

**CONFIRMED MINUTES**

**FOR THE**

**GREATER SHEPPARTON CITY COUNCIL**

**DEVELOPMENT HEARINGS PANEL**

**Meeting No. 4/2021**

**HELD ON**

**FRIDAY 12<sup>th</sup> NOVEMBER 2021**

**at 10.00AM**

(VIA ZOOM)

**CHAIR**

**Councillor Shane Sali**

## ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 4 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 Shane Sali (Chair) – **Via Zoom**
- Geraldine Christou, Director, Sustainability - Greater Shepparton City Council – **Via Zoom**
- Joel Ingham– Planning Co-Ordinator – 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:

- Andrew Dainton– **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.

## APOLOGIES

Nil

## DECLARATIONS OF CONFLICTS OF INTEREST

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

## ORDER OF PROCEEDINGS

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

- The 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 4 items listed for consideration in this session of the DHP:

1. Planning Permit application 2021-206 – three lot resubdivision at 665 Turnbull Road, Ardmona - **WITHDRAWN**
2. Planning Permit application 2020-439 - Use and development of land in the Neighbourhood Residential Zone and Commercial 1 Zone for a service station, advertising signage, re-subdivision of Common Property and creation and variation of access to Road Zone Category 1 at 573 & 575-585 Wyndham Street, Shepparton
3. Planning Permit application 2021-33 - 4 lot subdivision and buildings and works for 4 dwellings on a lot in the General Residential Zone at 13 Coomboona Street, Shepparton

4. Planning Permit application 2021-335 - Buildings and works for a grain bunker and removal of five (5) native trees in the Farming Zone and Salinity Management Overlay at 109 Mary Street, Dookie

**10. LATE REPORTS**

None

**11. NEXT MEETING**

To be determined

## INDEX

<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2021-206	665 Turnbull Road ARDMONA VIC 3629 <b>WITHDRAWN PRIOR TO HEARING</b>	Three Lot Resubdivision	3
2020-439	573 & 575-585 Wyndham St SHEPPARTON VIC 3630	Use and development of land in the Neighbourhood Residential Zone and Commercial 1 Zone for a service station, advertising signage, re-subdivision of Common Property and creation and variation of access to Road Zone Category 1	27
2021-33	13 Coomboona Street SHEPPARTON VIC 3630	4 lot subdivision and buildings and works for 4 dwellings on a lot in the General Residential Zone	74
2021-335	109 Mary Street DOOKIE VIC 3646	Buildings and works for a grain bunker and removal of five (5) native trees in the Farming Zone and Salinity Management Overlay	110

---

---

## Application Details: **WITHDRAWN PRIOR TO HEARING**

Responsible Officer:	Quinn Maguire
----------------------	---------------

Application Number:	2021-206
Applicants Name:	T R Zanders
Date Application Received:	16 July 2021
Amendment Received	16-July-2021 (section 50 of P&E Act)
Statutory Days:	88

Land/Address:	665 Turnbull Road ARDMONA VIC 3629
Zoning and Overlays:	Farming Zone (FZ)  Land Subject to Inundation Overlay (LSIO)  Specific Controls Overlay 3 (SCO)
Why is a permit required (include Permit Triggers):	<b>35.07-3</b> Subdivision in the FZ <b>44.04-3</b> Subdivision of land in the LSIO
Are there any Restrictive Covenants on the title?	None shown on provided 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

Proposed development is a three lot re-subdivision.

The development involves subdivision in the Farming Zone and requires a permit under the planning scheme provisions.

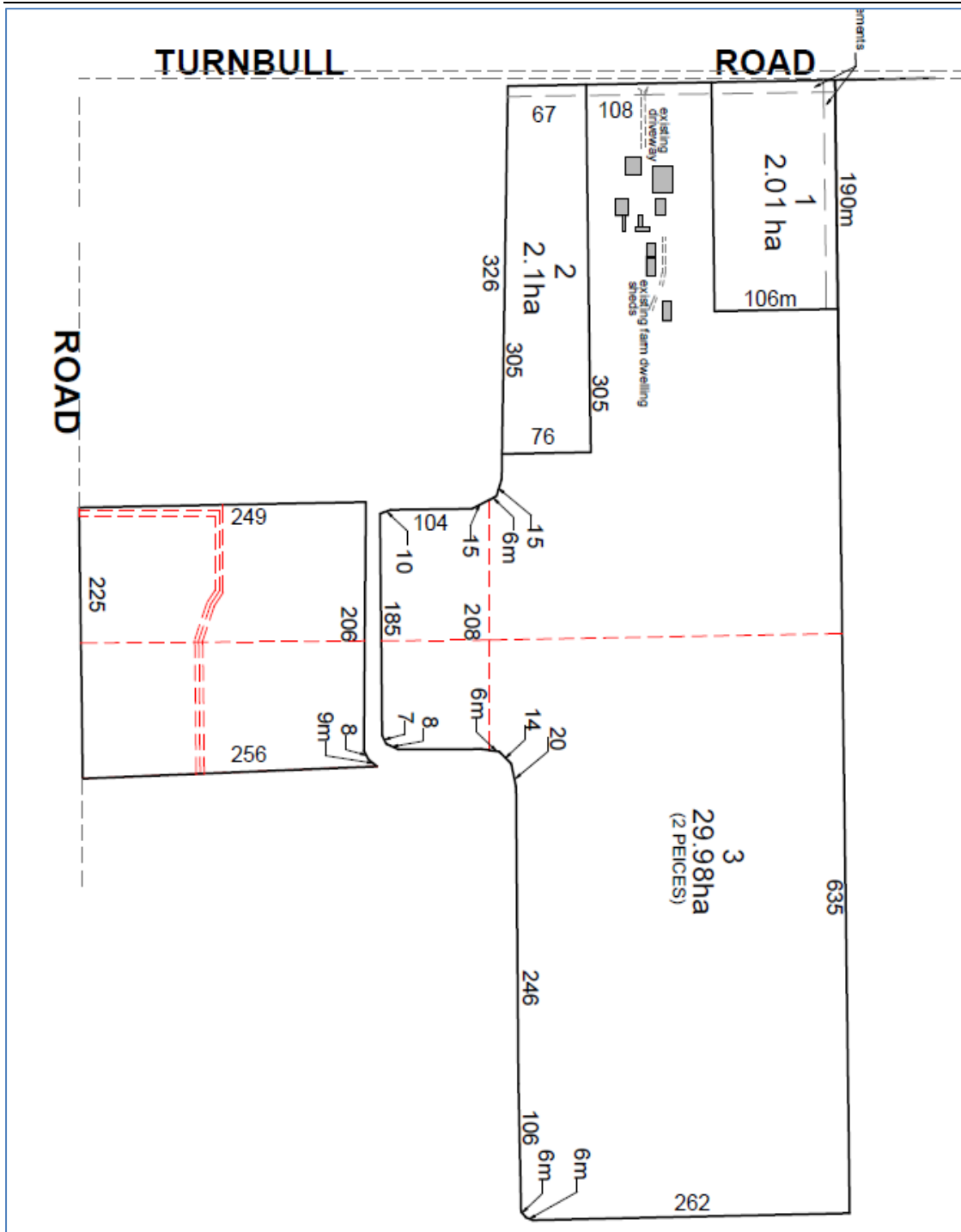
The development involves subdivision of land in the LSIO and requires a permit under the planning scheme provisions.

The provisions of the SCO do not relate to this type of development.

The existing site is currently 33.28ha, comprised of four lots being 13.03ha, 13.27ha, 3.67ha and 3.67ha respectively, 3 of the existing four lots are currently landlocked.

The proposed subdivision will result in reconfiguring the existing four lots into three lots all with frontage to Turnbull Rd. The subdivision plan will consolidate the majority of the land in one 29.98ha parcel (Lot 3), Lot 1 will each have an area of 2.01 hectares and Lot 2 is to be 2.1ha. The existing dwelling and associated farming infrastructure will be retained on proposed lot 3.

The proposed plan of subdivision is shown below with the existing four title boundaries shown in dashed red lines.



Application prior to amendment

The proposed subdivision will result in four lots all with frontage to Turnbull Rd. The subdivision plan will consolidate the majority of the land in one 27.47ha parcel (Lot 4), Lot 1 and Lot 2 will each have an area of 2.04 hectares and lot 3 is to be 2.1ha.

The applicant proposes that the existing dwelling and shedding along with the existing farm infrastructure be retained on lot 4, while lots 1-3 will be vacant to allow for development to facilitate growth of new agricultural investment, encourage for small scale specialised agriculture or a rural service industry.

---

## Summary of Key Issues

- The application was advertised and no objections to the application have been received.
- GBCMA as referral authority, has no objection.
- Powercor and Council's Development Engineers and Health Department support the proposal subject to conditions which will be included in the permit.
- APA has deemed to consent to the application.
- GMW objects to the grant of the planning permit.
  
- The proposed subdivision is in accordance with all relevant strategies and the objectives and zone provisions of the Greater Shepparton Planning Scheme.
- The FZ, LSIO and Policy provisions contain a number of decision guidelines which are relevant to the application. Assessments have found that the application is generally consistent with the decision guidelines and acceptable planning outcomes are achieved.
- The proposal re-subdivides and consolidates lots from 4 down to 3 lots
- The proposal will have no impact on agricultural use of the land and the surrounding agricultural area.

---

## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2021-206** 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 **Clauses 35.07-3 and 44.04-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **665 Turnbull Road ARDMONA VIC 3629**, for the **Three (3) Lot Resubdivision** in accordance with the Notice of Decision.

---

## Subject Site & Locality

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

Date: **17/06/2021**

The site has a total area of 33.28ha comprising four (4) separate parcels in common ownership and currently contains:

- An existing dwelling structure (unclear if existing use rights exist)
- Agricultural sheds



- Agricultural infrastructure

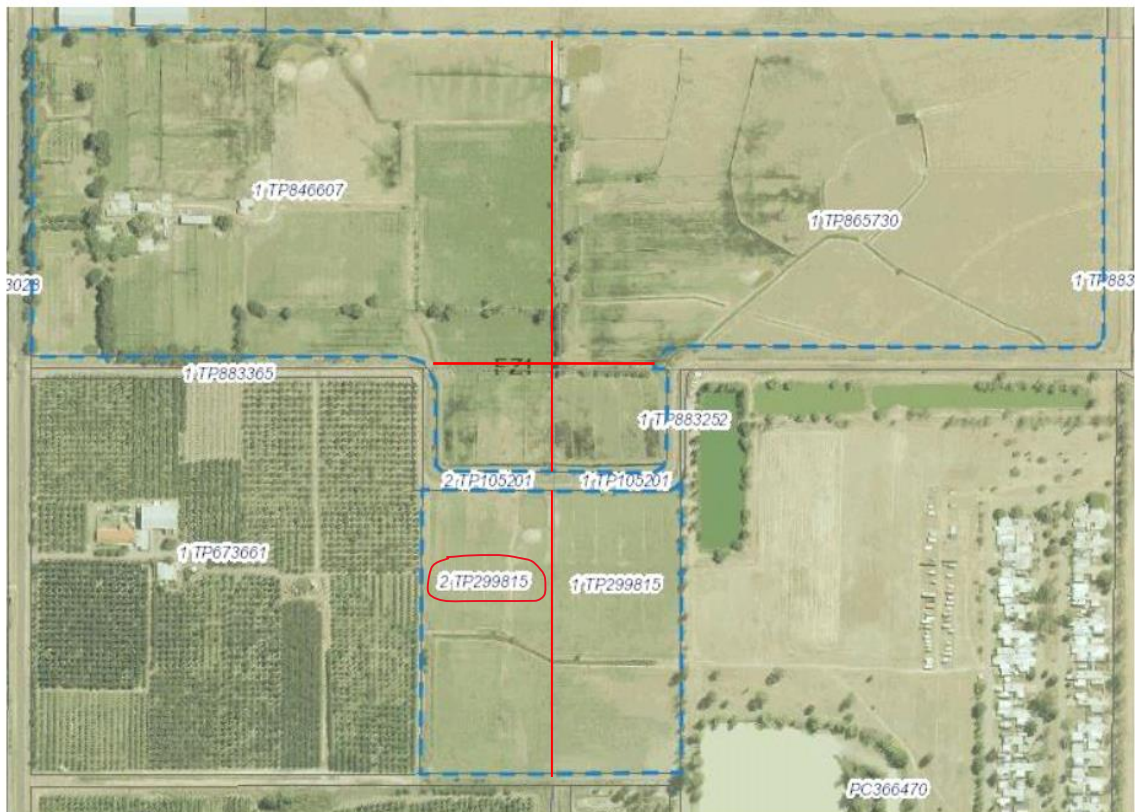
The main site/locality characteristics are:

- Development is a short distance (5km) from Mooroopna.
- Within an area of agricultural uses.

