

**CONFIRMED MINUTES**

**FOR THE**

**GREATER SHEPPARTON CITY COUNCIL**

**DEVELOPMENT HEARINGS PANEL**

**Meeting No. 2/2021**

**HELD ON**

**FRIDAY 18<sup>th</sup> JUNE 2021**

**AT 10.00AM**

(VIA ZOOM)

**CHAIR**

**Councillor Rob Priestly**

## ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 2 for 2021.

This Development Hearings Panel will be conducted via Zoom as per the new regulations due to Covid-19.

Please be patient with us as we navigate this new form of meeting practice.

Any technical issues that may result in the Zoom connection failing will cause a delay or adjournment to this meeting.

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

We, Greater Shepparton City Council, acknowledge the Yorta Yorta Peoples of the land which now comprises Greater Shepparton, we pay our respect to their tribal elders, we celebrate their continuing culture and we acknowledge the memory of their ancestors.

## COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Rob Priestly (Chair) – **Via Zoom**
- Colin Kalms, Manager, Building & Planning - Greater Shepparton City Council – **Via Zoom**
- Michael MacDonagh – Team Leader, Strategic Planning, Greater Shepparton City Council – **Via Zoom**
- Nilesh Singh – Manager Development – Benalla Rural City Council – **Via Zoom**
- Andrew Fletcher – Planning and Building Manager - Campaspe Shire Council - **Via Zoom**

## OFFICERS AND OTHERS PRESENT

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

- Sally Edmunds – **Presenting via Zoom**
- Quinn Maguire – **Presenting via Zoom**

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

## DECLARATIONS OF CONFLICTS OF INTEREST

No conflicts declared

## ORDER OF PROCEEDINGS

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

- The proceeding is being minuted and recorded and a recording of the meeting and minutes will be published on Council's website.
- and 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.
- 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 3 minutes per person with 1 extension.

## MATTERS FOR CONSIDERATION

There are 2 items listed for consideration in this session of the DHP:

1. Planning Permit application 2020-170 – 2 lot subdivision in the Activity Centre Zone and Heritage Overlay at 66 Skene Street, SHEPPARTON
2. Planning Permit application 2020-365 – Use of Land For a Heavy Vehicle Mechanic at 1295 Lancaster-Mooroopna Road, UNDERA

Meeting Closed at 11.06am

## NEXT MEETING

To be determined

**Thank you - That now concludes today's DHP.**

## **INDEX**

<b><u>Application No.</u></b>	<b><u>Subject Address:</u></b>	<b><u>Proposal:</u></b>	<b><u>Page No.</u></b>
2020-170	66 Skene Street, Shepparton	2 lot subdivision in the Activity Centre Zone and Heritage Overlay	3
2020-323	1295 Lancaster-Mooroopna Road, Undera	Use of Land For a Heavy Vehicle Mechanic	29

---

## Application Details:

Responsible Officer:	Sally Edmunds
Application Number:	2020-170
Applicants Name:	Onley Consulting P/L
Date Application Received:	11 June 2020
Statutory Days:	341
Land/Address:	66 Skene Street SHEPPARTON VIC 3630
Zoning and Overlays:	Activity Centre Zone Heritage Overlay Parking Overlay - Precinct 1 Schedule
Why is a permit required (include Permit Triggers):	37.08-4 Subdivision in the Activity Centre Zone 43.01-1 Subdivision in the Heritage Overlay
Are there any Restrictive Covenants on the title?	No
<b>Disclosures of conflicts of interest in relation to advice provided in this report</b>	No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

---

## Proposal

The application proposes to subdivide the property into two lots. The property contains 2 separate transferable parcels on the same title (Lot 1 & Lot 2 on TP223915). The existing size of the property is 641sqm and the proposed lot 1 will be 312sqm and contain an existing dwelling, lot 2 is proposed to be 170sqm in size and will be vacant land. The proposal also seeks permission for 159sqm of common property, which will be used for access.

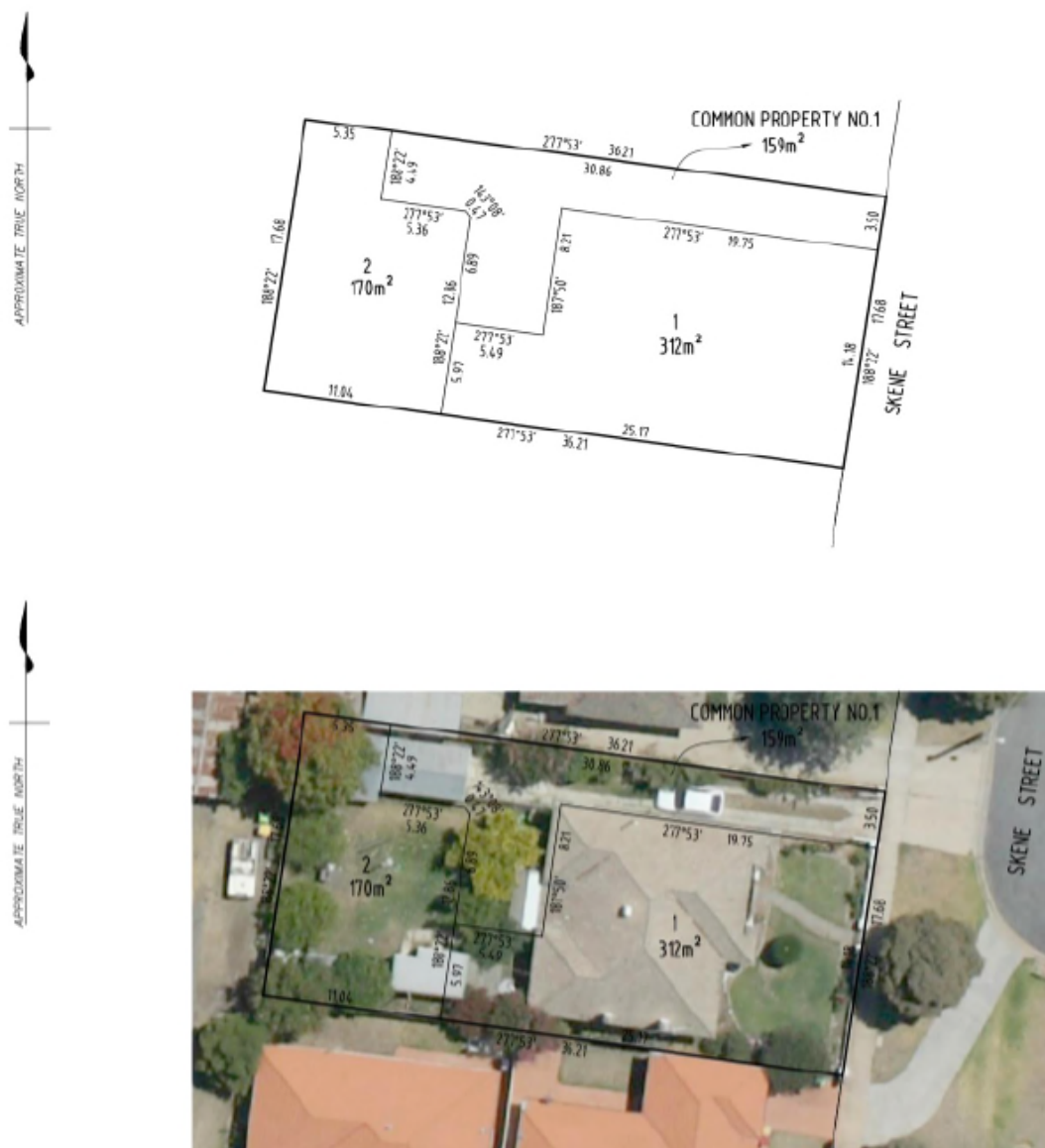
The land is within the Activity Centre Zone, Heritage Overlay and Parking Overlay. Planning permit permission is required for the two lot subdivision in the Activity Centre Zone pursuant to Clause 37.08-4 and Heritage Overlay pursuant to Clause 43.01-1.

The Decision Guidelines in the Activity Centre Zone require a Clause 56 assessment be undertaken for any residential subdivisions. An assessment against Clause 56 has been provided later on in this report.

No garden area is required within the Activity Centre Zone.

All existing sheds within proposed lot 2 will be required to be demolished prior to Statement of Compliance.

