisions of the Greater Shepparton Planning Scheme (the Scheme') and inspected the review site and surrounds, I have found that the proposal is acceptable for the site subject to appropriate conditions that will ensure amenity impacts are acceptable. I consider a use that enjoys strong Scheme support should not be rejected based on an uncertain potential rezoning of land to residential in proximity to the site.

Clause 53.14 Resource Recovery requires that applications for materials recycling facilities and transfer stations consider the impact of the use on the surrounding area. Officers consider that Cleanaway is appropriately located given the IN1Z of the land, good access to major freight routes and the lands setback to the nearest residential zone.

The property has an existing point of discharge on the western boundary of the property. The open drain follows the fence line along the western and norther boundaries and connects to the open drain to the northern boundary of 87 Old Dookie Road. There is no pit to the front of the property and therefore all storm water is drained to the rear of the property along the open drain.

As seen in the below plan from 2005:



Officers have considered the drainage implications of the proposed development. Officers in conjunction with Spiire have completed a detailed design of the upsizing of the Telford Basin to cater for a 1 in 100 year event. These basin works are expected to be implemented in future Council capital budgets.

At this current point in time it is necessary for the land to restrict its discharge to 1.2l/s/ha to ensure the existing drainage system is not overwhelmed. Permit conditions will require the submission of a drainage discharge plan that demonstrates how the land will restrict its discharge to 1.2l/s/ha and the provision of onsite water treatment.

It is therefore considered that the proposed use of land for materials recycling and transfer station is acceptable for the following reasons:

- The scheme encourages the development of resource recovery to move Victoria towards zero waste.
- The IN1Z is the most appropriate zone within Greater Shepparton to locate the use
- The land is remote from the nearest residential zone.
- The use is setback more than 200 metres to the nearest dwelling not in the same ownership. Additionally these dwellings are not in a residential zone and therefore cannot expect the level of residential amenity enjoyed in a residential zone.
- The land has direct access to high order roads being Old Dookie and Doyles Road, both of which are designed to cater for heavy vehicle movements.
- Appropriate permit conditions can adequately deal with offsite amenity impacts.

Officers have undertaken an assessment of the application against the State Planning Policy Framework, Local Planning Policy Framework, Industrial 1 Zone and car parking provisions. Officers consider that the application complies with the Planning Scheme and recommend that a permit be issued with conditions.

Relevant incorporated or reference documents

There are no relevant incorporated or reference documents to this proposal.

Other relevant adopted State policies or strategies policies

Victoria's Towards Zero Waste Strategy 2005

Guide to Best Practice at Resource Recovery Centres 2017

Relevant Planning Scheme amendments

There are no relevant Planning Scheme Amendments

Are there any significant social & economic effects?

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

Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts that relate to the application.

Conclusion

The application to use and develop the land for material recycling including the reduction in car parking requirements is recommended for approval by planning officers as use is an acceptable use in the IN1Z as it is remote from residential zoned land.

Draft Notice Of Decision

APPLICATION NO: 2019-74
PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 73 OLD DOOKIE ROAD SHEPPARTON VIC 3630

WHAT THE PERMIT WILL ALLOW: USE AND DEVELOPMENT FOR A MATERIALS
RECYCLING AND TRANSFER STATION FACILITY
IN THE INDUSTRIAL 1 ZONE

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. 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.

2. Buildings and works on endorsed plans to be completed prior to occupation

Before the proposed new building is occupied, all buildings and works on the endorsed plans must be completed to the satisfaction of the responsible authority unless otherwise agreed in writing by the responsible authority.

3. Consolidation

Prior to the occupation of the new building, all lots comprising the land must be consolidated into one lot.

4. Civil Construction Requirements

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

- a) details of how the land is to be retarded with a discharge rate not exceeding 1.2l/s/ha
- b) computations including total energy line and hydraulic grade line for the

- proposed drainage as directed by responsible authority
- c) underground pipe drains conveying stormwater to the legal point of discharge
- d) unless agreed in writing by the responsible authority, measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- e) the details of the incorporation of water sensitive urban design, designed in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- f) maintenance schedules for treatment elements;
- g) electricity connection to the building is to be undergrounded and any on site substation is to be screened;
- h) detailed design of car parking spaces, loading area and access aisles
- i) design of the proposed b'double vehicle crossing to Old Dookie Road

Before the building is occupied all buildings and works must be completed as shown on the endorsed civil plans to the satisfaction of the responsible authority.