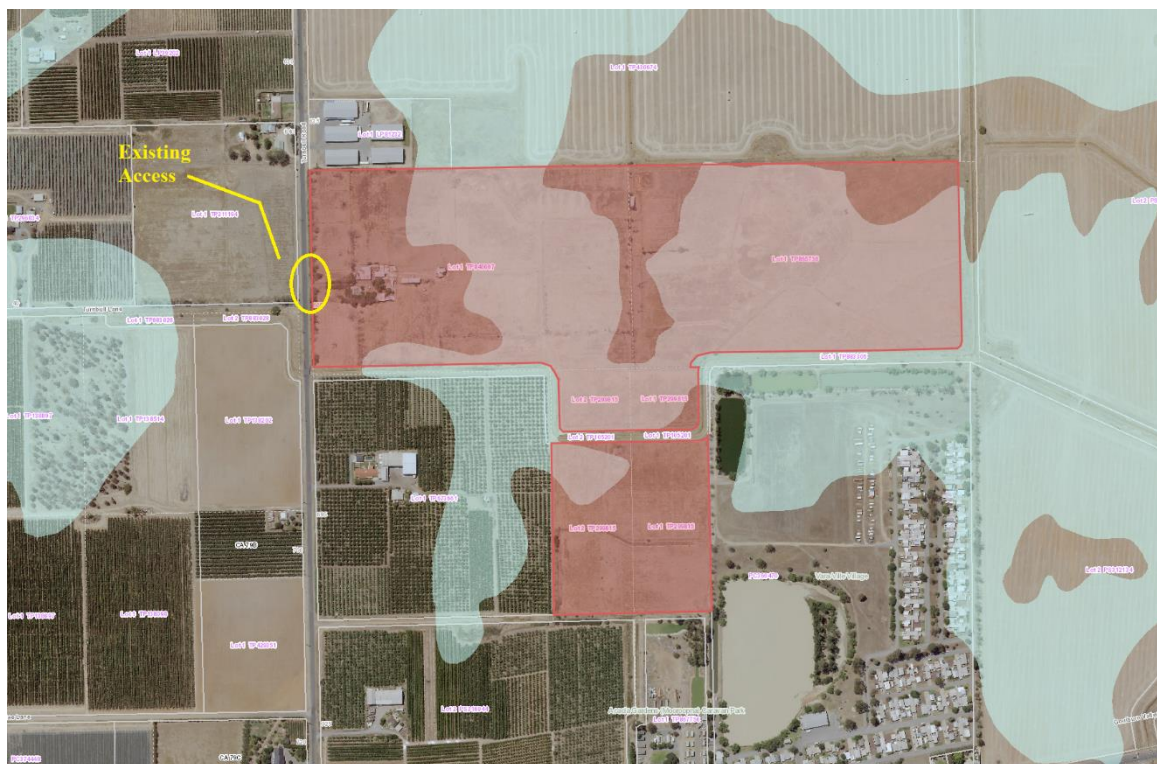
The details of the existing four titles are as follows:

<b>C/T No.</b>	<b>LOT / PLAN</b>	<b>AREA</b>	<b>DESCRIPTION</b>
V 3278 F 425 & V 9538 F 142	LOT 1  TP846607D	13.03 ha	North-west, land parcel – largely cleared cropping land with some isolated trees, fronting Turnbull Road. This parcel has a dwelling as well as shedding and agricultural buildings are located close to the western frontage to Turnbull Road. The northern boundary abuts a neighbouring lot that is used for storage purposes.
V 8223 F 954 & V 9538 F 141	LOT 1  TP 865730W	13.27 ha	North -east, land parcel containing a large remnant patch of vegetation on the property. Lot No: TP846607 & Lot No: TP865730 abuts the Water channel along the southern edge, dividing the land southern block of land in 2 pieces.
V 5841 F 002	LOT 1 TP 299815S	Approx. 3.67 ha	Eastern half of the southern part of the subject land. It is rectangular – aside from being divided into two (2) pieces due to water channel. This lot does not have a frontage to Turnbull Road, however, has legal access from a road (laneway) from Turnbull Road to the southern boundary.
V 5841 F 002	LOT 2 TP 299815S	Approx. 3.67 ha	Western half of the southern part of the subject land. It is rectangular – aside from being divided into two (2) pieces due to water channel. This lot does not have a frontage to Turnbull Road, however, has legal access from a road (laneway) from Turnbull Road to the southern boundary.

The approximate title boundaries are shown in the plan below:



Existing Title Boundaries



Subject Site

The Photos taken on 27 September 2021 below show the existing site:



## Permit/Site History

The history of the site includes:

- There are no previous permits relevant to the site.
- 

## Further Information

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

What additional information is required?

- Council Officers consider the proposed development does not meet the objectives of the Farming Zone or the Local Planning Policy (CI 21.06) and because of this Council would not support the proposal in its current form. This is predominantly for the following reasons:
  - The development will not result in a reduction of lots and is not considered to reduce fragmentation of agricultural land.
  - Potential land use conflicts related to small lots within an agricultural area.
  - The subdivision will potentially create dwelling opportunities where none previously existed.
  - The lot containing the dwelling will be greater than 2ha.
  - The larger 'farm' lot will not meet the minimum lot size of 40ha.
- Please provide confirmation of how you wish to proceed with this application and any amended plans as relevant.

Council Officers would appreciate the opportunity to meet and discuss the application and requested information further. To arrange a meeting please contact Council's Planning Department on 03 5832 9730.

What date was the information requested?: 25 June 2021

What is the lapse date? 25 July 2021

What date was the information received?: 16 July 2021

---

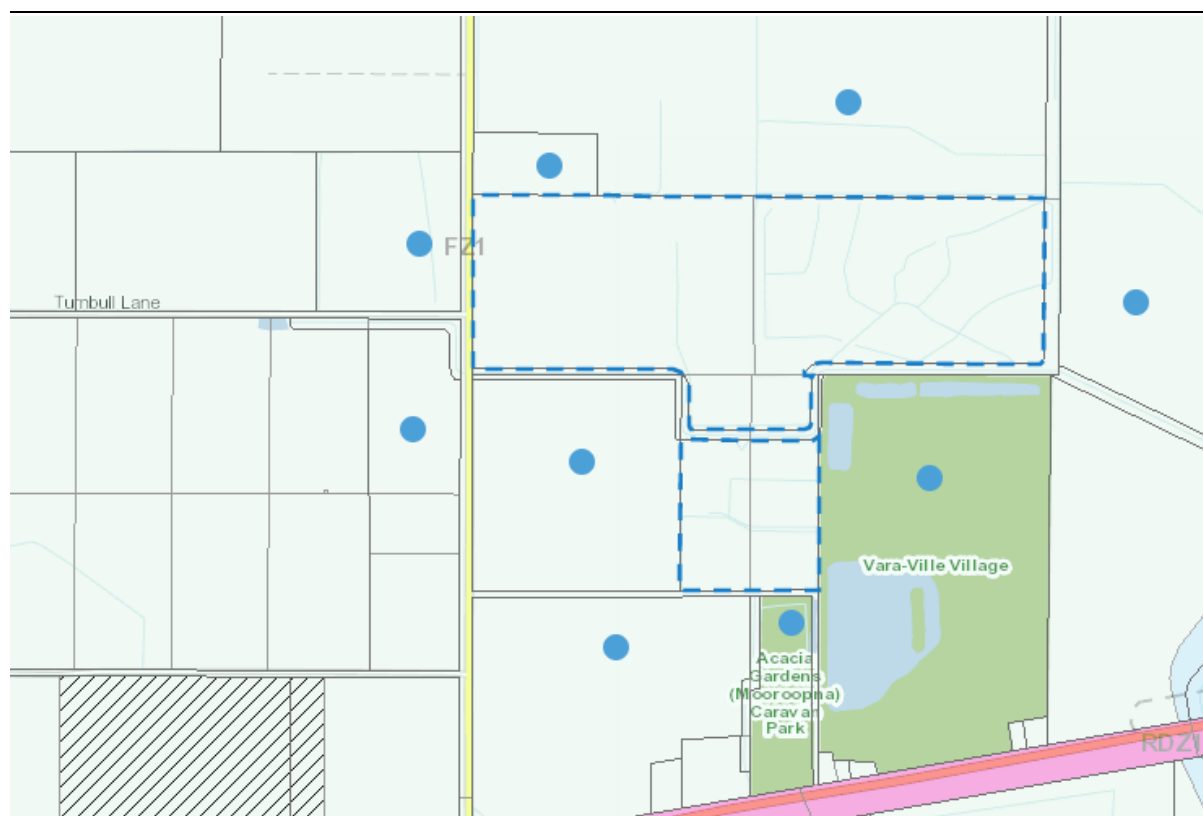
## Public Notification

The application was directed to be advertised on 27 July 2021 pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Three Lot**

**Resubdivision**, 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 3 August 2021 and 17 August 2021.



## Objections

The Council has received one objection to date, this objection was submitted by Goulburn Murray Water (GMW). The key issues that were raised in the objection is.

- The proposal is not consistent the Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy, October 2008
- The proposal is not consistent with the provision of the Farming Zone.

## Officers Response to Objection

The proposed sub-division will enable the applicant to sell, retain or repurpose the created parcels proposed by this application for ancillary rural service industry.

The proposed re-subdivision addresses the Farming zone provisions and objectives of the RRLUS by re-aligning the property boundaries to consolidate titles and reduce the number of lots as follows:

- The small lot subdivisions do not prejudice surrounding agricultural activities and can be utilised for rural service industry.
- Creates a lot (29.98 ha) to support a viable agricultural enterprise by retaining the existing dwelling, farm infrastructure and suitable size.
- Smaller lots do not create a housing opportunity that does not otherwise exist (lots remain under the minimum lot size and any future dwelling would be subject to planning approval).
- The proposal has no infrastructure or environmental impacts as no use or development is contemplated.