Plans of the proposed subdivision are below:



The main concerns for this application are:

- That the subdivision will restrict further development of the heritage dwelling and will therefore restrict future development of the land.
- That the proposal does not include a proposed dwelling on Lot 2, and therefore officers have no measure on what the future lot will contain.
- The development will affect the heritage significance of the place by removing the majority of the rear yard of the existing dwelling. This will impact on the amenity of the dwelling and has the potential to lead to a future demolition by default.

It is for these reasons that officers recommend refusal of the application.

---

## 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 subdivision will impact on the potential future development of the dwelling on lot 1 by removing the majority of the rear yard. This will limit opportunities for improvements and renovations to the rear of the dwelling and has the potential to lead to demolition by default.
- The removal of the rear yard is out of character for HO173 and is unsympathetic to the heritage precinct.
- The Activity Centre Zone encourages medium to higher density living, however, not to the detriment of the cultural heritage significance of the place.

---

## Recommendation

### Refusal

That the Council having caused notice of Planning Application No. **2020-170** 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 **37.08-4 and 43.01-1** of the Greater Shepparton Planning Scheme in respect of the land known and described as **66 Skene Street SHEPPARTON VIC 3630**, for the **2 lot subdivision in the Activity Centre Zone and Heritage Overlay**.

---

## Recommendation

### Refusal

That the Council having caused notice of Planning Application No. **2020-170** 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 **37.08-4 and 43.01-1** of the Greater Shepparton Planning Scheme in respect of the land known and described as **66 Skene Street SHEPPARTON VIC 3630**, for the **2 lot subdivision in the Activity Centre Zone and Heritage Overlay**

**Moved: Colin Kalms                      Second: Nilesh Singh**

**CARRIED**

**For the following reasons:**

- The application is not in accordance with the objective of Clause 15.03-1S – Heritage Conservation which seeks to ensure the conservation of places of heritage significance. The proposed subdivision has the potential to impact on the conservation of the existing dwelling.
- The application does not meet the objectives of Clause 21.05-4 - Cultural Heritage as the proposal has the potential to impact on the conservation of a place of cultural heritage significance by removing the majority of the rear yard of the existing dwelling. This will limit any future upgrades or renovation of the rear of the existing dwelling and potentially lead to demolition by default.
- The application is not in accordance with Clause 37.08-9 as the proposal will not ensure the protection of a place of cultural heritage significance.
- The application is not in accordance with Clause 43.01 as the proposed subdivision has the potential to adversely affect the significance of the heritage place. No plans of the proposed development of lot 2 have been provided that show how this lot can be developed in a way that respects the heritage significance of the existing dwelling.
- The application is not in accordance with the purpose and decision guidelines of the Heritage Overlay, which seek to conserve and enhance places of natural or cultural significance.

---

## **Subject Site & Locality**

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

Date: **24 July 2020**                      Time: **11:12am**

The site has a total area of **689** square metres and currently contains:

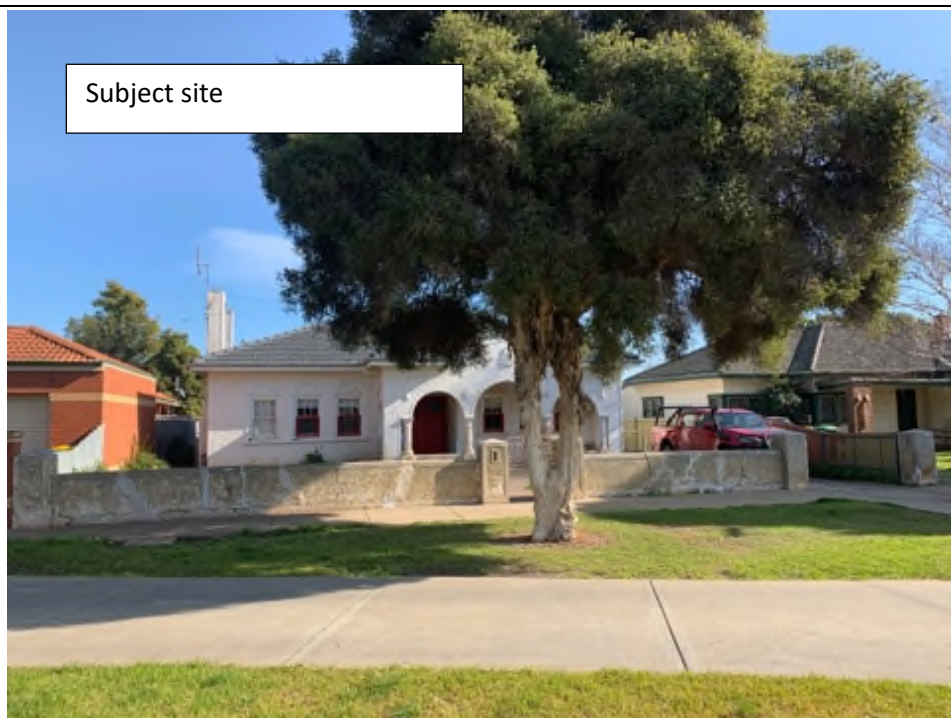
- Existing dwelling and associated shedding

The main site/locality characteristics are:

- Located off a court bowl
- Within an established residential area
- Within reasonable walking distance to the CBD

The Photos below show the existing site:









---

## Permit/Site History

- There is no site history.

---

## Further Information

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

---

What additional information is required? **Turning circles for the carports for both lots.**

What date was the information requested?: **17 June 2020**

What is the lapsed date? **17 July 2020**

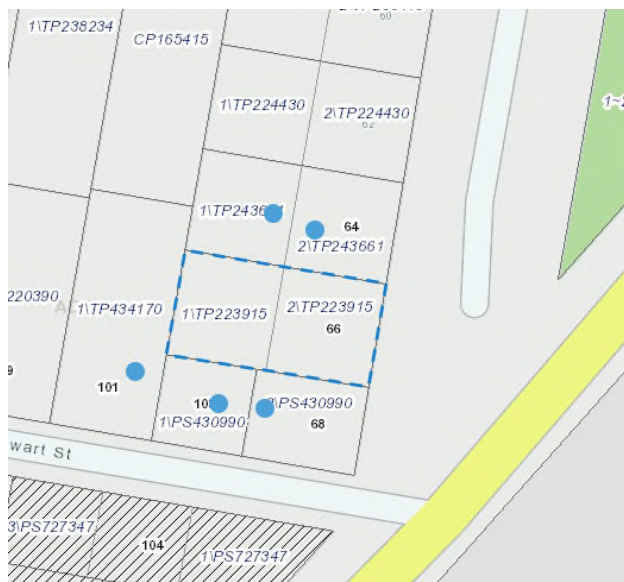
What date was the information received?: **18 July 2020**

---

## Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Two lot subdivision in the Heritage Overlay**, by:

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



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 30/7/2020 – 13/8/2020.

The application was exempt from being advertised in accordance with Clause **37.08-4** of the planning scheme.

---

## 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 not undertaken.

## Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 52 Notices	
Goulburn Valley Water	<p>Consented to the application with the following conditions:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;</li> <li>c) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;</li> <li>d) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.</li> <li>e) Disconnection of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation; (out-building connected to sewer)</li> <li>f) A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development;</li> </ul> <p>Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation;</p> <ul style="list-style-type: none"> <li>g) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.</li> </ul>

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>Consented to the application with the following conditions:</p> <p><b>Vehicle Access Requirements (internal)</b></p> <p>Before the statement of compliance, the areas set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:</p> <ul style="list-style-type: none"> <li>a) surfaced with concrete or similar approved hard surface</li> <li>b) drained in accordance with an approved drainage plan;</li> <li>c) treated with measures to prevent damage to fences or landscaped areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing to the satisfaction of the responsibility authority.</li> <li>d) access ways must be designed to allow vehicles to enter and exit the land</li> </ul>