5. Environmental Management Plan

Prior to the commencement of the development hereby permitted an Environmental Management Plan, prepared by a suitably qualified person and to the satisfaction of the responsible authority, 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 provide for the operation and management of the use and development hereby permitted in a manner which:

- a) ensures that an experienced and trained site manager is present at all times when the use hereby permitted is operated to receive and process waste, together with a sufficient number of staff to ensure its satisfactory operation of the site;
- b) provides for measures to prevent litter arising from the operations at all times is confined within the boundaries of the subject land and disposed of to the satisfaction of the responsible authority;
- c) provides for measures to prevent paper and other light materials being blown from the subject land;
- d) provides for measures to prevent dust arising from operations associated with the use or development hereby permitted from extending beyond the boundaries of the site;
- e) ensures that an adequate water supply and distribution system is available at all times so that sufficient water may be discharged by means of a hose to extinguish a fire on any part of the site;
- f) ensures that the exterior finish of all buildings and works are non- reflective and coloured or painted in muted shades of colours approved by the responsible authority and then maintained in good visual order and condition to its satisfaction.

The use and development hereby permitted must be managed and maintained in accordance with the approved Environmental Management Plan at all times to the satisfaction of the Responsible Authority.

6. General Amenity

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

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

to the satisfaction of the responsible authority.

7. Goulburn Valley Region Water Corporation Requirements

- a) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;

- b) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement

The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted.

8. Environment Protection Authority

- a) Wastewater generated at the premises must be connected to a reticulated sewer.
- b) Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises.
- c) Pollution control devices including bunds and cut-off drains must be installed around the boundary of the operational areas to prevent contaminated run-off entering into a waterway or stormwater system.

EPA Note

The permit operator (occupier) must comply with the Waste Management Policy (Combustible Recyclable and Waste Materials), as published in Government Gazette No. S397 on 28 August 2018 to ensure that combustible and recyclable waste materials are managed and stored in a manner that minimises the risks of harm to human health and environment. Non-compliance with this policy could lead to sanctions under the *Environment Protection Act 2018*.

9. Time for Starting and Completion

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

- a) the development is not started within **two (2) years** of the date of this permit;
- b) Cleanaway discontinue the use of the land.

Application Details:

Responsible Officer:	Sally Edmunds
Application Number:	2019-104
Applicants Name:	HDN Building Design
Date Application Received:	13 May 2019
Land/Address:	91 Corio Street SHEPPARTON VIC 3630
Zoning and Overlays:	Neighbourhood Residential Zone Heritage Overlay Parking Overlay - Precinct 1 Schedule
Why is a permit required (include Permit Triggers):	43.01-1 Buildings and works in the Heritage Overlay
Are there any Restrictive Covenants on the title?	No

Proposal

The application proposes buildings and works in the Heritage Overlay for dwelling alterations and additions and a 1.8 metre high front fence. Planning permit permission is required pursuant to Clause 43.01-1 for the buildings and works in the Heritage Overlay.

The works include a rear addition, alfresco, garage, a portico to the front of the dwelling and a front fence. The buildings and works associated with the portico and garage include the removal of a front window and instalment of a new window and the demolition of one of the front bedrooms to then be replaced with the garage.