- The proposal is generally consistent with the purpose of the Farming Zone as the land will continue to be used for agricultural and related purposes. The minimum area for subdivision in the Farming Zone is 40ha. However, smaller lots can be created provided "The subdivision is the re-subdivision of existing lots and the number of lots is not increased." The proposed subdivision meets this requirement as the boundary realignment will consolidate the existing four (4) lots into three (3) lots.

---

## 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 55 Referrals	
GBCMA	Does not object to the granting of a permit (no conditions proposed).
GMW	<p>GMW understands the applicant is seeking planning permission to subdivide 4 lots to 3 lots creating a larger lot of 29.98 ha and 2 smaller vacant lots of approximately 2.01 and 2.1 ha. The proposal is not consistent with the provisions of the Farming Zone. The lots are smaller than 40 ha and each lot does not contain an existing dwelling. The creation of smaller agricultural parcels is not consistent with Council's Rural Land Use Strategy. The property is located in the Central Goulburn Irrigation Area and is serviced by modernised irrigation infrastructure. The proposed subdivision could result in further fragmentation of farming land for agricultural purposes.</p> <p>Based on the information provided and in accordance with Section 56 (c) of the Planning and Environment Act 1987, GMW objects to the granting of the planning permit on the following specified grounds:</p> <ul style="list-style-type: none"><li>The proposal is not consistent the Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy, October 2008</li><li>The proposal is not consistent with the provision of the Farming Zone.</li></ul>
Powercor	<p>Does not object subject to the following conditions:</p> <ol style="list-style-type: none"><li>This letter shall be supplied to the applicant in its entirety.</li><li>The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.</li><li>The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. <b>Notes:</b> Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.</li><li>The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). <b>Notes:</b> Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.</li></ol>

APA	No response has been received from APA within 28 days so they are deemed to consent in accordance with the Act.
Section 52 Notices	N/A

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>No objection subject to the following conditions:</p> <p><b><u>Rural Drainage Plan</u></b>                      Before the plan of subdivision is certified under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn by a suitably qualified person or organisation to scale with dimensions. The plans must include</p> <ol style="list-style-type: none"> <li>direction of stormwater run off, demonstrated by contours or levels.</li> <li>stormwater retained on property;</li> <li>independent drainage for each lot</li> <li>how the discharge rate from the new properties has no detrimental effect on the adjacent properties</li> <li>Property connections discharging to the table drain must do so to the side of the endwall (<i>driveway</i>) and not directly to the table drain.</li> <li>documentation demonstrating approval from the relevant authority for the point of discharge.</li> </ol> <p><b><u>Rural Vehicle Crossing</u></b>                      Before the Statement of Compliance the vehicle crossings providing access to the land must be constructed at a location and of dimensions and standard to the satisfaction of the responsible authority. Vehicle crossings must be constructed at the owner's expense.</p> <p>The vehicle crossing for all lots must be</p> <ul style="list-style-type: none"> <li>where it abuts an existing sealed road, the pavement is to be sealed no less than 5 metres in length (from the existing edge of road to the new lot).;</li> <li>include a pipe of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of (375) mm);</li> <li>Culverts located in the clear zone shall be installed with trafficable end walls (refer IDM standard drawing SD 255);</li> <li>The final location of the crossing is to be approved by the responsible authority via a 'Works within the Roads Reserve' (Road Opening)' permit.</li> </ul> <p>All bridges and crossings must be designed and constructed to carry a vehicle weighing a minimum of 15 tonnes and be a minimum of 3.5 metres in width.</p> <p><b><u>NOTATIONS</u></b>  <b><u>Works within Road Reserves Permit Required</u></b>                      A permit must be obtained from the responsible authority prior to carrying out of any work within Road Reserve.</p> <p><b><u>Building Approval Required</u></b>                      Prior to the commencement of works approved by this permit, building approvals must be obtained.</p> <p><b><u>Flooding</u></b>                      The land may be subject to flooding and/or associated minimum floor level requirements for any new construction. The owner and any other interested party, must make their own enquires as to whether the proposed development is affected by flooding requirements.</p>
Environmental Health	No objections to the Planning permit being issued (no conditions proposed).

## Assessment

### The zoning of the land

#### 35.07 FARMING ZONE (FZ)

##### 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.

#### 35.07-3 Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone.

If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling.
- The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.

The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

#### 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.

### **Relevant overlay provisions**

#### **44.04 LAND SUBJECT TO INUNDATION OVERLAY (LSIO)**

##### **Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

#### **44.04-3 Subdivision**

##### **Permit requirement**

A permit is required to subdivide land. (note that there are no specific requirements in the Schedule to the zone).

#### **44.08-13 Decision guidelines**

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- Alternative design or flood proofing responses.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development.  
Flood risk
- factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
  - The flood warning time available.
  - Tidal patterns.
  - Coastal inundation and erosion.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.
- Any other matters specified in a schedule to this overlay.

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

##### **13.03-1S Floodplain management**

###### **Objective**

To assist the protection of:

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

## Strategies

- Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.
- Avoid intensifying the impact of flooding through inappropriately located use and development.
- Plan for the cumulative impacts of use and development on flood behaviour.
- Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters and schools) outside the 1 in 100 year floodplain and, where possible, at levels above the height of the probable maximum flood.
- Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.
- Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts

### 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.

#### **14.01-2R Agricultural productivity – Hume**

##### **Strategy**

Support clustering of intensive rural industries and agricultural production. Take advantage of locational opportunities, including separation from sensitive land uses and access to transport, power, water and communications infrastructure.

### **15.01-3S Subdivision design**

#### **Objective**

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

#### **Strategies**

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.
- Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing native habitat.
- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.
- Reduce car dependency by allowing for:
  - Convenient and safe public transport.
  - Safe and attractive spaces and networks for walking and cycling.
  - Subdivision layouts that allow easy movement within and between neighbourhoods.
  - A convenient and safe road network.
- Being accessible to people with disabilities.
- Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.

### **19.03-3S Integrated water management**

#### **Objective**

To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

#### **Strategies**

- Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:
  - Take into account the catchment context.
  - Protect downstream environments, waterways and bays.
  - Manage and use potable water efficiently.
  - Reduce pressure on Victoria's drinking water supplies.
  - Minimise drainage, water or wastewater infrastructure and operational costs.
  - Minimise flood risks.

- Provide urban environments that are more resilient to the effects of climate change.
- Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.
- Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.
- Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:
  - Minimising stormwater quality and quantity related impacts.
  - Filtering sediment and waste from stormwater prior to discharge from a site.
  - Managing industrial and commercial toxicants in an appropriate way.
  - Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.
- Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.
- Provide for sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.
- Ensure land is set aside for water management infrastructure at the subdivision design stage. Minimise the potential impacts of water, sewerage and drainage assets on the environment.
- Protect significant water, sewerage and drainage assets from encroaching sensitive and incompatible uses.
- Protect areas with potential to recycle water for forestry, agriculture or other uses that can use treated effluent of an appropriate quality.
- Ensure that the use and development of land identifies and appropriately responds to potential environmental risks, and contributes to maintaining or improving the environmental quality of water and groundwater.

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

### **21.05-2 Floodplain and Drainage Management**

#### **Objectives - Floodplain and Drainage Management**

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

#### **Strategies - Floodplain Management**

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

## **21.06-1 Agriculture**

### **Objectives – Agriculture**

- To ensure that agriculture is and remains the major economic driver in the region.
- To facilitate growth of existing farm businesses.
- To facilitate growth of new agricultural investment.
- To provide for small scale, specialized agriculture.

### **Strategies - Agriculture**

- Identify 'growth', 'consolidation' and 'niche' areas in the Farming Zone.
- Encourage growth and expansion of existing farm businesses and new investment in 'growth' and 'consolidation' areas.
- Encourage opportunities for smaller scale, specialized agriculture in 'niche' areas.
- Discourage land uses and development in the Farming Zone, Schedule 1 that would compromise the future agricultural use of the land, including farm related tourism.
- Encourage tourism in the Farming Zone, Schedule 2 that is carefully managed to prevent conflict and impact on agricultural operations.
- Encourage value adding and new enterprises for agricultural production.
- Encourage the preparation of Whole Farm Plans for on farm earthworks.
- Discourage non-agricultural uses on rural land other than rural based industry.
- Discourage non-agricultural development in rural areas except where development is dependent on a rural location, and cannot be accommodated within existing industrial or business zoned land.
- Discourage non-agricultural development along major roads in rural areas especially at the fringe of existing urban areas when it may contribute to ribbon development.
- Buildings for non-agricultural purposes in rural areas should be set back a minimum of 100 metres from any road, be constructed in muted coloured 'colorbond' materials or similar and screened from any road by dense tree and shrub planting.
- Signs for industrial and commercial development in rural areas will be strictly limited in size and number.

## **21.06-2 Subdivision in Rural Areas**

Farm holdings in rural areas are becoming larger. Rural dwelling lot excisions continue to pose a threat to the long term viability of the agricultural sector by reducing the size of farms and by causing friction between the expectations of farmers and residents.

The planning scheme provides for a range of subdivision sizes based on the outcomes of the RRLUS. Subdivision of rural land at a density greater than these minimums, especially for personal and financial reasons; or to create lots for "rural lifestyle" purposes, could jeopardise the economic future of the region.

The only circumstance in which Council will contemplate a small lot subdivision is if it leads to the consolidation of rural landholdings so as to promote the viability of agriculture. This is an increasingly important issue in the municipality since the deregulation of the dairy industry. Council wishes to facilitate farm consolidation so as to assist with (among other things) the rationalisation of a sustainable dairy industry. It is acknowledged that in some circumstances, small lot subdivision can assist the process of consolidation as it enables the farming land to be priced at its agricultural value rather than have it distorted by its housing

value. While small lot subdivisions are discouraged in the municipality, they will be considered on a case by case basis if the outcome is farm consolidation.

The RRLUS identified new categories of Farming Zone and has included objectives and policies for each with respect to rural subdivision.

### **Objectives - Subdivision in Rural Areas**

- To limit the further fragmentation of rural land by subdivision.
- To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production.
- To encourage the consolidation of rural lots.
- To provide for the incremental growth of farming enterprises.
- To discourage “small lot” subdivision unless the balance lot is at least the minimum lot size and is of a size sufficient to support a viable agricultural enterprise.
- To ensure that small lot subdivisions do not prejudice surrounding agricultural activities.
- To ensure that small lots have access to adequate infrastructure including access to all weather roads.
- To prevent small lot subdivision to meet personal and financial circumstances or to create lots for ‘rural lifestyle’ purposes.
- To prevent the creation of irregular shaped lots.
- To prevent “serial” small lot subdivisions from the one lot.

### **Strategies - Subdivision in Rural Areas**

- Discourage small lot subdivisions except where:
  - Restructure is an outcome;
  - No new opportunities for additional dwellings below the minimum specified in the schedule to the Farming Zone; and
  - The impact on neighbours and existing or potential agricultural use of nearby land is minimised.
- Discourage small lot subdivision, except where the proposal assists in the use, sale, reduction in number of lots, transfer or preservation of the land for agricultural purpose

### **Policy Guidelines - Small Lot Subdivision**

#### **Criteria**

- An application for a small lot subdivision of a lot containing a dwelling or the re-subdivision of existing lots should meet the following criteria:
  - The lot containing the dwelling is to be no greater than 2 hectares in area unless there is a need for a larger parcel to take account of natural or public infrastructure features;
  - The “balance” lot is of an area that complies with the minimum lot size for the zone;
  - The existing dwelling is habitable; and
  - The dwelling has existing use rights pursuant to Clause 63.