	<p>in a forward direction.</p> <p><b><u>Urban Drainage - Works</u></b> Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.</p> <p><b><u>Drainage Discharge Plan</u></b> Before the certification of the subdivision plan, a drainage plan with computations prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies must be provided. The plans must be in accordance with council's Infrastructure Design Manual and include:</p> <ul style="list-style-type: none"><li>a) how the land will be drained and retarded including existing dwelling in Lot 1;</li><li>b) underground pipe drains conveying stormwater to the legal point of discharge, which is nominated as the existing pipe in Skene Street fronting the lot.</li><li>c) maximum discharge rate shall not be more than predevelopment flow</li><li>d) Incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999 or as otherwise approved in writing by the Responsible Authority;</li><li>e) Provision of an electronic copy of the MUSIC model (or equivalent approved) demonstrating the achievement of the required reduction of pollutant removal;</li></ul> <p><b><u>Construction of works:</u></b> Before the statement of compliance,</p> <ul style="list-style-type: none"><li>a) drainage works shown on the endorsed Drainage Discharge Plan(s) have been constructed to the satisfaction of the responsible authority;</li><li>b) stormwater treatment measures have been constructed or as otherwise agreed to in writing by the responsible authority;</li><li>c) garden and landscape area(s) shown on the endorsed plan(s) have been planted to the satisfaction of the responsible authority.</li></ul> <p>as specified</p> <p>The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants and/or trees must be replaced to the satisfaction of the responsible authority.</p> <p><b><u>Construction Phase</u></b> Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.</p> <p>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.</p> <p>Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.</p> <p><b><u>No Mud on Roads</u></b></p>
--	--

	<p>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.</p> <p><b><u>Council's Assets:</u></b></p> <p>Before the development commences, the owner/operator must submit to the responsible authority a written report on and photos of public infrastructure adjacent to the land. The report must detail the condition of kerb &amp; channel, footpath, seal, street lights, signs and other public infrastructure fronting the land and at least two allotments either side of the land. 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 or use.</p>
<p>Heritage Advisor</p>	<p>It is proposed to subdivide and create a new allotment to the rear of 66 Skene Street, Shepparton.</p> <p>The proposal has the rear boundary line for the lot as the house wall (set off for the gutters). There is also a significant amount of the site devoted to common property (driveway access). This will create a new lot of approximately 170 sq. metres.</p> <p>As noted in the statement of significance this place is included in the Schedule as an Individual Item and this means that there is considerable weight on how the whole of the place is managed with regard to the preservation of its cultural values.</p> <p>This proposal will not support the cultural heritage significance of the house. As noted in the statement of significance the setting of the house is important and this includes the retention of a setting to the front and rear. This period of suburban development is characterised by a house that is free standing, with front, side and rear setbacks. This can be compared to some suburban developments c2020 where these cultural concepts are not part of the overall consideration and small scale courtyards are now part of contemporary use. No longer is the rear yard a universal value and critical to cultural life, as occurred during the 1920s – post war suburban development. It is therefore important to retain a sense of these cultural values through the retention of an understanding of the importance of a rear yard.</p> <p>It should be noted that some redevelopment of a rear area in heritage overlay areas is, and can be supported. However, there needs to be sufficient scope for a rear yard and an understanding of this cultural concept.</p> <p>Apart from the historic and aesthetic role of a rear yard it is important that any changes to a heritage place do not place undue restrictions on its use. If use is not supported then the heritage place will not be maintained. In this instance the removal of any capacity for any future redevelopment to the rear of the place will reduce its potential use and amenity.</p> <p>The construction of a carport and driveway as its immediate rear yard and side area means that any outdoor use is confined to the front. This area will become their private open space. The heritage controls do not support high fences so there is no capacity to privatise this space. This type of useable space is integral to use and an accepted feature of any new development.</p> <p>The location of the driveway against habitable rooms will possibly trigger the need for a change to its external façade and this could compromise the aesthetic significance.</p> <p>The proposed small lot size will also influence the design of any new development and it will result in the new works dominating the rear area of this</p>

	place.  On this basis it is recommended that the application be refused. There is no scope for any modification to the application that will support the cultural values.
--	---

## Assessment

### The zoning of the land

#### 37.08 ACTIVITY CENTRE ZONE

##### Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage a mixture of uses and the intensive development of the activity centre: As a focus for business, shopping, working, housing, leisure, transport and community facilities.
- To support sustainable urban outcomes that maximise the use of infrastructure and public transport.
- To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.
- To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.
- To facilitate use and development of land in accordance with the Development Framework for the activity centre.

##### 37.08-4 Subdivision

- A permit is required to subdivide land.
- Any requirement in the schedule to this zone must be met.

##### 37.08-9 Decision guidelines

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

##### General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The development framework plan set out in the schedule to this zone.
- The land use and development objectives set out in the schedule to this zone.
- The extent that the layout and design of the new use or development minimises the potential for off-site impacts, including from noise, fumes, odour or vibrations, ensuring that: – existing uses are not compromised by a new development, or – a new development is designed to address amenity impacts from existing uses.
- Any requirements set out in the schedule to this zone. Any other decision guidelines specified in the schedule to this zone.



## **Subdivision**

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

## **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.

#### **Scope**

- The requirements of this overlay apply to heritage places specified in the schedule to this overlay.
- A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

### **43.01-1 Permit requirement**

A permit is required to:

- Subdivide land.

### **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:

- 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.

## **The Planning Policy Framework (PPF)**

### **11.02-1S Supply of urban land**

#### **Objective**

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

#### **Strategies**

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.

- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
- Planning for urban growth should consider:
- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.
- Monitor development trends and land supply and demand for housing and industry.
- Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.
- Restrict rural residential development that would compromise future development at higher densities.

### **16.01-2S Location of residential development**

#### **Objective**

To locate new housing in designated locations that offer good access to jobs, services and transport.

#### **Strategies**

- Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
- Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.
- Identify opportunities for increased residential densities to help consolidate urban areas.

### **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**

### **21.04 SETTLEMENT**

#### **21.04-1 Urban Consolidation and Growth**

Population forecasts predict that the population of the City of Greater Shepparton will grow from 59,202 persons in 2006 to 71,509 by 2026. It is expected that to accommodate this additional population, there will need to be a corresponding growth in the number of dwellings (a separate estimate suggests a further 9,100 dwellings will be required by 2031). At the same time, changing demographic trends such as an increase of persons aged 65 and over, smaller household sizes and an increase in non-Australian born persons will create demand for a broad range of housing types within the municipality.

#### **Objectives - Urban Consolidation and Growth**

- To contain urban growth to identified growth areas in order to protect higher quality and intact agricultural areas and achieve a more compact built up area.
- To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.
- To provide a greater range of housing choices to attract more people to live in the Shepparton CBD which will support the vibrancy and economy of the CBD.
- To make better use of available land by allowing higher scale built form in appropriate locations within the CBD.
- To minimise the impacts of housing on the natural environment.
- To release land efficiently in terms of location, supply of services and infrastructure and in accordance with land capability.
- To support increased residential densities, such as 15 dwellings per hectare, in established areas and the conventional living growth areas.
- To increase the supply of medium density housing in appropriate locations.
- To provide land for small township expansion, subject to a supply and demand analysis.
- To coordinate the assessment, planning, development and servicing of identified investigation areas in an integrated manner.
- To ensure any small township expansion occurs without impacting on the long-term growth potential of urban centres or productive agricultural land.
- To ensure any small township expansion is dependent on land capability where no reticulated sewer is available.
- To balance the need to achieve urban consolidation with the need to respect and retain the valued characteristics of existing neighbourhoods.
- To ensure that land proposed for residential purposes is not contaminated.
- To ensure protection of ground water and natural systems.

- To ensure that provision is made for community infrastructure.
- To ensure that a Precinct Structure Plan and, where relevant, a Development Contributions Plan are prepared for land in the Urban Growth Zone.
- To provide for the appropriate development of Investigation Areas generally where the Investigation Area Study has been completed.