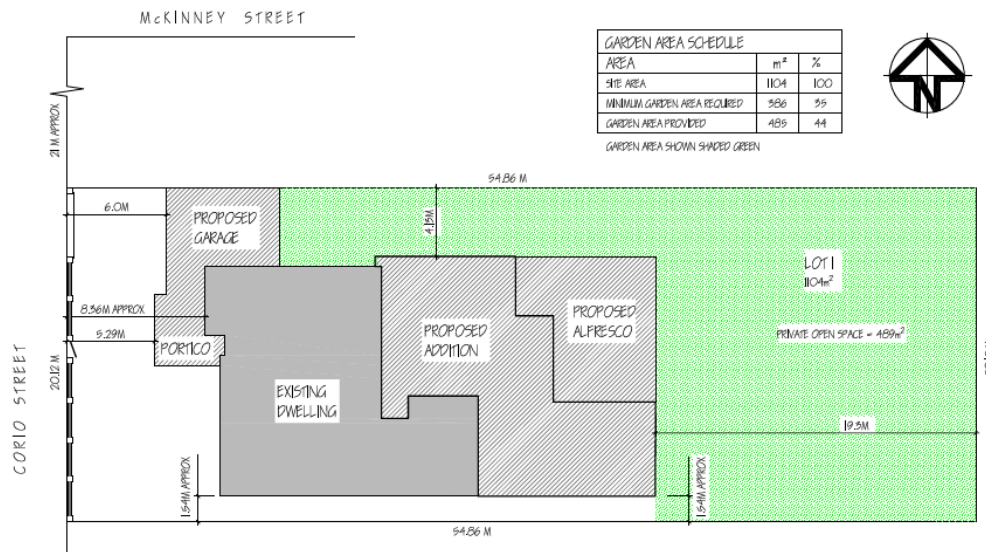
The proposal also includes the rendering of the entire exterior of the dwelling and replacement of the existing tiled roof with a new Colourbond roof.

The proposed fence is to be constructed using modern materials such as aluminium pickets. Officers consider that the use of modern materials is acceptable as the design of the fence is sympathetic to the heritage of the precinct. The proposed fence is to be 1800mm high and officers do not support the proposed height as it is above the recommended 1500mm front fence height.

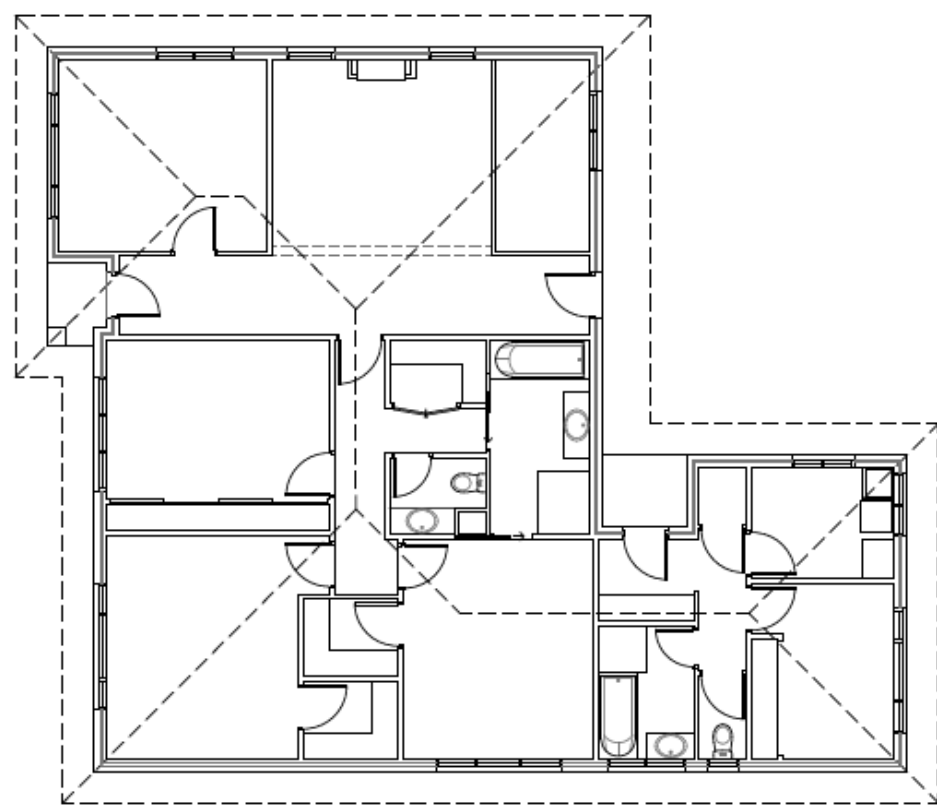
The property is non-contributory to HO141 which applies to the Shepparton Residential Precinct South, Shepparton. Although the property is non-contributory to heritage precinct HO141, the Planning Scheme dictates that applications should be sympathetic to the precinct. Officers consider that the location of the garage to the front of the dwelling which is out of character for the area of Corio Street will have a detrimental effect on the streetscape.