## **Exercise of discretion**

It is policy to:

- Require the applicant to enter into an agreement under Section 173 of the Act which prevents:
  - The construction of a dwelling on the 'balance' lot unless, when combined with other land, the area satisfies the minimum lot size for the construction of a dwelling in the zone; and
  - The further subdivision of any lot created other than in accordance with the minimum lot size for subdivision in the zone.
- Discourage applications for a **re-subdivision** to realign lot boundaries if they:
  - Rely on freehold land which was previously a road reserve, channel, utility lot, crown land or similar; and
  - Create a dwelling opportunity where none previously existed.
- Support applications for a **re-subdivision** to realign lot boundaries will only be permitted for the purpose of making minor adjustments including to take account of topographical or public infrastructure features.

## **Relevant Particular Provisions**

There are no particular provisions relevant to the application.

## **The decision guidelines of Clause 65**

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

### **65.02 Approval of an application to subdivide land**

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.

- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

### **Officers Assessment**

#### **Farming Zone**

The proposed subdivision is consistent with the purpose and decision guidelines of the FZ as follows:

- The land will continue to be used for and support agricultural purposes.
- The subdivision is the re-subdivision and consolidation of the existing 4 lots into 3 lots and therefore the number of lots is reduced.
- No change of use or activities is proposed.
- No change in infrastructure is proposed and as such there is no impact on soil, effluent disposal, drainage, etc
- There will be no impact on surrounding agricultural uses.

#### **LSIO**

The relevant referral authority, GBCMA, raised no objection to the proposal and has not proposed any conditions on the permit.

The proposed subdivision does not impact on the existing use of the land, does not present a flood risk and accords with the decision guidelines of the LSIO.

#### **Planning Policy Framework and Local Planning Policy Framework**

Officers consider the proposed subdivision to generally comply with the provisions of the Planning Policy Framework and Local Planning Policy Framework as:

- The proposed subdivision will not impact on the productivity of agricultural land as no use or development is proposed and the number of lots will be consolidated from 4 down to 3.
- All lots can support a viable agricultural enterprise by retaining the existing dwelling, farm infrastructure and suitable size.
- All lots have access to adequate infrastructure
- Any future dwellings will require planning approval and will need to be justified against relevant planning provisions.

#### **Relevant incorporated or reference documents**

There are no other relevant incorporated or reference documents.

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

There are no other relevant adopted State policies or strategies that relate to the application.

### **Relevant Planning Scheme amendments**

There are no other relevant Planning Scheme Amendments that relate to the application.

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

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

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

Subdivision Act.

### **The Aboriginal Heritage Act 2006**

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

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

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

### **Charter of Human Rights and Responsibilities**

The application is not considered to impinge on the Charter of Human Rights and Responsibilities

---

## **Conclusion**

Officers have undertaken an assessment of the application and found that the proposed subdivision achieves acceptable planning outcomes. It is recommended that a Notice of Decision to Grant a Permit issue subject to conditions.

# Draft Notice Of Decision

**APPLICATION NO:** 2021-206

**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:** 665 TURNBULL ROAD ARDMONA VIC 3629

**WHAT THE PERMIT WILL ALLOW:** THREE LOT RESUBDIVISION

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

---

1. **Layout Not Altered**

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

2. **Section 173 Agreement**

Before the issue of a Statement of Compliance, the owner must enter into an agreement with the responsible authority, pursuant to Section 173 of the *Planning and Environment Act 1987*. This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide that:

- a) The lots created may not be further subdivided so as to increase the number of lots, by excision or otherwise
- b) That the owner of Lot 3 (being the dwelling lot) acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal husbandry, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation

The said agreement is to be prepared by Council. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant including Council's administration fee. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

### **3. Rural Drainage Plan**

Before the plan of subdivision is certified under the *Subdivision Act 1988*, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn by a suitably qualified person or organisation to scale with dimensions. The plans must include

- a) direction of stormwater run off, demonstrated by contours or levels.
- b) stormwater retained on property;
- c) independent drainage for each lot
- d) how the discharge rate from the new properties has no detrimental effect on the adjacent properties
- e) property connections discharging to the table drain must do so to the side of the endwall (*driveway*) and not directly to the table drain.
- f) documentation demonstrating approval from the relevant authority for the point of discharge.

Before the issue of a statement of compliance, all drainage works must be completed as shown on the endorsed drainage plans to the satisfaction of the responsible authority.

### **4. Rural Vehicle Crossing**

Before the Statement of Compliance the vehicle crossings providing access to the land must be constructed at a location and of dimensions and standard to the satisfaction of the responsible authority. Vehicle crossings must be constructed at the owner's expense.

The vehicle crossing for both lots must be

- a) where it abuts an existing sealed road, the pavement is to be sealed no less than 5 metres in length (from the existing edge of road to the new lot).;
- b) include a pipe of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of (375) mm);
- c) culverts located in the clear zone shall be installed with trafficable end walls (refer IDM standard drawing SD 255);
- d) the final location of the crossing is to be approved by the responsible authority via a 'Works within the Roads Reserve' (Road Opening) permit.

All bridges and crossings must be designed and constructed to carry a vehicle weighing a minimum of 15 tonnes and be a minimum of 3.5 metres in width.

### **5. Form 13**

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

**6. Goulburn Murray Water**

- a) Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- b) The existing on-site wastewater treatment and disposal systems for proposed new lot 3 must be wholly contained within the boundaries of the new lot created by subdivision.
- c) Any Goulburn Murray Water existing easement(s)/reserve(s) pertaining to Goulburn Murray Water assets affected by the subdivision must remain and be shown on any Plan of Subdivision submitted for Certification.
- d) Any water supply easement(s) in favour of other lots affected by the subdivision must remain and be shown on any Plan of Subdivision submitted for Certification.
- e) Unless it can be demonstrated to Goulburn Murray Water's reasonable satisfaction the means by which no easement is required.
- f) For subdivision of property holding delivery shares the applicant must either:
  - i. make application to Goulburn Murray Water pursuant to sections 224 and 229 of the Water Act 1989 to: terminate or transfer the delivery shares in relation to the property; make a declaration that the property cease to be a serviced property (to effect excision from the district); or alternatively
  - ii. demonstrate to Goulburn Murray Water reasonable satisfaction the means by which a Goulburn Murray Water water supply will be metered and delivered to the lots created by the subdivision, bearing in mind requirements for water use licences and annual use limits.

**7. Powercor**

- a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- b) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

*Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.*

- c) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

*Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.*

**8. Telecommunications Referral Condition**

The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### **9. Time for Starting and Completing a Subdivision**

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

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

## Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2020-439
Applicant Name:	AC Shepparton Pty Ltd
Date Received:	09-Dec-2020
Statutory Days:	260 days
Land/Address:	573 & 575-585 Wyndham Street SHEPPARTON VIC 3630
Zoning & Overlays:	NRZ – Schedule 1  C1Z  FO  DDO6  Abuts RDZ1
Why is a permit required (include Permit Triggers):	Use of land for a service station in the NRZ under 32.09-2 Subdivision in the NRZ under 32.09-3 Buildings and works in the NRZ under 32.09-9 Use of land for a service station in the C1Z under 34.01-1 Subdivision in the C1Z under 34.01-3 Buildings and works in the C1Z under 34.01-4 Buildings and works in the DDO6 under 43.02-2 Subdivision in the DDO6 under 43.02-3 Buildings and works in the FO under 44.03-2 Subdivision in the FO under 44.03-3 Erection and display of advertising signage under 52.05-11 and 52.05-13 Creation of access to a RDZ1 under 52.29-2
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No
Was the correct application fee paid?	Yes \$3,413.70 – Development \$659.05 – Use \$659.05 – Subdivision \$659.05 – Creation of access to RDZ1 Total - \$5,390.85
<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 permission to use and develop the land for a service station which incorporates:

- A 7/11 petrol station that is open 24/7
- 193sqm point of sale building on the southern side of the land



- Fuel canopy (9.6m x 23.7m) that allows for refuelling of vehicles in the north south direction
- Vehicle access to the land from Meaklim Street and Wyndham Street
- Tanker access to the land is via Meaklim Street (tanker deliveries are between 7am to 10pm)
- 3.5m high acoustic fence along the eastern boundary of the land
- 2.7m high price board internally illuminated sign on Meaklim Street
- 10m high price internally illuminated board sign on GVH
- Business identification signage
- 7 on site car parking spaces
- Re-subdivision/consolidation of lots including common property

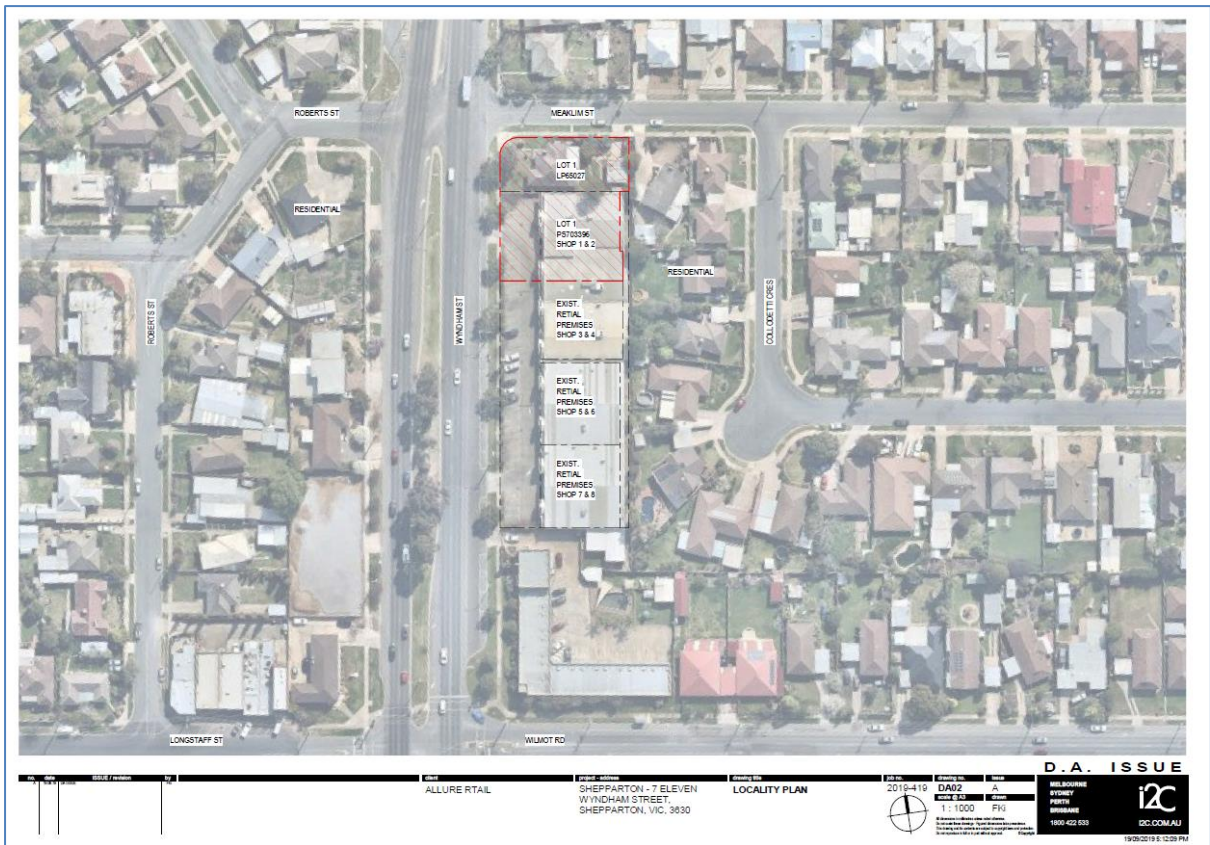
Is the application prohibited under the NRZ?