### **Strategies - Urban Consolidation and Growth**

- Maintain residential development targets outlined in the GSHS based on the type, amount and proportion of existing residential zones; the existing average lot sizes in each residential zone type; a qualitative assessment of dwelling demand and housing market conditions; sustainable development principles and the need to conserve land and energy; and the need to achieve the strategic directions and objectives of the GSHS. These targets are:
  - Infill Development – accommodate at least 10 percent of the 9,100 dwellings (910 dwellings) in existing areas through infill and redevelopment at higher densities. New dwelling construction in these areas is highly encouraged by the GSHS and this target should be exceeded where possible.
  - Greenfield Development – accommodate the remaining 8,190 dwellings in Greenfield locations with:
    - 60% as conventional living (450 – 800 square metres).
    - 20% as medium density housing (less than 450 square metres).
    - 15% as low density living (2,000 – 8,000 square metres).
    - 5% as rural living (2 – 8 hectares).
- Promote development in accordance with the attached Framework Plans.
- Maintain a supply of land to accommodate projected population growth over at least a 15 year period.
- Encourage the consolidation of existing residential areas in the municipality in accordance with the change areas identified in the Housing Change Area plans.
- Ensure the rezoning of future residential land is informed by the 'Growth Management Plans' and development principles identified in the Greater Shepparton Housing Strategy 2011.
- Ensure that township growth is determined by infrastructure provision (including water supply) and a supply and demand analysis, with developers funding the extension of water and sewerage services.
- Support applications to rezone land for residential purposes where the land has previously been used for orchard or other agricultural uses only where the application is accompanied by a soil report which confirms that the land is suitable for residential use (as required by Ministerial Direction No. 1).
- Support increased densities, such as 15 dwellings per hectare, where reticulated sewer and urban services are provided in the existing residential areas, while maintaining and protecting existing sewerage reticulation assets.
- Encourage medium density housing in preferred locations including within existing residential areas; near public transport; within major redevelopment sites; and adjacent to activity centres and open space areas.
- Encourage medium density, apartment style and shop-top housing, and including student accommodation, as part of the redevelopment of Shepparton CBD commercial sites.
- Encourage the provision of smaller lots to meet the changing demographics structure.
- Discourage multi dwelling developments within areas affected by the Floodway Overlay.

- Provide a settlement boundary beyond which additional urban growth and rezoning should not be supported.
- Encourage new subdivision and developments to promote walking and cycling between homes and schools, open spaces and shops.
- Ensure appropriate design, location and density for expanding residential areas in Shepparton North to maintain amenity protection between residential and other uses such as industry, agriculture and the Goulburn Valley Freeway.
- Link the parks, open spaces and bicycle paths to create connectivity between the three urban areas of Shepparton, Mooroopna and Kialla, with the floodplain becoming a recreation asset.
- 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.
- Apply the Development Plan Overlay (DPO) to the growth areas to ensure coordinated development.
- Require development plans to be accompanied by an approved Development Contributions Plan (DCP) or an alternative such as a negotiated Pre- Development Agreement.
- Consider the effect that use or development may have on nearby existing or proposed residential development in the Urban Growth Zone.
- Consider the effect that use or development in an Investigation Area may have on nearby existing or proposed development.

## **21.04-2 Housing Change Areas**

### **Objective - Housing Change Areas**

To manage the impacts of change in the established neighbourhoods and ensure that residential development contributes to the character of residential areas rather than undermining them.

### **Incremental Change Areas**

Incremental Change Areas are established residential areas or areas identified as Urban Growth Areas in Framework Plans that over time have the capacity to accommodate a moderate level of residential development. This development will mostly include extensions to existing dwellings, new single or double storey dwellings on existing lots, and low rise medium density housing. It is expected that the general character of Incremental Change Areas will evolve over time as new types and more intense development is accommodated.

Incremental Change Areas are generally in locations that:

- Are unaffected by significant development constraints.
- Have lot layouts which may potentially constrain substantial development.
- Have reasonable access to a range of local shops, facilities, services and amenities.
- Provide residential uses in conjunction with other uses in small town settings. Greenfield residential development sites.

## **Strategies – Incremental change areas**

- Support the retention and renovation of existing dwellings that front the street and contribute positively to surrounding neighbourhood character.
- Encourage low scale medium density housing development that respects existing neighbourhood character, particularly in areas that are in close proximity to significant shops, facilities, services and amenities.
- Support development which increases residential densities while respecting the character of the neighbourhood.
- Ensure that new development does not cause significant new overlooking, overshadowing, and excess visual bulk impacts on adjacent housing.
- Encourage a high standard of design for new development and major renovations.
- Encourage additional dwellings to the rear of existing dwellings.
- Support and encourage environmentally friendly technologies for new development and major renovations.
- Ensure that traffic caused by additional development can be accommodated by the existing transport network.
- Discourage increased development intensity in areas where there is a significant environmental risk such as flooding and wildfire, unless an appropriate design response can be provided to the satisfaction of the Council.
- Ensure that development at the edges of the Incremental Change Area is sensitive to any adjoining Minimal Change Areas.
- Ensure that any new development close to a rural interface or other sensitive use is addressed.

## **Policy Guidelines – Incremental change areas**

- Low-scale, medium density dwellings that respect existing neighbourhood character, particularly in areas that are in close proximity to shops, facilities, services and amenities shall be encouraged.
- New development that increases residential densities and is sensitively designed to respond to the existing neighbourhood character shall be supported.
- Encourage a high standard of design for new development and major renovations; Encourage additional dwellings to the rear of existing dwellings.
- Environmentally-friendly technologies for new development and major renovations shall be supported.
- Traffic impacts caused by additional development shall be accommodated within the existing transport network. Increased residential densities in areas where there is a significant environmental risk such as flooding and wildfire shall be discouraged unless an appropriate design response can be provided to the satisfaction of Council.
- Development at the edges of incremental change areas shall be sensitively designed to respond to any adjoining minimal change areas.
- New development close to rural interface or any other sensitive use shall be appropriately designed to mitigate any potential impacts.

## Rescode Assessment

### Clause 56 Assessment

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p><b>C6</b></p> <p><b>Neighbourhood Character Objective</b></p> <p>To design subdivision that respond to neighbourhood character.</p>	<ul style="list-style-type: none"> <li>Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>Respond to and integrate with the surrounding urban environment.</li> <li>Protect significant vegetation and site features.</li> </ul>	<p><b>Complies</b></p> <p>Comments: The subject land is identified within the Substantial Change Area of the Housing Strategy which allows for infill residential development, which respects the existing neighbourhood character of the area.</p> <p>The proposal allows for additional lots with appropriate street frontage.</p>
<p><b>C8</b></p> <p><b>Lot area and building envelopes objective</b></p> <p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> <li>Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</li> </ul> <p>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</p> <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p>	<p><b>Complies</b></p> <p>Comments: The proposal creates allotments with appropriate areas and orientation.</p>
<p><b>C9</b></p> <p><b>Solar Orientation of lots</b></p> <p>To provide good solar orientation of lots and solar access for future</p>	<ul style="list-style-type: none"> <li>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</li> <li>Lots have appropriate solar orientation when: <ul style="list-style-type: none"> <li>The long axis of lots are within the</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>Comments: Allotments orientated with north – south orientation similar to all surrounding allotments which is unable to be altered given site</p>

<p>dwellings.</p>	<p>range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</p> <ul style="list-style-type: none"> <li>• Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.</li> </ul> <p>Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street</p>	<p>constraints.</p>
<p><b>C11</b></p> <p><b>Common Area</b></p> <p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<ul style="list-style-type: none"> <li>• An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: <ul style="list-style-type: none"> <li>- The common area to be owned by the body corporate, including any streets and open space.</li> <li>- The reasons why the area should be commonly held.</li> <li>- Lots participating in the body corporate.</li> </ul> </li> </ul> <p>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</p>	<p><b>Complies</b></p> <p>Common property proposed for access and car parking. The carports are located on private land.</p>
<p><b>C21</b></p> <p><b>Lot Access</b></p> <p>To provide for safe vehicle access between roads and lots.</p>	<ul style="list-style-type: none"> <li>• Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</li> <li>• Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</li> </ul> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	<p><b>Complies</b></p> <p>Comments:  Safe access is provided onto Skene Street court bowl. Access is subject to engineering requirements.</p>
<p><b>C22</b></p> <p><b>Drink Water supply</b></p>	<ul style="list-style-type: none"> <li>• The supply of drinking water must be: <ul style="list-style-type: none"> <li>- Designed and constructed in accordance with the</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>Comments:  The proposed lots will have independent connections to</p>