Officers have undertaken an assessment of the application against the Planning Policy Framework, Local Planning Policy Framework, and Heritage Overlay. Officers consider that the application does not comply with the Planning Scheme and recommend that a refusal to grant a permit be issued.

Plans of the buildings and works are below:



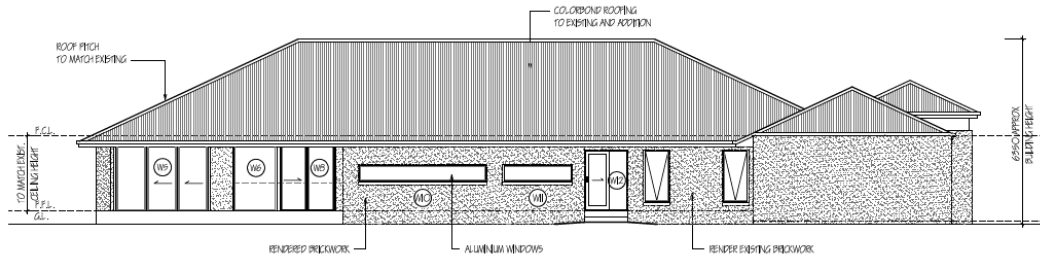
8) DAYLIGHT TO EXISTING HABITABLE ROOM WINDOWS.
 A BUILDING MUST BE SET BACK FROM A HABITABLE ROOM WINDOW IN AN
 EXISTING DWELLING ON AN ADJOINING ALLOTMENT TO PROVIDE A MINIMUM
 LIGHT COURTYARD OF 3m² AND 1m CLEAR TO THE SKY.



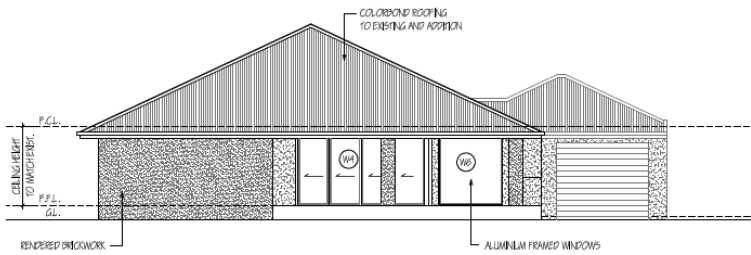


WEST ELEVATION

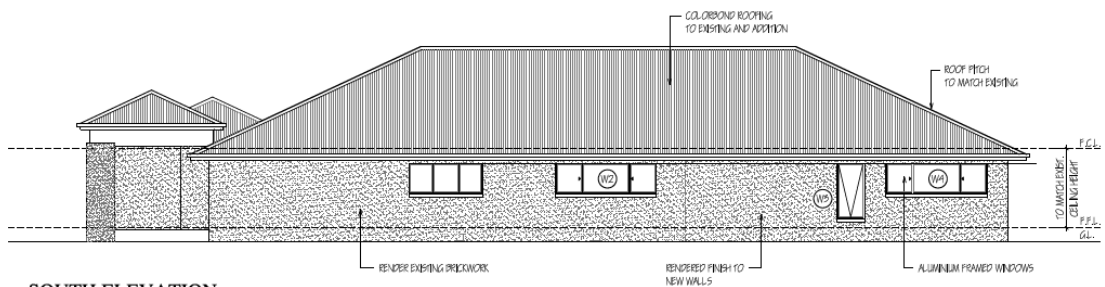
- DRAINAGE REQUIREMENTS:**
- (A) THE EXTERNAL SURFACE SURROUNDING THE FLOOR SLAB MUST BE DRAINED TO MOVE SURFACE WATER AWAY FROM THE BUILDING AND GRADDED TO GIVE A SLOPE OF NOT LESS THAN 30MM OVER THE FIRST 1M.
 - (B) THE HEIGHT OF THE SLAB ON GROUND ABOVE EXTERNAL FINISHED SURFACES MUST BE NOT LESS THAN:
 - a. 100MM ABOVE THE FINISHED GROUND LEVEL IN LOW RAINFALL INTERIERY AREAS OR SANDY, WELL DRAINED SOIL.
 - b. 300MM ABOVE IMPERMEABLE (PAVED OR CONCRETE AREAS) THAT SLOPE AWAY FROM THE BUILDING IN ACCORDANCE WITH (A).
 - c. 150MM IN ANY OTHER CASE.
 - (C) THE GROUND BENEATH SUSPENDED FLOORS MUST BE GRADED SO THAT THE AREA BENEATH THE BUILDING IS ABOVE THE ADJACENT EXTERNAL FINISHED GROUND LEVEL AND THE SURFACE WATER IS PREVENTED FROM PONDING UNDER THE BUILDING.