No.

A service station is a section 2 use in the NRZ subject to complying with conditions.

Condition	Response
The site must either: <ul style="list-style-type: none"> <li>- Adjoin a commercial or industrial zone</li> <li>- Adjoin, or have access to, a road in a Road Zone</li> </ul>	Complies.  The site adjoins a commercial zone to the south.
The site must not exceed either: <ul style="list-style-type: none"> <li>- 3000sqm</li> <li>- 3600sqm if it adjoins on two boundaries a road in a Road Zone</li> </ul>	Complies.  The site is less than 3000sqm.

Plans of the proposed development are below.





## Recommendation

### Refusal

That the Council having caused notice of Planning Application No. 2020-439 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 Clauses 32.09-2, 32.09-3, 32.09-9, 34.01-1, 34.01-3, 34.01-4, 43.02-2, 43.02-3, 44.03-2, 44.03-3, 52.05-11, 52.05-13 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 573 & 575-585 Wyndham Street Shepparton, for the use and development of a Service Station, Advertising Signage, Re-subdivision of Common Property and Creation and variation of Access to Road Zone Category 1.

## **Recommendation**

### **Refusal**

That the Council having caused notice of Planning Application No. 2020-439 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 Clauses 32.09-2, 32.09-3, 32.09-9, 34.01-1, 34.01-3, 34.01-4, 43.02-2, 43.02-3, 44.03-2, 44.03-3, 52.05-11, 52.05-13 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 573 & 575-585 Wyndham Street Shepparton, for the use and development of a Service Station, Advertising Signage, Re-subdivision of Common Property and Creation and variation of Access to Road Zone Category 1.

**Moved: Andrew Fletcher**

**Second: Geraldine Christou**

**CARRIED:**

### **For the following reasons:**

1. The proposal is inconsistent with the Planning Policy Framework of the Greater Shepparton Planning Scheme, particularly clauses 11.02, 13.07, 15.01 and 21.04.
2. The use of Meaklim Street to access the proposed service station would result in unacceptable amenity impacts to land within a residential zone.
3. The proposal will create detrimental amenity impacts to neighbouring residential residents, and is not compatible with a residential zone.
4. The proposal will result in a development which is inconsistent with the design objectives and decision guidelines of Clause 43.02 – Design and Development Overlay (Schedule 6) as it:
  - does not cater principally to the needs of the immediate residential neighbourhood.
  - Does not respect and maintain the existing residential environment and reinforce a local village character.
  - Negatively impacts on the amenity of abutting residents.

- Provides a poor interface with existing residential dwellings.
5. The proposed signage in Meaklim Street is unnecessary and inappropriate as it may impact on the amenity of the residential area and promotes the potential use of the Meaklim Street access for additional traffic off Wyndham Street.

---

## **Subject Site & Locality**

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

Date: 25 October 2021

The site comprising the proposed service station has a total area of 1610m<sup>2</sup> and currently contains:

- An existing dwelling and outbuilding on the northern parcel (573 Wyndham Street) having an area of 787.6m<sup>2</sup>.
- The southern half of the development site comprises a second parcel (1-2/575 Wyndham Street), having an area of 822.6m<sup>2</sup>, with a vacant commercial premises and the associated common property along the Wyndham Street frontage.

Common property, used for car park and access is shared with 3 other tenancies – all of which are in the same ownership as the subject land (refer to plan below showing the subject land and common property parcels).



As the re-subdivision of the common property will require planning approval, the three (3) southern tenancies and remainder of the common property are considered part of the subject site – although there will be no discernible change – other than legal status of the property titles.

Geographically, the subject land is located at the south-east corner of the intersection of Meaklim and Wyndham Streets. The subject site currently contains an existing dwelling and ancillary outbuilding to the rear of the dwelling.

The site also contains some existing trees that have been planted around the dwelling curtilage – otherwise the site contains limited landscaping. The northern boundary with Meaklim Street is characterised by the side fence that runs along most of the street frontage – accordingly the site has a somewhat closed interaction to Meaklim Street.

To the south of the existing dwelling lot. The commercially-zoned part of the development site contains a vacant shopfront, as well as fully-sealed access and car parking area fronting Wyndham Street (being the aforementioned common property).

The below figure illustrates the full extent of the current common property, taken from the north-west corner and including the current crossover to Wyndham Street.



The main site/locality characteristics are described below:

The subject site is located approximately 1.2km south of the centre of the Shepparton CBD and approximately 1km north of the Broken River.

Approximately 230m to the north-west of the site is the Shepparton to Melbourne railway line, which terminates at the Shepparton train station. Immediate beyond the railway reserve is the Victoria Lake Park, which includes the newly constructed Shepparton Art Museum and Lake Victoria itself – providing the primary public open space within urban Shepparton.

The immediate surrounds contain a mix of residential and commercial uses, with land uses generally according with the respective zoning – with some notable exceptions. The most immediate of which is the drive-through coffee premises to the west of the subject site – on the opposite side of Wyndham Street.

The general trend in land uses is that the subject land lies at the interface of the commercial and residential areas, with the land to the north of Meaklim Street and east of the site being primarily used for residential uses, whilst the land to the south being a (largely vacant) commercial strip of commercial buildings.

To the south of the site, the Wilmot Road and Wyndham Street intersection provides a commercial focal point that includes the Bell Tower Motor Inn, as well as east-west commercial land that extends to the west of Wyndham Street to Longstaff Street.

The Photos below show the existing site:



View of the front of the land on the corner of Meaklim and Wyndham Street



View of existing dwelling that is proposed to be demolished to make way for the petrol station



View of Meakim Street looking west





View of Wyndham Street looking south, electricity poles and wires and street trees



View of existing shops and associated car parking

---

## Pre-Application Meeting Details

As there been a pre-application meeting ? Yes, with Andrew Dainton who informed that a permit is required.

---

## Permit/Site History

The history of the site includes:

- 2014-268
- 2016-41
- 2016-42

- 2016-43
  - 2016-44
- 

## Further Information

Is further information required for the application? Yes

- A traffic impact assessment report considering the proposed service stations impact on Meaklim Street and the Goulburn Valley Highway.
- Clarification as to whether the application is seeking permission to use land in the Commercial 1 Zone for a service station.

Lapse dates:

1<sup>st</sup> lapse date was 29 January 2021, which was extended on 25 January to 26 February.

2<sup>nd</sup> lapse date of 26 February which was on 26 February extended to 29 March.

The additional information was provided to Council on 28 March.

Officers are satisfied that the applicant did not lapse.

---

## Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description use and development of land for a service station and associated signage, 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 12 April 2021 and 3 May 2021.

The application was exempt from being advertised in accordance with Clause 44.03-5 and 52.29-5 of the planning scheme.

---

## Objections

The Council has received **two (2)** objections to date. The key issues that were raised in the objections are.

- Too close to residential zone having storage of petrol.
- Residents close by will not feel safe living there.
- Already too many service stations nearby.
- Concern with vehicles doing U-turns in Meaklim Street.
- Extra traffic and safety concerns for residents in Meaklim Street with speeding vehicles.

---

## Title Details

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

---

## Consultation

Consultation was not undertaken.

---

## Referrals to Authorities

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
CMA	44.03-6	Recommending	<p>Does not object subject to the following condition:</p> <ol style="list-style-type: none"> <li>1. The finished floor level of the proposed fuel shop must be constructed at least 300 millimetres above the 100-year ARI flood level of 113.15 metres AHD, i.e. 113.45 metres AHD, or higher level deemed necessary by the responsible authority.</li> </ol>
DoT	52.29-4	Determining	<p>Does not object if the permit includes the following conditions and notes:</p> <ol style="list-style-type: none"> <li>1. Before the development starts amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans date stamped 19 September 2019 and Drawing No.DA05 Revision A annotated Site Plan Option but modified to show: <ol style="list-style-type: none"> <li>a. Separate entry only and exit only accesses from the proposed service station to Wyndham Street with a separate entry only access to the existing parking area located within the common property generally in accordance with the access concept plan as shown in Attachment B of the Trafficworks Traffic Impact Assessment Report Project No. 190148 final report dated 26/03/2021. The plan must show no entry signs on accesses to prevent wrong way movement of traffic.</li> </ol> </li> <li>2. Prior to commencement of the use the following roadworks on Wyndham Street must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria and the Responsible Authority: <ol style="list-style-type: none"> <li>a. Construct the accesses and crossovers to Wyndham Street.</li> <li>b. Remove existing marked parking bays on Wyndham Street.</li> </ol> </li> </ol> <p>Planning Notes:</p> <ol style="list-style-type: none"> <li>1. Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act.</li> </ol>

## Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVW	<p>Does not object but considers that the proposed development should be connected to both water supply and waste water facilities. Goulburn Valley Water recommends that Council consider the inclusion of the following conditions in the Permit, or Notice of Decision to Grant a Permit, for the proposed development:</p> <p>(a) 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;</p> <p>(b) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.</p> <p style="text-align: center;">All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;</p> <p>(c) 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;</p> <p>(d) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing sewer mains located within private property;</p> <p>(e) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement.</p> <p>The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted;</p> <p>(f) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.</p> <p><b>Please note</b> any structures to be built must be clear of any easement in favour of the Corporation and one metre laterally clear of the edge of any assets of the Corporation.</p> <p>It is recommended that you contact a licensed surveyor to confirm the location and alignment of the sewer. Goulburn Valley Water will assist on site with the lifting of the manhole lids as requested.</p>

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>Council's development engineers object to the movement of B Doubles through a residential street and so the developer should alter the access so that there is no access or egress from Meaklim St.</p> <p>Council's development engineers require the following conditions and notations on any approval:</p> <p><b><u>Car Park Construction Requirements</u></b></p> <p>Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions.</p> <p>Before the use or occupation of the development starts, the areas set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:</p> <ol style="list-style-type: none"> <li>a) surfaced with an all-weather seal;</li> <li>b) constructed and completed to the satisfaction of the responsible authority;</li> <li>c) drained in accordance with an approved drainage plan;</li> <li>d) line-marked to indicate each car space and all access lanes;</li> <li>e) properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;</li> <li>f) measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;</li> <li>g) Provision of traffic control signage and or structures as required;</li> </ol> <p>to the satisfaction of the responsibility authority.</p> <p>The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.</p> <p>Car spaces, access lanes and driveways must be kept available for these purposes at all times.</p> <p><b><u>Vehicle Turning</u></b></p> <p>All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property</p> <p><b><u>Delivery of Goods</u></b></p> <p>The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit.</p> <p><b><u>Drainage Discharge Plan</u></b></p> <p>Before any of the development starts a properly prepared drainage discharge plan (by a suitably qualified person or organisation) with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority.</p>