<p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water.</p>	<p>requirements and to the satisfaction of the relevant water authority.</p> <ul style="list-style-type: none"> <li>- Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</li> </ul>	<p>reticulated town water to the satisfaction of Goulburn Valley Regional Water Corporation.</p>
<p><b>C23</b></p> <p><b>Reused and recycled water</b></p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<ul style="list-style-type: none"> <li>• Reused and recycled water supply systems must be: <ul style="list-style-type: none"> <li>- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services.</li> </ul> </li> </ul> <p>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p><b>Complies</b></p> <p>Comments:  The proposed lots will be connected to the reticulated water and sewer systems so as to make efficient use of existing infrastructure to the satisfaction of the Goulburn Valley Regional Water Corporation.</p>
<p><b>C24</b></p> <p><b>Waste Water Management</b></p> <p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<ul style="list-style-type: none"> <li>• Waste water systems must be: <ul style="list-style-type: none"> <li>- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</li> <li>- Consistent with any relevant approved domestic waste water management plan.</li> </ul> </li> </ul> <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p><b>Complies</b></p> <p>Comments:  Reticulated Sewage is provided to the land and each proposed lot can easily be connected to the satisfaction of the Goulburn Valley Regional Water Corporation.</p>
<p><b>C25</b></p> <p><b>Urban Run-off Management</b></p> <p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters</p>	<ul style="list-style-type: none"> <li>• The urban stormwater management system must be: <ul style="list-style-type: none"> <li>- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> <li>- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.</li> <li>- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</li> <li>- Designed to ensure that flows downstream of the subdivision</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>Comments:  Applicant will be required to submit a drainage plan to the satisfaction of the responsible authority.</p> <p>WSUD will be required as per Engineering requirements.</p>

<p>from degradation by urban run-off.</p>	<p>site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</p> <ul style="list-style-type: none"> <li>• The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design. <ul style="list-style-type: none"> <li>- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</li> <li>- Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</li> </ul> </li> </ul>	
<p><b>C26</b></p> <p><b>Site Management</b></p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<ul style="list-style-type: none"> <li>• A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: <ul style="list-style-type: none"> <li>- Erosion and sediment.</li> <li>- Dust.</li> <li>- Run-off.</li> <li>- Litter, concrete and other construction wastes.</li> <li>- Chemical contamination.</li> <li>- Vegetation and natural features planned for retention.</li> </ul> </li> </ul> <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p><b>Complies</b></p> <p>Comments:  The proposed subdivision would require the construction of minor works only. If a permit grants a condition should require site management to the Council's satisfaction (e.g. dust, mud, erosion and sediment control).</p>
<p><b>C27</b></p> <p><b>Shared Trenching</b></p> <p>To maximise the opportunities for</p>	<ul style="list-style-type: none"> <li>• Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for</li> </ul>	<p><b>Complies</b></p> <p>Comments:  Services should be connected to the site and undergrounded using</p>

<p>shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<p>underground services.</p>	<p>shared trenching as required by condition.</p>
<p><b>C28</b></p> <p><b>Electricity, Telecommunications and Gas</b></p> <p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<ul style="list-style-type: none"> <li>• The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</li> <li>• Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</li> <li>• The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</li> <li>• Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</li> </ul>	<p><b>Complies</b></p> <p>Comments:                  Service to be connection to the satisfaction of the relevant authorities.</p>

**Relevant Particular Provisions**

There are no relevant Particular Provisions.

**Officer Assessment:**

The application proposes a two lot subdivision in an existing residential area close to the Shepparton CDB. There is an existing dwelling and access to the property.

The land is within the Activity Centre Zone, Parking Overlay and Heritage Overlay.

Planning permit permission was required for the subdivision in the Activity Centre Zone and Heritage Overlay.

The application was sent to public notice and no objections were received.

The application was referred to GVW who consented to the application and internally to Council's engineers who also consented with conditions.

The application has been in the system for some time. Officers notified the applicant on the 11 November 2020 advising that officers would be recommending refusal of the application and asked whether the application will be withdrawn or pursued to a Development Hearing Panel. Officers did not hear back from the applicant until 2 February 2021.

It should be noted that the Substantial Change Area supports the development of the land for the subdivision.

The Activity Centre Zone encourages medium to high density development, however the decision guidelines within the Schedule to the zone require that development must protect the amenity of residential areas and places of cultural heritage significance. In the case for this proposal, which is measuring the importance of cultural heritage significance against the future development of the area, it is clear that while development is encouraged, it is not at the expense of cultural heritage.

The dwelling is a contributory place in the heritage precinct for the Skene Street Group HO173. The heritage advisor has recommended refusal of the application as it will cause detrimental impact to the heritage significance of the heritage dwelling.

Any residents of the dwelling would be restricted in how the dwelling could be developed in future. This would affect future buyers and the prospect of the dwelling. As there would be no room for extension, officers would expect that in future there would likely be an application submitted to demolish the dwelling should the subdivision go ahead. This is what officers call a 'demolition by default' wherein by the dwelling has no prospect of extension to the point where the limitations of the existing floorplan do not meet the modern standards and demolition will be the only option for development of the land.

Officers have the following concerns regarding the development:

**That the subdivision will restrict further development of the heritage dwelling and will therefore restrict future development of the land.**

The proposed subdivision boundary between lots 1 and 2 is directly behind dwelling 1. This will restrict any future development for the dwelling such as extensions. In this instance it is possible that as the dwelling will not be able to be further built upon, the heritage significance will be diminished as the development options will be limited. This may lead to a situation where demolition by default occurs.

**That the proposal does not include a proposed dwelling on Lot 2, and therefore officers have no measure on what the future lot will contain.**

No plans of the future dwelling/building on the proposed lot 2 have been provided. As there is an increased building height and more possibilities for high density development in the

Activity Centre Zone, officers are concerned that the future development of lot 2 will impact the dwelling on lot 1. Without any plans to show what is proposed for lot 2, it is impossible for officers to assume that there will be no impact on the heritage significance of the place.

**The development will affect the heritage significance of the place by removing the rear yard.**

Within the advice provided by the Heritage Advisor, there is distinction made between those dwellings within the Heritage Overlay and those outside of it. The dwellings within HO173 are all single dwellings containing large rear yards. Not only will this proposal be out of character for the heritage precinct, it will be removing the SPOS from the rear of the dwelling. The only available outdoor space will be to the front of the dwelling which will not be private and with fencing restrictions within the Heritage Overlay, it is unlikely that there will ever be a high front fence allowed to screen the front yard.

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 development does not adversely affect places of cultural heritage significance.
- Subdivision should not adversely affect the cultural heritage significance of the place.
- Subdivision of an Individually Significant or Contributory place within a precinct should retain the significant features on one lot.
- Subdivision of a place of cultural heritage significance should allow for the retention of the existing built form pattern where such pattern contributes to the cultural heritage significance of the place. Subdivision should ensure that the appropriate settings and contexts for Individually Significant and Contributory places can be maintained.
- Subdivision should give visual prominence to Individually Significant and Contributory cultural heritage places over new development. Vistas are to be retained to Individually Significant and Contributory cultural heritage places.

The existing dwelling is contributory to HO173 and the Planning Scheme dictates that applications should be sympathetic to the precinct of the area. Officers consider that the application whilst in character for the area, will impact the heritage significance of the place. There is a unit development adjacent to the southern boundary of the property, however this property is not included within the Heritage Overlay.

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. 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:** 2020-170

**PLANNING SCHEME:** GREATER SHEPPARTON PLANNING SCHEME

**RESPONSIBLE AUTHORITY:** GREATER SHEPPARTON CITY COUNCIL

**ADDRESS OF THE LAND:** 66 Skene Street SHEPPARTON VIC 3630

**WHAT HAS BEEN REFUSED:** 2 lot subdivision in the Activity Centre Zone and Heritage Overlay

**WHAT ARE THE REASONS FOR THE REFUSAL?**

- 
1. The application is not in accordance with the objective of Clause 15.03-1S – Heritage Conservation which seeks to ensure the conservation of places of heritage significance. The proposed subdivision has the potential to impact on the conservation of the existing dwelling.
  2. The application does not meet the objectives of Clause 21.05-4 - Cultural Heritage as the proposal has the potential to impact on the conservation of a place of cultural heritage significance by removing the majority of the rear yard of the existing dwelling. This will limit any future upgrades or renovation of the rear of the existing dwelling and potentially lead to demolition by default.
  3. The application is not in accordance with Clause 37.08-9 as the proposal will not ensure the protection of a place of cultural heritage significance.
  4. The application is not in accordance with Clause 43.01 as the proposed subdivision has the potential to adversely affect the significance of the heritage place. No plans of the proposed development of lot 2 have been provided that show how this lot can be developed in a way that respects the heritage significance of the existing dwelling.
  5. The application is not in accordance with the purpose and decision guidelines of the Heritage Overlay, which seek to conserve and enhance places of natural or cultural significance.