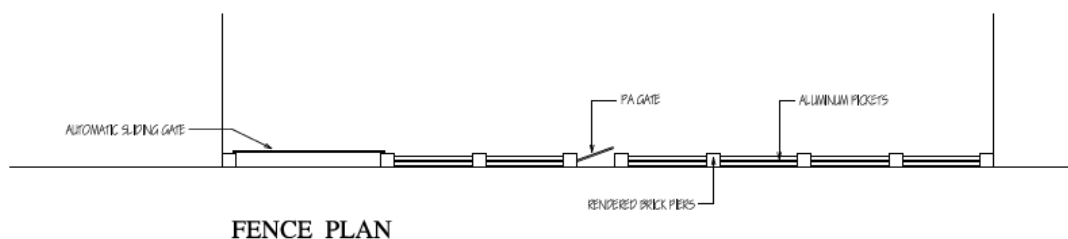
NORTH ELEVATION



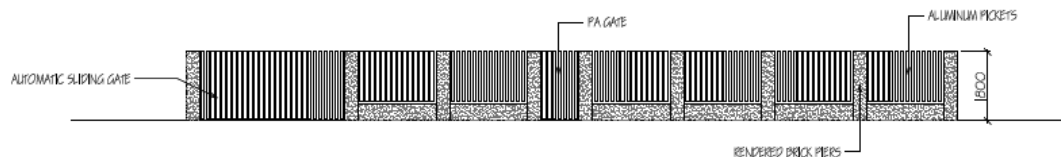
EAST ELEVATION



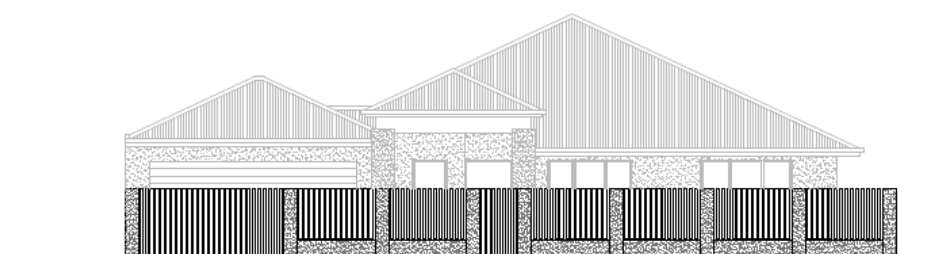
SOUTH ELEVATION



FENCE PLAN



FENCE ELEVATION



CORIO STREET ELEVATION

Summary of Key Issues

Following and assessment of the application including advice for Council's Heritage Advisor, officers consider that the application does not comply with the Local Planning Policy Framework as the proposal will have a detrimental effect on the Heritage Precinct and cultural heritage of the area for the following reasons:

The garage

Officers consider that the location of the garage to the front of the dwelling which is out of character for the area of Corio Street will have a detrimental effect on the streetscape.

Front fence

Officers consider that the height of the fence should be lowered from 1800mm to 1500mm. The heritage advisor recommends that front fences within heritage areas should be 1500mm to allow for visibility to the heritage place.

Officers are supportive of the rear extension, change in roof materials, rendering and fence materials.

The application was sent to Goulburn Valley Water who consented to the application subject to conditions.

The application was referred to Councils Heritage Advisor who recommended that the garage be setback 3 metres from the front of the dwelling and the fence height be lowered to 1500mm.

Recommendation

Refusal

That the Council having caused notice of Planning Application No. 2019-104 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 43.01-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 91 Corio Street SHEPPARTON VIC 3630, for the buildings and works for dwelling alterations and additions and a 1.8 metre high fence in the Heritage Overlay.

For the following reasons:

The proposed garage is inconsistent with the objective and strategies of clause 15.03-1S Heritage conservation as the garage is inappropriately located to the front of the dwelling.