	<p>When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.</p> <p>The information and plan must include:</p> <ol style="list-style-type: none"><li>a) details of how the works on the land are to be drained and retarded.</li><li>b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority</li><li>c) underground pipe drains conveying stormwater to the legal point of discharge</li><li>d) measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;</li><li>e) maximum discharge rate shall not be more than 65 lit/sec/ha with 15 litres (Tank/Basin) or 17 litres (Pipe) of storage for every square metre of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority).;</li><li>f) the provision of gross pollutant and litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.</li><li>g) maintenance schedules for treatment elements.</li></ol> <p>Before the use begins and the buildings are occupied all works constructed or carried out must be in accordance with those plans to the satisfaction of the responsible authority</p> <p><b><u>Urban Vehicle Crossing Requirements</u></b></p> <p>Prior to commencement of works vehicular crossings shall be constructed in accordance generally in accordance with IDM standard SD 250 to the satisfaction of the relevant authority. A design submission of the vehicle crossing is to be provided with this application, and must:</p> <ol style="list-style-type: none"><li>a) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel) and the nature strip reinstated;</li><li>b) be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree;</li><li>c) any services pits within the vehicle crossing must be modified and the covers are to be replaced with heavy duty trafficable covers</li><li>d) The entry and exit vehicle crossings to Wyndham and Mealkim Street shall be constructed from reinforced concrete generally in accordance with the standard industrial crossing SD250 found as part of the Infrastructure Design Manual as revised from time to time;</li><li>e) The concrete shall extend from the property boundary to the existing gates for both the entry and exit to Wyndham and Mealkim Street;</li><li>f) Strengthening of the Wyndham and Mealkim Street pavement and resurfacing with asphalt or concrete in the turn area at the property entrance</li><li>g) industrial vehicular crossings shall not be less than 6 metres nor more than 9.8 m (double crossing) in width and shall be constructed from concrete or other material as approved in writing by the responsible authority; and</li><li>h) be at least 9 meters apart.</li></ol> <p><b><u>Council's Assets</u></b></p> <p>Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb &amp; channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils</p>
--	--

	<p>assets/Public infrastructure caused as a result of the development or use permitted by this permit.</p> <p><b><u>NOTATIONS</u></b></p> <p><b><u>Works within Road Reserves Permit Required</u></b></p> <p>A permit must be obtained from the responsible authority prior to carrying out of any work within Road Reserve.</p> <p><b><u>Building Approval Required</u></b></p> <p>Prior to the commencement of works approved by this permit, building approvals must be obtained.</p> <p><b><u>Flooding</u></b></p> <p>The land may be subject to flooding and/or associated minimum floor level requirements for any new construction. The owner and any other interested party, must make their own enquires as to whether the proposed development is affected by flooding requirements.</p>
Environmental Health	<p>No objection to the above application provided the following conditions are included in the planning permit:</p> <ol style="list-style-type: none"><li>1. The applicant shall lodge with Council's Environmental Health Department detail plans demonstrating that the area of the building proposed to be used for storage, preparation and sale of food are adequate for the type of food to be sold at the premises and that the structure and fittings installed complies with the requirements of Food Standards Australia and New Zealand Food Safety Standards 3.2.3 – Food Premises and Equipment.</li><li>2. Prior to commencing construction of any food preparation area, the owner must seek the advice of the Council's Environmental Health Officer.</li><li>3. Prior to commencing the business the applicant shall make application to the Council Environmental Health Department for the registration of the premises under the Food Act 1984.</li><li>4. At the time of making application for registration under the Food Act 1984, the applicant shall lodge a copy of their food safety program as required by the Act and the name and accreditation details of their nominated Food Safety Supervisor.</li></ol>

## Assessment

### **THE ZONING OF THE LAND**

#### **Neighbourhood Residential Zone – Schedule 1**

##### **Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.



- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

## **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 purpose of this zone.
- The objectives set out in the schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township 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.

### Non-residential use and development (Buildings and Works)

In the local neighbourhood context:

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

There are no specific guidelines in Schedule 1 to the NRZ relevant to the application.

### Officer Comments

Part of the site is within the NRZ1 and adjoins existing residential development to the east. Whilst a landscape buffer is proposed adjacent to residential properties to the east, this is

not considered to be a sufficient buffer for the proposed commercial development given the nature of the surrounding residential neighbourhood.

In addition it is considered that the use of Meaklim Street to access the proposed service station, including B-Double fuel tankers, would result in unacceptable amenity impacts to land within a residential zone.

An access point is proposed in Meaklim Street which will enable commercial traffic to and from the proposed service station through residential streets.

The proposal will create detrimental amenity impacts to neighbouring residential residents, and is not compatible with a residential zone without significant re-design, including access alterations, buffers, acoustic treatment and hours of operation.

## **Commercial 1 Zone**

### **Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre

### **34.01-2 Use of Land**

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

### **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 interface with adjoining zones, especially the relationship with residential areas.

#### **Use**

- The effect that existing uses may have on the proposed use.
- The drainage of the land.

- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

#### Subdivision

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

#### Buildings and Works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

#### Officer Comments

Part of the site is within the C1Z and adjoins existing residential development to the east. Pursuant to Clause 34.01-2 a use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.

- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

The proposal cannot satisfy these requirements, particularly as vehicle access at Meaklim Street will have a detrimental impact on traffic volumes and safety noise to the surrounding residential areas. The service station operation including on-site built form, hours of operation and delivery arrangements also impacts negatively on residential amenity.

The proposal is not supported by the decision guidelines, particularly:

- The interface with adjoining zones, especially the relationship with residential areas.
- The effect of traffic to be generated on roads.
- The movement and provision for vehicles accessing the site.

## **RELEVANT OVERLAY PROVISIONS**

### **DDO6 – Shepparton South Village Precinct**

#### **Design Objectives**

- To implement the design and development guidelines for the Shepparton South – Village Precinct along Wyndham Street in accordance with the Urban Design Framework – Shepparton North & South Business Areas.
- To encourage a ‘village’ environment that complements the surrounding residential neighbourhood.
- To promote business activities those serve the residential neighbourhood and contribute to a local ‘village’ atmosphere.
- To ensure new business activities in this precinct contribute to the establishment of a ‘village’ that provides a vibrant and active local community centre and commercial developments and services cater principally to the needs of the immediate residential neighbourhood.
- To ensure that developments respect and maintain the existing residential environment and reinforce a local village character.
- Ensure that building mass and bulk of new developments respect the existing domestic scale of the urban form.
- To ensure new developments maintain the low scale profile of the existing residential character.
- To avoid built forms of intrusive design or extravagant treatments that do not respect the prevalent residential character.
- To promote greater ‘greenness’ in commercial areas.
- To ensure front areas of new commercial developments are landscaped to contribute to the general streetscape character, and to assist with the integration of the built form along the Goulburn Valley Highway.

- To ensure front parking areas not dominate the streetscape.
- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale, and siting.
- To ensure a sensitive and an appropriate interface is provided with adjoining streetscapes, buildings and residential areas
- To ensure safe and efficient parking and vehicular/pedestrian access is provided on the site.
- To encourage environmentally sustainable designs that incorporate solar orientation, natural ventilation, efficient use of energy and water.
- To ensure that signs do not dominate the streetscape and are of a low profile design and scale to minimise visual intrusion.
- To avoid signs, with colours and materials that interfere with the safety and efficiency of the Goulburn Valley Highway and local roads.

## DDO6 Design Requirements

Requirements	Officer Comments
<p><b>2.0 Building and works requirements</b></p> <p><b>Height</b></p> <ul style="list-style-type: none"> <li>• Buildings must be a maximum of two storeys (or 9 metres) above natural ground level.</li> </ul> <p>The requirement cannot be varied with a permit.</p> <p><b>Setbacks</b></p> <ul style="list-style-type: none"> <li>• Building setback must be a minimum of 5 metres and a maximum of 10 metres from the front boundary of the lot.</li> <li>• A minimum 14 metres rear building setback boundary must be provided to avoid a dominating built form interface with adjoining residential lots and to provide opportunities for long term parking.</li> <li>• A zero setback to the south boundary is permitted to 10 metres plus 25% of the remaining boundary length. For the remainder of the south boundary length, a minimum 1 metre side set back is required. Where a zero setback is used to the southern boundary, an increased setback from the northern boundary should be considered.</li> <li>• If a zero setback provision is not utilised to the south boundary a minimum 1 metre side setback</li> </ul>	<p>Complies</p> <p>Does not comply – 14m setback inclusive of common property along the site frontage.</p> <p>Does not comply – 6.7m setback from rear boundary abutting residential dwellings.</p> <p>N/A</p> <p>Complies- 1 metre setback is provided from retail shop to rear boundary</p>

<p>is required to each of the north and south boundaries.</p> <ul style="list-style-type: none"> <li>Where vehicular access is provided to the rear of the site, there should be a minimum of 1.5 metre setback from the side boundary to allow for the provision of a landscaped buffer and pedestrian refuges. The setback may be transferred to the building side of the laneway for a maximum of 50% of the laneway length.</li> </ul> <p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>A minimum 1.5 metre landscape buffer is to be established along rear boundaries and contain medium size trees (mature height 8 metres) that are appropriate for the site conditions and provide screening to adjoining residential properties.</li> <li>Small to medium sized trees should be planted where space permits.</li> <li>The front building setback should be landscaped to reduce visual mass of buildings and reinforce the local village character of the precinct.</li> </ul>	<p>N/A however 3.15m landscape setback is provided to adjoining residences to the west.</p> <p>Complies</p> <p>Can comply (no landscape details have been provided)</p> <p>Complies</p>
<ul style="list-style-type: none"> <li>3.0 Design requirements</li> <li>New developments should consider upper building setbacks and varying the setbacks to provide some articulation and reduce the dominance of the built form on the streetscape and adjoining properties.</li> <li>Developments at the intersection of Wyndham Street and Wilmot Road should contain innovative landmark built form and landscape treatment and complement to the Shepparton South – Village Precinct character.</li> <li>Building design should incorporate features to achieve the small residential character of the precinct. This may include the use of pitched roof (gables, half gables and hipped roofs), verandas, balconies and awnings characteristic of residential developments.</li> <li>Provide sustainable water use in buildings by implementing measures to collect rain water runoff from roof areas. Water storage tanks must be located away from public view, and do not impact on neighbours visual amenity.</li> </ul>	<p>N/A – single storey only.</p> <p>N/A</p> <p>Does not comply – building is commercial in design and does not respect residential character of the precinct.</p> <p>Can comply through conditions.</p>

<ul style="list-style-type: none"> <li>• Building facades must maintain door and window proportions that reflect the local residential character. The facades must be articulated to reduce the impact of its visual mass on the streetscape. Long continuous front facades must be avoided.</li> <li>• Incorporate the following into building design so as to ensure a local village character is achieved:       <ul style="list-style-type: none"> <li>- Materials of all external surfaces of new developments should complement those used in existing buildings in the area, including brickwork and timber. Rendered concrete may be used where it is complemented by use of specific claddings such as timber and metals that highlight façade definition</li> <li>- Reflective glass, PVC, unrelieved painted render, unarticulated concrete surfaces and unarticulated cladding systems must be avoided.</li> <li>- Colour schemes of all external surfaces of new developments must complement those found in the local neighbourhood. These should consider references to brickwork and other neutral colours. Contrasting colours may be used to highlight architectural elements or façade definition.</li> <li>- Bright extravagant colour schemes must be avoided.</li> </ul> </li> <li>• Plant equipment, vents and any other mechanical equipment must be carefully designed or incorporated into the roof design so as to avoid visibility from the street, surrounding spaces and buildings.</li> <li>• Plant species must be suitable to this area and environmental weeds and invasive tree species should be avoided to the satisfaction of the responsible authority.</li> <li>• Paving materials that provide texture, patterns, subtle colour and permeability should be used. Large areas of grey concrete or asphalt should be avoided.</li> </ul>	<p>Does not comply – building is commercial in design and does not respect residential character of the precinct.</p> <p>Does not comply – building is commercial in design and does not respect residential character of the precinct.</p> <p>Complies</p> <p>Can comply (no landscape details have been provided)</p> <p>Insufficient details provided however given the nature of the proposed use large areas of concrete will be constructed.</p>
---	--