---

---

## Application Details:

Responsible Officer:	Quinn Maguire
Application Number:	2020-323
Applicants Name:	L M Perso
Date Application Received:	16 September 2020
Statutory Days:	196
Land/Address:	1295 Lancaster-Mooroopna Road UNDERA VIC 3629
Zoning and Overlays:	Farming Zone (FZ)  Abuts Road Zone Category 1 (RDZ1)  Land Subject to Inundation Overlay (LSIO)  Specific Controls Overlay 3 (SCO)
Why is a permit required (include Permit Triggers):	<b>35.07-1 Section 2 Use Requiring a Permit in the FZ</b>
Are there any Restrictive Covenants on the title?	No covenants on title
<b>Disclosures of conflicts of interest in relation to advice provided in this report</b>	No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

---

---

## Proposal

The application seeks approval to use part of the land for a heavy vehicle mechanic (motor repairs).

A permit is required under the provisions of the Farming Zone as the use is not listed as Section 1 Use or Section 3 Use and therefore requires a permit.

The development involves no building or works and therefore does not require a permit under the provisions of the LSIO.

No permit is required under the SCO as none of the provisions apply to the proposed use.

The proposed use is a Diesel Mechanic completing general maintenance and repairs on heavy vehicles and trailers. The use mechanic is included under the term 'Service Industry' which is a Section 2 use in the Farming zone and therefore can be considered for the site.

The proposed operating hours when the application was lodged were 8:00am-5:00pm Monday to Friday, and on Weekends "by appointment", this was updated to 9:00am-1:00pm on Saturday and 'by appointment' on Sunday. The business is to utilise an existing shed on the site. The shed is 13m x 30m and setback 32m from the lot boundary fronting Lancaster-Mooroopna Road.



The owner and occupier of the property will operate the business; it will have no additional employees. The proposed number of daily visitors will be 1-2 people with a maximum number of 3-4 vehicles at any one time.

The business currently operates an emergency breakdown service that is intended to provide mobile roadside assistance. The applicant has noted that as part of this service occasionally vehicles may be towed back to the site if roadside repairs fail.

The proposed use does not include any repairs to light vehicles.

The applicant has noted that the site will also have a number of vehicles owned by the residents (cars, trucks, trailers); these will be present on the site but not part of the business. These additional vehicles were present onsite during inspections undertaken by Council officers.

---

## Summary of Key Issues

- Permission is sought to use land in the FZ for a heavy vehicle mechanic (Service Industry).
- The application was advertised and one objection was lodged with Council. The objection raised concerns about amenity impacts associated with the use such as noise impacts.
- Officers have considered the grounds of objection and find that the objection does not warrant refusal of the application.

---

## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2020-323** 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 **35.07-1** of the Greater Shepparton Planning Scheme in respect of the land known and described as **1295 Lancaster-Mooroopna Road UNDERA VIC 3629**, for the **Use of Land For a Heavy Vehicle Mechanic** in accordance with the Notice of Decision and the endorsed plans.

## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2020-323** 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 **35.07-1** of the Greater Shepparton Planning Scheme in respect of the land known and described as **1295 Lancaster-Mooroopna Road UNDERA VIC 3629**, for the **Use of Land For a Heavy Vehicle Mechanic** in accordance with the Notice of Decision and the endorsed plans

**Motion: Colin Kalms**

**Motion to issue notice of decision with a variation to Condition 3 to reflect updated drop off and pick up times of Monday to Friday 7am-6pm & Sat 8am-2pm with no Sunday activity.**

**Second: Nilesh Singh**

**CARRIED**

---

## Subject Site & Locality

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

Date: **05/11/2020** Time: **4:00** pm

The site has a total area of **160,000** square metres and currently contains:

- A dwelling
- Two large sheds/garages
- Paddocks utilised for smaller scale cropping activities

The main site/locality characteristics are:

- Rural Locale
- Predominantly rural land surrounding site
- Sited within a small cluster of rural dwellings

---

## Permit/Site History

The history of the site includes:

- 2008-33 Approval for Farm Plan
- 2008-423 Use of the land for produce sales and associated signage

---

## Further Information

Was further information requested for this application? **30/09/2020**

What date was the further information requested?: **Clarification on proposed activities**

What date was the further information received?: **07/10/2020**

Was further information requested for this application? **09/11/2020**

What date was the further information requested?: **Additional information requested in response to objection**

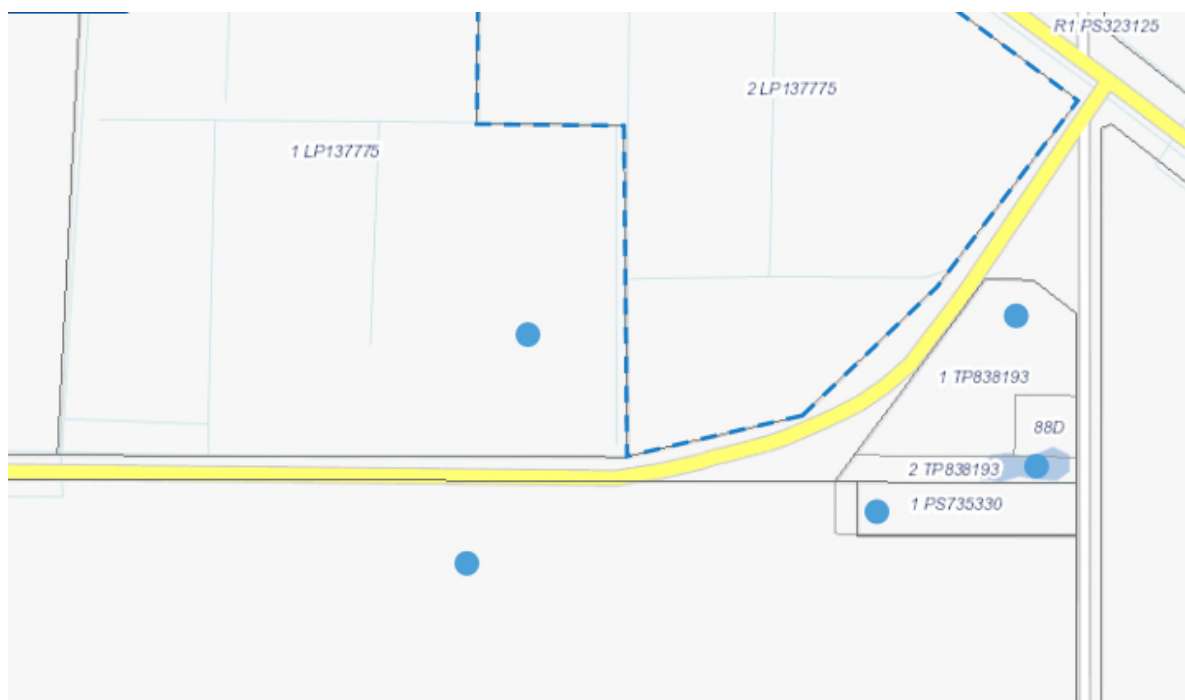
What date was the further information received?: **12/11/2020**

---

## Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Use of Land for a Heavy Vehicle Mechanic**, by:

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



---

## Objections

The Council has received objections from **1** neighbour to date. Throughout the process a number of submissions were made by this objector with assorted supporting documentation. The key issues that were raised in the objections are:

Noise Impacts	The objector provided a number of submissions throughout the assessment regarding noise impacts including some with additional
---------------	--