The proposed garage to the front of the dwelling and the 1.8 metre high fence does not produce acceptable planning outcomes against 21.05-4 Cultural Heritage of the Greater Shepparton Planning Scheme as the design is not sympathetic to the heritage significance of the precinct.

Moved by Michael MacDonagh

Seconded by Joel Ingham

That the Council having caused notice of Planning Application No. 2019-104 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 43.01-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 91 Corio Street SHEPPARTON VIC 3630, for the buildings and works for dwelling alterations and additions and a 1.8 metre high fence in the Heritage Overlay.

CARRIED

Subject Site & Locality

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

Date: **27 May 2019** Time: **3:00pm**

The site has a total area of **1,152** square metres and currently contains:

- Existing brown brick dwelling with 1800mm high front fence

The main site/locality characteristics are:

- Within a residential area close to the Shepparton CBD
- Opposite significant heritage dwellings

The Photos below show the existing site:



The applicant has sent in a signed statutory declaration declaring that the application was advertised from 28 May 2019 to 13 June 2019.

Permit/Site History

There is no permit or site history.

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 **Buildings and works for a dwelling extension and alteration in the Heritage Overlay**, by:

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



The applicant submitted amended plans on 8 July 2019 to show a new fence which requires planning permission in the Heritage Overlay pursuant to Clause 43.01-1. Officers requested a Section 57A which was submitted on 10 July 2019 which required the plans with the new fence to be readvertised.

Objections

The Council has received **no** objections to date.

Title Details

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

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- 1 July 2019 - 4:30 – Meeting with Sally Edmunds, Deb Kemp and Hayley Nicholson (HDN) Discussed issues with the garage setback and likely refusal. Hayley then provided

plans for a new front fence as well. SE said that a s57A would need to be submitted for readvertising of the application.

- SE received a phone call from the landowner Janine Bassett who wanted clarity on the reason for refusal. SE explained that although the dwelling was non-contributory, the proposal still needed to be sympathetic to the heritage precinct and the works for the garage would not comply. JB then said that she would submit plans for a new fence which SE advised to include in the existing application as a s57a. JB agreed and said she would get HN to submit an amended application. JB understood SE's recommended refusal, however would be appealing the application to VCAT to have the decision overturned.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Clause 66 of the Planning Scheme did not Clause 55 require referral	
Goulburn Valley Water	<p>Consented to the application subject to the following conditions:</p> <ul style="list-style-type: none"> Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;

Internal Council Notices	Advice/Response/Conditions
Heritage Advisor	<p>Objected to the application on the following grounds:</p> <ul style="list-style-type: none"> This includes a garage and a new portico and entrance to the front. The proposed changes will adversely affect the significance and character of the heritage place. In general, the proposed location of the garage and portico will be too far forward and will have an impact on the streetscape. The scale of the changes are too great for this particular area within the precinct. In addition the location of a garage to the front of the house is generally not supported within a heritage overlay area. In this instance it is strongly recommended that the garage not form part of the streetscape as this section of Corio Street is highly intact. <p>The following recommendations were made:</p> <ul style="list-style-type: none"> The garage will need to be set further back. Noting that the proposed living areas are orientated to the north. This will mean that the garage will potentially need to be set back to the rear of the building. The portico and entrance will need to be reworked to better reflect the character of this area.

	<p>Proposal for 1800mm Fence constructed from masonry and aluminium pickets</p> <p>In general fences should be at a maximum height of 1500mm within this precinct. This fence height is consistent with the prevailing historic and aesthetic character of the precinct.</p> <p>It is noted that there are other fences within this precinct, that are higher but these were constructed before the application of the Heritage Overlay.</p> <p>The materials for the fence are supported with the following changes: Rendered masonry panels with timber pickets at a 1500mm height.</p>
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Assessment

32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations

Relevant overlay provisions

43.01 HERITAGE OVERLAY

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place

43.01-1 Permit requirement

A permit is required to:

- Construct a building or construct or carry out works.

43.01-8 Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.

- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.
- Whether the location, style, size, colour and materials of the proposed solar energy facility will adversely affect the significance, character or appearance of the heritage place.

The State Planning Policy Framework (SPPF)

15.01-5S Neighbourhood character

Objective

- To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

- Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:
 - Pattern of local urban structure and subdivision.
 - Underlying natural landscape character and significant vegetation.
 - Heritage values and built form that reflect community identity.