<p><b>4.0 Parking and access requirements</b></p> <ul style="list-style-type: none"> <li>• Vehicular access points and driveways should be designed to allow convenient, safe and efficient vehicle movements, and connections within the development and to the street network.</li> <li>• Driveways shall be designed to minimise any conflict of vehicle movements with pedestrians. This is to include a consideration of side fences and / or buildings that will impact on sight lines between pedestrians and vehicular traffic.</li> <li>• A vehicular access point across lot frontage is to be no more than 6.4 metres wide.</li> <li>• Access to the rear of development should provide passing or staging bays to ensure that vehicles do not cause traffic hazards in the street.</li> <li>• Adequate on-site parking should be provided in accordance with the Greater Shepparton Planning Scheme and in a form and manner that will not reduce the amenity of the area, underground parking should be considered.</li> </ul>	<p>Access and driveways generally comply, however access points are greater than 6.4m wide and northern access is off a local residential street which is not supported for residential amenity reasons.</p> <p>A parking dispensation is required however this can be supported given the nature of the use.</p>
<p><b>5.0 Landscaping requirements</b></p> <ul style="list-style-type: none"> <li>• Plant species should be suitable to this area and environmental weeds and invasive tree species should be avoided to the satisfaction of the responsible authority.</li> <li>• The front building setback should be landscaped to include a variety of shrubs and ground covers. Plant species should be suitable to this area and to satisfaction of the responsible authority</li> <li>• Paving materials that provide texture, patterns, subtle colour and permeability to the lot frontage should be used. Large expanses of harsh grey cement or asphalt should be avoided.</li> <li>• Where space permits, small to medium sized trees should be planted to provide scale, aesthetic relief and shade to front entrances.</li> </ul>	<p>Can comply (no landscape details have been provided)</p>
<p><b>6.0 Advertising sign requirements</b></p>	



<ul style="list-style-type: none"> <li>• One business identification sign is permitted per development.</li> </ul>	<p>Does not comply – whilst only one business identification sign is within the DDO, the development site also includes a 10m pylon sign and 2.7m price board sign.</p>
<ul style="list-style-type: none"> <li>• Multiple business occupancies are to share space on the sign.</li> </ul>	<p>N/A</p>
<ul style="list-style-type: none"> <li>• Freestanding business identification signs are to fit in an envelope that is a maximum height of 1.5 metres, and a maximum width of 1.0 metre. This envelope includes the height of any supporting structure.</li> </ul>	<p>Does not comply</p>
<ul style="list-style-type: none"> <li>• Signs attached to a building are to be a maximum height of 1.0 metre and a maximum width of 3.0 metres. Promotional signs should be avoided.</li> </ul>	<p>Does not comply</p>
<ul style="list-style-type: none"> <li>• All V-board signs, above verandah signs and advertising elements such as banners, flags and inflatable should be avoided.</li> </ul>	<p>Complies</p>

## Decision Guidelines

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

### DDO - General

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

## DDO6

- The effect of the development of proposed buildings on the amenity of abutting residents.
- The character of the area as a whole including a design that is responsive to the streetscape and the neighbouring residential dwellings.
- The architectural quality and innovative response of the building design.
- The interface with existing residential dwellings.
- Any loss of privacy caused by overlooking of developments to residential dwellings.
- Whether building setbacks provided along Wyndham Street demonstrate appropriate consideration of the streetscape and the residential interface.
- The inclusion of design elements which protect the amenity of abutting residents.
- Whether the design considered energy and resource efficient and sustainable design principles.
- Whether the proposal is in accordance with the Urban Design Framework - Shepparton North & South Business Areas, July 2006.

## Officer Comments

Whilst part of the DDO requirements can be met, others cannot – refer to comments in the table above.

The DDO contains specific built form requirements however it is considered that a number of the objectives and design guidelines of the DDO cannot be satisfied as the proposal:

- Does not cater principally to the needs of the immediate residential neighbourhood.
- Does not respect and maintain the existing residential environment and reinforce a local village character.
- Negatively impacts on the amenity of abutting residents.
- Provides a poor interface with existing residential dwellings.

## Floodway Overlay

### **Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

### **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 local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.
- Any other matters specified in a schedule to this overlay.

#### Schedule

Must consider the following relevant local floodplain development plans, which have been incorporated at the Schedule to Clause 72.04 of this scheme.

#### Officer Comments

CMA as the relevant floodplain referral authority has no objection subject to the finished floor level of the proposed fuel shop being at least 300 millimetres above the 100-year ARI flood level.

### **PLANNING POLICY FRAMEWORK (PPF)**

#### **11.01-1S**

##### **Settlement**

##### **Objective**

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

## Strategies

- Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.
- Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.
- Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.
- Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.
- Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.
- Create and reinforce settlement boundaries.
- Provide for growth in population and development of facilities and services across a regional or sub-regional network.
- Plan for development and investment opportunities along existing and planned transport infrastructure.
- Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.
- Strengthen transport links on national networks for the movement of commodities.
- Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:
  - Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
  - Developing settlements that will support resilient communities and their ability to adapt and change.
  - Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
  - Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
  - Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.
  - Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
  - Improving transport network connections in and between regional cities, towns and Melbourne.
- Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.
- Limit urban sprawl and direct growth into existing settlements.
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.
- Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
- Ensure retail, office-based employment, community facilities and services are concentrated in central locations.
- Ensure land that may be required for future urban expansion is not compromised.

## 11.01-1R

## **Settlement - Hume**

### **Strategies**

- Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta, Wodonga and Benalla.
- Facilitate and strengthen the economic role of Seymour, while supporting population growth.
- Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.
- Support improved access to a range of employment and education opportunities, particularly in key urban locations such as Benalla, Seymour, Shepparton, Wangaratta and Wodonga.

## **11.02-1S**

### **Settlement - Hume**

#### **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.

## **11.03-1S**

### **Activity centres**

#### **Objective**

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

### **13.03-1S**

#### **Floodplain Management**

##### **Objective**

To assist the protection of:

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

##### **Strategies**

- Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.
- Avoid intensifying the impact of flooding through inappropriately located use and development.
- Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters and schools) outside the 1 in 100 year floodplain and, where possible, at levels above the height of the probable maximum flood.
- Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.
- Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.

### **13.05-1S**

#### **Noise abatement**

##### **Objective**

To assist the control of noise effects on sensitive land uses.

##### **Strategy**

Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

### **13.07-1S**

#### **Land use compatibility**

## **Objective**

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

## **Strategies**

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

### **15.01-1S Urban design**

#### **Objective**

- To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

#### **Strategies**

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Promote good urban design along and abutting transport corridors.

### **15.01-2S Building design**

#### **Objective**

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

## **Strategies**

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.
- Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.
- Encourage development to retain existing vegetation.

### **15.01-5S Neighbourhood Character**

#### **Objective**

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

#### **Strategies**

- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
  - Pattern of local urban structure and subdivision.
  - Underlying natural landscape character and significant vegetation.
  - Neighbourhood character values and built form that reflect community identity.

### **17.01-1S**

#### **Diversified economy**

#### **Objective**

To strengthen and diversify the economy.

#### **Strategies**



- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.
- Support rural economies to grow and diversify.

## **17.02-1S Business**

### **Objective**

- To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.

### **Strategies**

- Plan for an adequate supply of commercial land in appropriate locations.
- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
- Locate commercial facilities in existing or planned activity centres.
- Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
- Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.
- Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.
- Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.
- Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.

## **18.02-4S**

### **Car parking**

#### **Objective**

To ensure an adequate supply of car parking that is appropriately designed and located.

#### **Strategies**

- Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.
- Encourage the efficient provision of car parking by consolidating car parking facilities.
- Design and locate local car parking to:

- Protect the role and function of nearby roads.
- Enable easy and efficient use.
- Enable the movement and delivery of goods.
- Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.
- Create a safe environment, particularly at night.
- Facilitate the use of public transport.
- Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.
- Make adequate provision for taxi ranks as part of activity centres, transport interchanges and major commercial, retail and community facilities.

### Officer Comments

The proposal does not consider or comply with State Planning Policies, in particular:

- Clause 11.02-1S, consideration of the prevailing adjacent residential neighbourhood character and noise abatement.
- Clause 13.07-1S, incompatibility with adjoining and nearby land uses.
- Clause 15.01-1S, not responsive to its context in terms of residential character.

## **THE LOCAL PLANNING POLICY FRAMEWORK (LPPF)- including the Municipal Strategic Statement (MSS), local planning policies and Structure Plans**

### **21.04-4 Urban Design**

#### **Objectives - Urban design**

- To achieve a high standard of sustainability in the design and development of new buildings and subdivision.
- To promote a high standard of architectural, landscaping and urban design for built form and public spaces throughout the municipality.
- To ensure development implements the “Urban Design Framework- Shepparton North and South Business Areas”.
- To improve the amenity and image of the Shepparton CBD through the quality of its streetscape design, thereby creating an attractive CBD in which to work, study and live.
- To develop an image for Shepparton as a municipality that fosters innovative and sustainable contemporary design, particularly within the Shepparton CBD.
- To support public art in the Shepparton CBD that projects the character and uniqueness of Shepparton, enlivens public spaces and raises awareness of the indigenous and post-settlement history.
- To promote the principles of environmentally sustainable design.
- To control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment or the built form in the municipality.

#### **Strategies - Urban Design**

- Promote the highest design standards of residential development.

- Ensure the design of new development contributes to local character and enhances the public realm while minimising impacts on neighbouring properties.
- Promote energy efficient and sustainable designs for subdivision, new development and redevelopment of existing buildings and spaces.
- Encourage Water Sensitive Urban Design features in new and existing residential areas.
- Ensure development within the five designated precincts in the “Urban Design Framework- Shepparton North and South Business Areas” implements the directions of the framework.
- To ensure development implements the Shepparton CBD Strategy October 2008 and the Design and Development objectives and requirements of Schedule 1 to the ACZ.
- Promote architectural and urban design excellence throughout the CBD to improve its image as a regional centre.
- Facilitate landmark architecture on gateway sites and key sites in the CBD.
- Define gateways to the CBD through urban design and architecture, signage, complementary landscaping and public art.
- Ensure that buildings in the vicinity of the river are oriented towards the riverside environment.
- Design building frontages in the core retail areas and along main pedestrian streets to have 75 per cent ‘active’ frontages to add to the activity and vitality of the streets. This can be achieved through clear glazing, locating entrances off principal street spaces and providing balconies or terraces at the upper levels.
- On larger sites, avoid expanses of blank walls. Provide visual interest through a range of colours or textures, installing displays or through variations in the form of the building.
- Ensure the scale, mass and height of new commercial developments respects the prevailing neighbourhood character.
- Ensure building frontages avoid long expanses of solid walls and incorporate design elements and a variety of materials that create articulation and visual interest.
- Protect vistas to historic or significant buildings forming part of the streetscape.
- Ensure the creation of ‘walkable neighbourhoods’ that afford priority to pedestrians and provide safe and sheltered pedestrian routes within and through residential neighbourhoods and commercial centres.
- Ensure a high degree of connectivity and access within and between neighbourhoods for all modes of transport.
- Ensure subdivision design incorporates a variety of high-quality and useable open spaces that are well integrated with surrounding development.
- Ensure the design of new development contributes to the safety of its surroundings.
- Ensure new subdivisions respect and respond to valued local ecological qualities.
- Encourage landscaping of sites to retain existing vegetation where practical.
- Encourage the use of indigenous and low maintenance plant species.
- Ensure that the location, form and size of signs complement the dominant character of any urban or rural landscape, building, site or area on which they are erected.
- Control the location, size and scale of advertising signage, especially in key precincts of the Shepparton CBD and town centres.