	<p>supporting documentation such as noise diaries and videos. Assessing officers and compliance officers visited the site on numerous occasions and did not experience any significant noise coming from the use of the site as a mechanic.</p> <p>As a result of this assessing officers organised to have EPA noise monitoring equipment installed on the site for a week. The objectors were open to this when assessing officers discussed with them; however, Council's EPA officer stated that when he contacted the objector to install the equipment they declined as the noise had not been 'too bad' recently.</p> <p>The provided noise diaries do indicate that the site may be used outside of the provided operating hours; however, officers could not verify this.</p> <p>It is also noted that noise generated by vehicles entering and exiting the site, general use of the site, moving of goods within the site, idling vehicles etc are noise sources that would not generally be limited to the use of the site for a heavy vehicle mechanic. Both the objector's and the subject property have direct frontage to Lancaster-Mooroopna Rd, this is a busy Category 1 road.</p> <p>All related properties are within the Farming Zone where agricultural uses are permitted without need for a permit under Section 1. It is a reasonable assumption for that a property in the Farming Zone may be used for agricultural production. In line with this, Officers also consider that the amenity expected by a dwelling in the FZ should be lower than what a dwelling in a residential zone is afforded.</p>
<p>Number of Vehicles – concerns over current number of vehicles and potential overflow of future vehicles</p>	<p>It was noted during visits to the site that there were a number of vehicles present; these included both cars and trucks. Vehicles were all parked within a gravelled area on the site. The applicant has confirmed that the cars are their personal property and that they intend to have a maximum of 3-4 customer vehicles onsite at any one time – she noted that as they would only have a single mechanic they would be restricted in capacity.</p> <p>The number of personal vehicles onsite is not deemed a relevant consideration for this planning permit.</p> <p>The parking area onsite in addition to the workshop within the shed is considered to have adequate space for 3-4 vehicles. It is accepted that the business will be limited in its capacity due to only having a single mechanic.</p> <p>Conditions preventing use of the adjacent road reserve and limiting the number of customer vehicles onsite will aid in mitigating issues related to the number of vehicles.</p>
<p>Business Owner –concerns about who the owner of the business is and whether they are the applicant or the owner of the property.</p>	<p>The applicant for this permit is the owner of the property. The application specifies that the development will be a home-based business, as such conditions limiting the business to employees that reside at the site is considered appropriate.</p> <p>It is not considered relevant whether the applicant also owns the business.</p>
<p>Discrepancies and gaps in information provided</p>	<p>Council has assessed this application based on the information provided, as a result conditions have been provided which aim to ensure that the development will operate based on the information provided. If incomplete or incorrect information has been provided this may prove to be a hindrance to the applicant in their ongoing operations. Operating outside of the conditions of a permit including in a way which is not consistent with the provided plans may result in compliance action. If changes to a permit or approved plans are required the applicant would need to submit an amendment to the permit which would be assessed on its merits.</p>

<p>Operating Hours &amp; activities outside of these hours</p>	<p>The proposed operating hours are:                  Weekdays 8:00am-5:00pm                  Saturday 9:00am-1:00pm                  Sunday 'by appointment'                  The applicant has also noted that the business also operates an emergency road side repairs service. It is considered that these operations will mostly happen offsite; however it is noted that some vehicles may be required to be towed back to the site.                  It is also noted that vehicles may be dropped off and picked up outside of these hours.                  Objectors have raised concerns about vehicles being dropped off and picked up at late hours, they have also raised that the business may be currently operating outside of its proposed hours. To aid in ensuring the business is operating in a consistent manner with the proposal conditions will be included on any permit, these conditions will specify that the business must keep to the proposed operating hours. The condition will limit Sunday working times to those proposed for Saturday to prevent ambiguity.                  Hours for drop-off and pick up times have also been included as a condition of the permit. This will aid in minimising impacts outside of working hours.                  The property owner may still utilise the property for other purposes outside these times, this does not limit their residential or agricultural use of the site.</p>
<p>Vehicular Access</p>	<p>The application has been referred to VicRoads, as the relevant Road Authority, who have not raised any concerns regarding about the existing access to the site. The applicant has provided confirmation that all vehicles will enter and exit the site in a forwards direction.</p>
<p>Existing Unauthorised Use and Potential Ongoing Non-Compliance</p>	<p>It is noted that investigations have been undertaken by Council's Compliance Officer as the site has been operating as a mechanic prior to obtaining approval. Planning Officers consider this to be a separate matter, which is independent to this permit application. Conditions will be provided as a part of any permit and any ongoing allegations of non-compliance will be investigated.</p>

---

## Title Details

The title does not contain a restrictive covenant or Section 173 Agreement.

---

## Consultation

Consultation was undertaken. Relevant aspects of consultation, included 05/11/2020 - Meeting onsite with Assessing Officer, Statutory Planning Team Leader and applicants.

Proposed business activities were discussed including intensity of activities, working hours and issues raised in the objection.

- 23/11/2020 – Meeting at objectors property with Assessing Officer, Statutory Planning Team Leader and objectors.

Applicant response to objection and reasons for the objection were discussed, objectors expressed that they did not intend to withdraw their objection

---

## Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
There are no section 55 referrals			

Section 52 - Notice Authority	Advice/Response/Conditions
GBCMA	The Authority's best estimate of the 100-year ARI flood level for the location described above is 107.6 metres AHD, which was established from the Fraser Report (SR&WSC) on the 1950 floods, and currently represents the best available flood information for this region. Its reliability is considered to be fair. Pursuant to Section 56 of the Planning and Environment Act 1987, the Goulburn Broken CMA raises no objection to the proposal for land-use for Heavy Vehicle Mechanic. Please note that the 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 100-year ARI flood, may occur in the future.
GMW	Based on the information provided and in accordance with Section 56 (b) of the <i>Planning and Environment Act 1987</i> , Goulburn-Murray Water has no objection to this planning permit being granted subject to the following conditions: 1. All ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
VicRoads (DOT)	Thank you for forwarding planning permit application 2020-323 pursuant to Section 52 of the Planning and Environment Act 1987. The Head, Transport for Victoria has considered the application and has no objection to the proposal.

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Team Leader of Engineering confirmed no conditions.
Building Surveyor	Proposal will alter the use of the shed; building permit may be required to change class of building.
Environmental Health	Council's Environmental Health Department has no objections to the Planning permit being issued provided the following condition(s) is included in the permit:  1. The proposed development/use shall be carried out in accordance with Environment Protection Authority Industrial Waste Resource Guidelines – Motor Vehicle Repair and Service Premises – Publication IWRG642, June 2009.  2. If Council's building surveyor determines that that sanitary facilities are required, the applicant will need to lodge an application to install a septic tank system with Council's Environmental Health Department. The applicant must consult with the Council's Environmental Health Department prior to lodgement of the application.  Should you have any queries, please contact Environmental Health on 5832 9731.

## Assessment

### The zoning of the land 35.07 FARMING ZONE

#### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

### **35.07-6 Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

#### **General issues**

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

#### **Agricultural issues and the impacts from non-agricultural uses**

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

#### **Environmental issues**

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

#### **Design and siting issues**

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

### **Relevant overlay provisions**

No relevant overlay provisions

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

### **14.01-1S Protection of agricultural land**

#### **Objective**

To protect the state's agricultural base by preserving productive farmland.

#### **Strategies**

Identify areas of productive agricultural land, including land for primary production and intensive agriculture.

Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.

Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.

Protect productive farmland that is of strategic significance in the local or regional context.

Protect productive agricultural land from unplanned loss due to permanent changes in land use.

Prevent inappropriately dispersed urban activities in rural areas.

Protect strategically important agricultural and primary production land from incompatible uses.

Limit new housing development in rural areas by:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Land capability.



Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.

Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

#### **14.01-2S Sustainable agricultural land use**

##### **Objective**

To encourage sustainable agricultural land use.

##### **Strategies**

Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.

Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.

Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.

Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.

Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.

Support agricultural investment through the protection and enhancement of appropriate infrastructure.

Facilitate ongoing productivity and investment in high value agriculture.

Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

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

##### **21.06-4 Industry**

##### **Policy Guidelines – Industrial Development in Rural Areas**

It is policy to:

Discourage industrial use and development (other than rural industry) in rural areas, except where:

- It is unable to be accommodated in existing industrial zoned areas;
- It does not compromise the surrounding existing and future agricultural practices;
- It adds value to the agricultural base of the municipality; and
- It is a rural-based enterprise; or

- It provides for the reuse of existing large scale packing sheds and cool stores.

### **Relevant Particular Provisions**

No relevant provisions identified

### **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 Assessment**

The proposed use is for a heavy vehicle mechanic in a farming zone. The business will predominantly perform work on heavy vehicles such as trucks and other large diesel machinery. There are a large number of farming uses in the area which rely heavily on trucks and other machinery to transport their goods, in this way it is considered to support agricultural uses in the area.

The majority of the site is set aside for small scale cropping, it is noted that the site is relatively small and unlikely to be able to independently sustain an agricultural use. The southern end of the site, which fronts Lancaster-Mooroopna Rd, is set aside predominatly for residential purposes including a dwelling and yard area. The southern area is where the use will be operating, it will utilise an existing shed which was previously used as an agricultural store and for sale of agricultural produce. Based on Council records, the use of the shed for produce sales ceased around 2018. Because of this previous use the site has established parking areas and space for truck movements around the shed.