15.03-1S Heritage conservation

Objective

- To ensure the conservation of places of heritage significance.

Strategies

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the protection of natural heritage sites and man-made resources.
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.

- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- Support adaptive reuse of heritage buildings where their use has become redundant.
- Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

16.01-3S Housing diversity

Objective

- To provide for a range of housing types to meet diverse needs.

Strategies

- Ensure housing stock matches changing demand by widening housing choice.
- Facilitate diverse housing that offers choice and meets changing household needs through:
 - A mix of housing types.
 - Adaptable internal dwelling design.
 - Universal design.
- Encourage the development of well-designed medium-density housing that:
 - Respects the neighbourhood character.
 - Improves housing choice.
 - Makes better use of existing infrastructure.
 - Improves energy efficiency of housing.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.
- Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

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

21.05-4 Cultural Heritage

Clause 15.03 of the State Planning Policy Framework (SPPF) identifies the need for cultural heritage policy to guide decisions on development and demolition of all places affected by heritage controls.

Objectives - Cultural Heritage

- To ensure that places of cultural heritage significance are conserved or restored.
- To discourage the demolition of places of cultural heritage significance that are designated as Individually Significant or Contributory in heritage precincts.
- To ensure that development does not adversely affect places of cultural heritage significance.
- To conserve the historic low-scale, low-density and homogenous character of any precinct and ensure that development is compatible with this character.
- To ensure that new development does not become the visually dominant element in any precinct.
- This includes external additions and alterations.

- To ensure that places that are designated as Non-Contributory in heritage precincts are developed in a manner that is sympathetic to, and does not detract from, the cultural heritage significance of a heritage precinct.
- To conserve and enhance significant views and settings in any heritage precinct.
- To ensure that archaeological remains are not inadvertently damaged or destroyed.
- To encourage sympathetic re-use of places of cultural heritage significance, including the consideration of uses which would normally be prohibited (where permitted in the Schedule to Clause 43.01), so that such places are maintained and enhanced.

Shepparton Residential Precinct South (HO141)

The history and description for this precinct are the source of evidence for the following Statement of Significance.

Statement of Significance

What is significant?

The Shepparton Residential Precinct South. It demonstrates the ongoing residential development which has occurred in Shepparton from the late nineteenth century, through the Edwardian and Inter-war years, to the 1940s showing the close pattern of development which evolved as the town expanded.

Places that contribute to the significance of the precinct include:

Corio Street - 54, 56, 60-62, 63, 64-68, 65, 67, 69, 70, 71, 72-74, 76, 80-82, 81, 83, 84, 85-87, 89, 90, 92, 93-95, 94, 96, 97 and 99.

Corio Street - London Plane Trees [HO128].

Knight Street - 101 and 103.

Orr Street 54, 56, 58, 60, 66-68, 70, 72, 74-76, 75, 77, 78-84, 79 and 86.

How is it significant?

It is of local historic, social and aesthetic cultural heritage significance to the Greater Shepparton City.

Why is it significant?

It is of historic and social cultural heritage significance as it provides tangible physical evidence of the residential development from the 19th century through to the 1940s.

The south precinct incorporates part of the original township survey completed in 1874 and contains a number of Victorian residences on large allotments.

It is of historic significance for its association with the surveyor and prominent landowner Alfred Leahy. Leahy completed the township survey of Shepparton in 1874 and also surveyed many other towns in the district including Numurkah, Nathalia and parts of Mooropna. Street names in the precinct, many of which were chosen by Leahy reflect significant figures in the early development of Shepparton: Corio Street was named after Corio Bay by Alfred Leahy, whose wife originated from Geelong; Knight Street was named after the early resident and landowner, Frederick P Knight; and; Orr Street refers to John Orr, who was the MLA for the Murray districts between 1862 and 1880.

HERCON Criteria A & G

It is of aesthetic significance as it contains a broad range of architectural styles, including a number of very accomplished examples of late Victorian, Edwardian, Federation and Inter-War domestic buildings. Six of these buildings are reputed to be the work of the prolific local architect J A K Clarke, who was responsible for designing many of the region's finest residences and public buildings. The majority of these buildings are highly intact and many of them retain elaborate established gardens, with mature specimens of exotic trees. The precinct's aesthetic qualities are further enhanced by mature plantings of street trees.

HERCON Criteria B, D & E

Relevant Particular Provisions

There are no relevant Particular Provisions.

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.

Officers Response:

The application proposes buildings and works in the Heritage Overlay for a dwelling alterations and additions. The application includes a rear extension as well as the buildings and works for a garage and front fence.

Planning permit permission is required pursuant to Clause 43.01-1 for the buildings and works in the Heritage Overlay.

The works include a rear addition, alfresco and garage and portico to the front of the dwelling. The buildings and works associated with the portico include the removal of the front window and instalment of a new window and the demolition of one of the front bedrooms to then be replaced with the garage.

The proposal also includes the rendering of the entire exterior of the dwelling and replacement of the tiled roof with that of a Colourbond tin roof to the entire dwelling. Officers are supportive of the extension to the rear of the dwelling and change in roof materials.

The proposed fence is to be constructed using modern materials such as aluminium pickets, however officers consider that the use of modern materials is acceptable as the design of the fence is sympathetic to the heritage of the precinct. The proposed fence is to be 1800mm high and officers do not support the proposed height as it is above the recommended 1500mm front fence height. The heritage advisor recommends that front fences within heritage areas should be 1500mm to allow for visibility to the heritage place.

It should be noted that officers are supportive of the rear extension as well as the materials used for the front fence.

Officers are not satisfied that the application complies with the cultural heritage significance of the precinct. The application does not comply with the following objective under Clause 21.05-4 Cultural Heritage:

- To ensure that places that are designated as Non-Contributory in heritage precincts are developed in a manner that is sympathetic to, and does not detract from, the cultural heritage significance of a heritage precinct.

Although the property is non-contributory to heritage precinct HO141, the Planning Scheme dictates that applications should be sympathetic to the precinct. Officers consider that the location of the garage to the front of the dwelling which is out of character for the area of Corio Street will have a detrimental effect on the streetscape.

Officers consider that the buildings and works for the garage located to the front of the dwelling will distract from the heritage significance of the surrounding dwellings. The area of Corio Street that the property is located within is contains well preserved and maintained heritage dwellings that significantly contribute to the heritage precinct.

The application was referred to Council's Heritage Advisor who responded to the application. The Heritage Advisor had the following concerns regarding the application:

- The garage will need to be set further back. Noting that the proposed living areas are orientated to the north. This will mean that the garage will potentially need to be set back to the rear of the building.

The application was advertised and no objections were received.

The application was referred to Goulburn Valley Water who consented to the application subject to conditions.

Officers have undertaken an assessment of the application against the Planning Policy Framework, Local Planning Policy Framework, and Heritage Overlay. Officers consider that the application does not comply with the Planning Scheme and recommend that a refusal to grant a permit be issued.

Relevant incorporated or reference documents

Volume 3: Greater Shepparton City Council Heritage Study Stage IIB

Other relevant adopted State policies or strategies policies

There are no other relevant adopted State or strategic policies that relate to this application for a planning permit.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments that relate to this application for a planning permit.

Are there any significant social & economic effects?

There are no relevant significant social or economic effects that relate to this application for a planning permit.

Discuss any other relevant Acts that relate to the application?

There are no relevant Acts.

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 Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

Conclusion

Officers have undertaken an assessment of the application against the Planning Policy Framework, Local Planning Policy Framework, and Heritage Overlay. For the reasons outlined in the assessment section of this report, officers consider that the application does not comply with the Planning Scheme and recommend that a refusal to grant a permit be issued.

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2019-104

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 91 Corio Street SHEPPARTON VIC 3630

WHAT HAS BEEN REFUSED: Buildings and works for dwelling alterations and additions and a 1.8 metre high fence in the Heritage Overlay

WHAT ARE THE REASONS FOR THE REFUSAL?

The proposed garage is inconsistent with the objective and strategies of clause 15.03-1S Heritage conservation as the garage is inappropriately located to the front of the dwelling.

The proposed garage to the front of the dwelling and the 1.8 metre high fence does not produce acceptable planning outcomes against 21.05-4 Cultural Heritage of the Greater Shepparton Planning Scheme as the design is not sympathetic to the heritage significance of the precinct.