The development is not foreseen to have a significant impact on the use of the site for agriculture as it is sited in an area that has not been used for agricultural production with adequate areas set aside for heavy vehicle movements. There are no proposed changes to the building or any additional areas to be removed from agricultural production. It is unlikely that this development would limit the operation or expansion of adjoining or nearby agricultural uses. There are no impacts or changes to existing rural infrastructure on the site proposed.

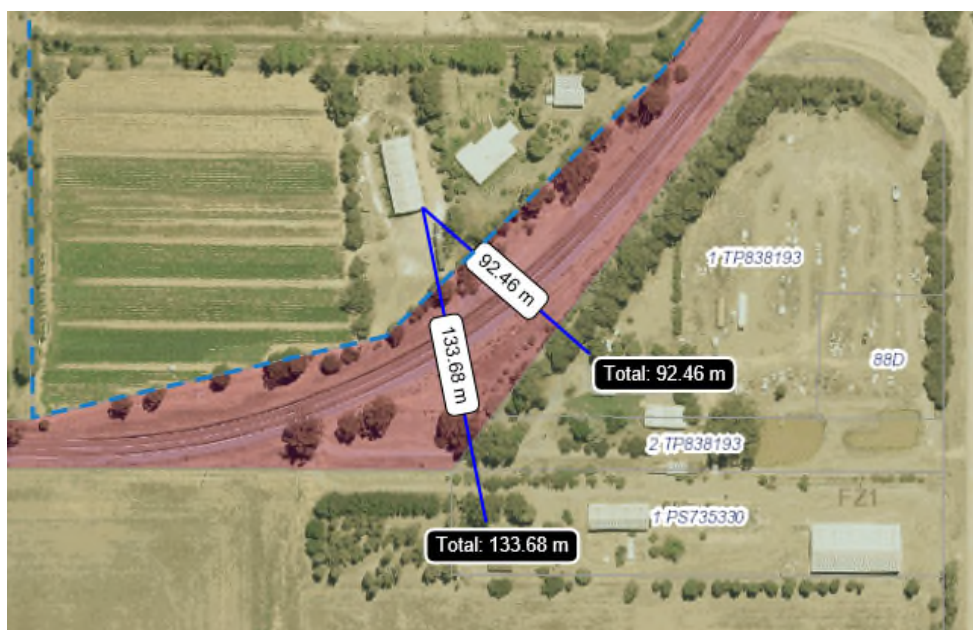
If chemicals and waste from the development are handled appropriately per the relevant EPA and chemical handling guidelines the proposed use is not foreseen to adversely affect soil quality or permanently remove land from agricultural production.

The proposal will operate wholly within previously disturbed and developed areas, there are no impacts on the natural physical features or resources of the area foreseen. There is no proposed removal of vegetation. The existing effluent management system is located away from the proposed development, it is unlikely that the development will impact on these facilities.

The development will be sited within an area of the site where vehicle movements and buildings are concentrated. The existing shed is considered to be of a similar size and appearance to others within the vicinity and no modifications are proposed to this structure.

The development is sited within 35m of a Category 1 Road and as the development will generate additional truck movements the development was referred to VicRoads as the roads authority. The Department of Transport (DoT) provided a response, they did not object to the proposal, raise any safety concerns or require any conditions to be included on any permit. As the DoT provided comment as the roads authority, Council's Engineers declined to make any additional comments or conditions for the application.

While the development is considered unlikely to impact agricultural uses in the area, it does have the potential to negatively impact the amenity of the dwellings sited in close proximity. The shed is located approx. 92m from the dwelling at 1282 Lancaster-Mooroopna Rd and 133m from a dwelling at 1280 Lancaster-Mooroopna Rd, it is noted that these properties are sited across Lancaster-Mooroopna Rd from the subject site. An objection was received from the owner of 1282 Lancaster-Mooroopna Rd, this objection including potential amenity impacts raised were explored by Council officers.



It is considered that while there may be additional impacts to this neighbouring property, when considered in the context of the site and surrounding areas these impacts may not be considered unreasonable when mitigated with permit conditions. Such as the limiting the

hours of operation while also allowing for flexibility for drop off and pick up of vehicles with the following conditions:

**Hours of Operation**

*The business must only operate on the site between the hours of:-*

*Monday – Friday 8:00am – 5:00pm*

*Saturday 9:00am – 1:00pm*

**Hours for Vehicle Drop-off and Pick Up**

*The vehicles for repair must only be dropped off and picked up from the site (including those being towed) between the hours of:-*

*Monday – Friday 5:00am – 8:00pm*

*Saturday – Sunday 7:00am – 3:00pm*

It is considered that the conditioned hours will allow for the use to operate in accordance with the proposed plans while also reflecting that the use is not within an industrial area and amenity impacts must be mitigated. It is not considered reasonable to allow the business to operate on Sundays and that the description of 'by appointment' would potentially create enforcement issues in the future. The condition limiting pick up and drop off times will also aid in addressing the objectors concerns, the timing of this condition does allow for a pickup/drop off window of +/- 3hrs on weekdays, +/- 2hrs on Saturday and an 8hr window on Sundays.

Conditions will also be included to aid in managing other amenity impacts. This includes a general amenity condition, and a condition specifying that the site be maintained in a neat and tidy manner. This will aid in preventing negative visual impacts and impacts from rubbish/refuse in the area. A condition to ensure that all operations associated with the use be conducted within the confines of the shed, it is considered that this will help mitigate potential noise and visual impacts.

**Neat and Tidy Site**

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

**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.*

**Works within the building only**

*All works associated with the use of the land as a heavy vehicle mechanic must be carried on within the confines of the building as shown on the endorsed plans*

The following conditions have been included to mitigate potential safety impacts and also prevent unauthorised operations within the road reserve:

**Use Only On Site**

*No vehicle is to be repaired or serviced on the land unless it is completely within the boundaries of the land. No vehicles are to be stored or parked within the road reserve area.*

**Vehicle Access to Site**

*All vehicles entering or leaving the site must do so in a forwards direction.*

**Relevant incorporated or reference documents**

No relevant documents identified

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

State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade)  
No. N-1  
State Environment Protection Policy (Prevention and Management of Contamination of Land)

**Relevant Planning Scheme amendments**

No relevant amendments

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

No significant impacts foreseen

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

Environment Protection Act 1970  
Environment Protection (Vehicle Emissions) Regulations 2013

---

**Conclusion**

Officers have undertaken an assessment of the application and found that the proposed development achieves acceptable planning outcomes subject to conditions. It is recommended that a notice of decision to grant a permit be issued.

# Draft Notice Of Decision

**APPLICATION NO:** 2020-323

**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:** 1295 LANCASTER-MOOROOPNA ROAD UNDERA  
VIC 3629

**WHAT THE PERMIT WILL ALLOW:** USE OF LAND FOR A HEAVY VEHICLE MECHANIC

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

---

**1. Layout Not Altered**

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

**2. Hours of Operation**

The business must only operate on the site between the hours of:-

Monday – Friday 8:00am – 5:00pm

Saturday 9:00am – 1:00pm

**3. Hours for Vehicle Drop-off and Pick Up**

The vehicles for repair must only be dropped off and picked up from the site (including those being towed) between the hours of:-

Monday – Friday 5:00am – 10:00pm

Saturday – Sunday 7:00am – 3:00pm

**4. Environmental Health Conditions**

- a) The proposed development/use shall be carried out in accordance with Environment Protection Authority Industrial Waste Resource Guidelines – Motor Vehicle Repair and Service Premises – Publication IWRG642, June 2009.
- b) If Council’s building surveyor determines that that sanitary facilities are required, the applicant will need to lodge an application to install a septic tank system with Council’s Environmental Health Department. The applicant must consult with the Council’s Environmental Health Department prior to lodgement of the application.

**5. Noise**

The use hereby permitted must be conducted such that noise levels generated do not exceed permissible noise levels established in accordance with Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.

**6. Neat and Tidy Site**

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

**7. 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.

**8. Use Only On Site**

No vehicle is to be repaired or serviced on the land unless it is completely within the boundaries of the land. No vehicles are to be stored or parked within the road reserve area.

**9. Works within the building only**

All works associated with the use of the land as a heavy vehicle mechanic must be carried on within the confines of the building as shown on the endorsed plans.

**10. Vehicle Access to Site**

All vehicles entering or leaving the site must do so in a forwards direction.

**11. Goulburn Murray Water Corporation**

All ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

**12. 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.