## **21.04-4 Urban Design**

### **Policy Guidelines – Advertising Signs**

When considering an application for an advertising sign, Council will be guided by the following provisions:

- Fewer signs displaying a simple clear message are encouraged
- Advertising signage is encouraged to be primarily for business identification providing basic identification information of the business.
- Suspended under-verandah signs should be limited to one per shopfront, except on large premises where the limit should be one per ten metres of shop front.
- Above-verandah signs should be attached to the upper facade or parapet, parallel/horizontal to the road with minimal projection.
- Sky signs, high wall signs, projecting off-wall signs on upper facades and signs that project above parapets, wall, verandahs, roof lines or building fascias are discouraged in all areas.
- Freestanding signs should be limited to one sign per premises with multiple occupancies encouraged to share sign space.
- 'V' board signs are discouraged in all areas.
- Where a building is set back from the street, signs are encouraged to be located within the boundary and should be orientated to be parallel or at right angles to the street.
- Where possible signs should be located on the building. Pole signs should be limited to one per frontage and should be no higher than the surrounding buildings.
- Internally illuminated promotional signs are discouraged.
- Permanent bunting, streamers, banner, balloons, animated, reflective signs or similar devices, are strongly discouraged in all zones due to the detriment to the amenity of the area and the high level of visual clutter and dominance.
- These signs may be considered for temporary (3 month maximum) promotions only.
- Major Promotional signs are discouraged, but if approved are to be confined to Regional & Sub-regional Centres attached to a building wall and should not be more than 3 metres above the ground or be internally or externally illuminated.

## **21.04-6 Non Residential Uses**

### **Objectives – Non Residential Uses**

- To ensure that non residential uses are appropriately located.
- To allow complementary non-residential uses to be integrated into residential areas.
- To ensure that non residential uses are appropriately located having regard to:
  - The intensity and hours of operation of the proposed activity.
  - The siting and design of proposed buildings and works, including car parking areas and advertising signs and telecommunications facilities.
  - The location of access points.
- To ensure that the appearance and scale of non residential development in residential zones is consistent with nearby housing.

### **Strategies – Non Residential Uses**

- Ensure non residential uses are located in areas that are appropriate to the intensity and scale of the proposed use and that will have minimal impact on the amenity of nearby residential properties.

- Ensure major facilities serving catchments beyond the local level are located in commercial areas or sited on roads which avoid the generation of additional through traffic on residential streets.
- Discourage service stations and car washes in residential areas.
- Ensure the siting and design of buildings and works (including car parking areas) responds to the surrounding housing and streetscape and includes features to reduce the noise, loss of privacy and to enhance the appearance of the development, including landscaping, screening, acoustic fencing.

## **21.05-2 Floodplain and Drainage Management**

### **Objectives – Floodplain and Drainage Management**

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

### **Strategies – Floodplain and Drainage Management**

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

## **21.06-5**

### **Commercial/Activity Centres**

The city's commercial and retailing centres fulfil both local shopping and discretionary shopping needs, and provide services at the regional level. The Greater Shepparton 2030 Economic Development Report noted that no foreseeable demand exists in the long term for new major freestanding centres, other than in the north and south growth corridors, and for suitably accommodating bulky goods activities. The *Commercial Activity Centres Strategy, November 2015* identified that retail floorspace in Greater Shepparton is forecast to increase by between 35,000 and 55,000 square metres between 2015 and 2036. The *Commercial Activity Centres Strategy November 2015* identifies the following updated Activity Centre Hierarchy:

#### Activity Centre Hierarchy Description

Level in Hierarchy	No. of Centres in Shepparton	Centre
Shepparton Central Activities District	1	Shepparton CBD
Regional Retail Centre	1	Shepparton Marketplace
Sub-Regional Centre	3	Riverside, Mooroopna CBD, Shepparton North
Neighbourhood Centre or Town Centre	3	Echuca Road (Mooroopna North), Rowe Street East (Shepparton Plaza), Tatura
Local Centre or Township Centre	29	Branditt Ave, Graham St, Parkside Drv, King St, Dunkirk Ave, Conifer St, Parker St, Macintosh St, Swallow St, Michel St, Poplar Ave, Archer St, Colliver Rd, Guthrie St, Longstaff St, Kialla Lakes, Joseph St, MacIsaac Rd, St Georges Road, Murchison, Dookie, Toolamba, Tallygaroopna, Undera, Shepparton East, Lemnos, Congupna, Katandra West, Merrigum
Enterprise Corridor	3	Benalla Road, Gateway North (Numurkah Road), Gateway South (Melbourne Road)

Source: Essential Economics

#### Objectives – Commercial/Activity Centres

- To support the hierarchy of viable activity centres.
- To reinforce the Shepparton CBD as the principal retail centre in the region, in accordance with the provisions of Schedule 1 to the Activity Centre Zone, the Shepparton CBD Strategy October 2008 and Commercial Activity Centres Strategy November 2015.
- To strengthen the Shepparton CBD's role as an office and commercial location, and provide appropriate retail opportunities in supporting locations.
- To consolidate the traditional retail core (Precinct 1) including a continued focus of providing specialty retailing and entertainment, particularly cinema based facilities and department stores.
- To maximise the regional service role of Shepparton through the provision of a dynamic and efficient activity centre hierarchy.
- To ensure the provision of adequate subregional retail facilities to serve local communities. To strengthen the image of Shepparton CBD as a regional community and cultural hub, and as a 'university city'.
- To attract more people to live in the Shepparton CBD as a means of providing a greater range of housing choices and supporting the vibrancy and economy of the CBD.
- To continue the revitalisation and activation of the Maude Street Mall.
- To create a movement network that is convenient, connects key destinations and precincts, and prioritises walkability, cycling and public transport use.
- To enhance the role of the Shepparton CBD as a 'university city' by creating an attractive CBD in which to study and live.

## Strategies – Commercial/Activity Centres

- Support a hierarchy of retail centres that promotes the primacy of the Shepparton CBD as a multi-function centre complemented by local centres for convenience shopping, as identified in the *Commercial Activity Centres Strategy November 2015*.
- Provide for the continued growth of the Shepparton CBD as a multi-purpose retail, business, commercial, community, entertainment and tourism centre, as identified in the *Shepparton CBD Strategy October 2008* and *Commercial Activity Centres Strategy November 2015*.
- Encourage national brand retailers and specialty retail to locate in the CBD core area (Precinct 1).
- Encourage boutique and specialty retailing, and the range and mix of retail offer, including fresh food stores, specialty and convenience food, in the CBD.
- Focus attractions that generate pedestrian movement (such as shops, cafes, banks and other financial institutions, travel agents and take-away food outlets) and create active street frontages in the retail core (Precinct 1).
- Encourage the redevelopment of peripheral areas of the Shepparton CBD including expansion to Sobraon Street.
- Encourage the implementation of a best practice model for the activation of the Maude Street Mall.
- Encourage cafes, restaurants and alfresco dining in a dining and entertainment precinct in Fryers St.
- Provide for quality commercial development within the CBD, particularly properties with river frontage along Welsford Street.
- Allow higher scale buildings in appropriate locations and encourage site consolidation where necessary to support large-scale commercial development.
- Encourage smaller offices to locate in the office precincts and at upper levels of retail uses in the CBD.
- Facilitate the further expansion of the Shepparton Marketplace beyond 22,500 square metres, subject to a policy framework that ensures any expansion is complementary to the role and function of the Shepparton retail core (Precinct 1), including an economic impact assessment detailing the impact on the relative role of this centre and the Shepparton CBD.
- Support the growth of existing centres and the development of new centres to meet urban growth in line the Commercial Activity Centres Strategy November 2015.
- Facilitate and support the expansion and concentration of additional retail and commercial facilities for the Shepparton North activity centre, between Ford Road and Hawkins Street on the eastern side of Numurkah Road, to reflect the designated sub-regional role and function of the centre.
- Provide neighbourhood commercial and retail centres that are accessible to the local community, especially by public transport and bicycle, and that also have adequate car parking provisions.
- Encourage and promote the location of peripheral sales, bulky goods and restricted retail as shown on the Framework Plan.
- In the event of the re-location of the aerodrome within the next 20 years, and subject to an economic impact assessment, identify a potential neighbourhood centre in the southern growth corridors on the site of the existing aerodrome.
- Encourage shops to front the road, be built in line with other buildings, and have regard to the location of car parking, landscaping and pedestrian areas.
- Discourage uses such as display yards or service stations which disrupt pedestrian connections in shopping streets.
- Ensure residential uses do not occupy ground floor retail street frontages in commercial core areas, to prevent disruption to commercial activity.

- Consider the potential for a rezoning land in McLennan Street, Mooroopna, adjacent to the former Mooroopna Hospital to provide for development/uses which complement the proposed retirement complex.

## **21.07-1 Transport**

### **Objectives – Transport**

- To ensure the safety and efficient functioning of the roads for a variety of users.
- To maintain air services to and from Shepparton.
- To ensure new developments incorporate appropriate bicycle infrastructure.
- To ensure parking that meets the demand and supply requirements of the CBD.
- To ensure that adequate parking is provided for all new uses and developments.
- To ensure that the use and development of land does not prejudice the levels of service, safety and amenity of the Goulburn Valley Highway.
- To minimise any adverse effects of noise from traffic using the Goulburn Valley Highway.

### **Strategies – Transport**

- Encourage the early development of the Goulburn Valley Highway Shepparton Bypass in particular the northern river crossing as a first stage.
- Promote integrated road network connections with the Goulburn Valley Highway Shepparton Bypass to reduce intrusion of traffic to the central Shepparton and Mooroopna areas.
- Promote the GV Link freight logistics centre at Mooroopna to provide for the efficient handling and distribution of local produce via the rail and arterial road network.
- Investigate the feasibility of relocating the airport.
- If feasible, identify a possible new site outside the urban growth boundary for the Shepparton Aerodrome with the following attributes:
  - – flight paths not to impact upon the future residential areas,
  - – access to Shepparton city and the by-pass, flood free and on land with poorer soils, and
  - – not constrained by overhead infrastructure.
- Provide for the continued operation of the airport facility while the feasibility of relocating to a new site is identified.
- Recognise that residential growth toward the current airfield may be constrained by the current location of the Aerodrome.
- Support the preferred uses of residential/commercial at the Aerodrome site, in the event of its relocation.
- Ensure road reservation widths accommodate bicycle lanes on appropriate routes.
- Support new facilities such as community centres, neighbourhood centres, sporting facilities, entertainment, and health services to be located in proximity to public transport routes and/or bicycle paths.
- Provide for efficient and safe pedestrian and cycle movements within existing and new developments and in the CBD area.
- Encourage the development of a ring road around the Shepparton-Mooroopna area to reduce traffic intrusion linking the Shepparton Alternate Route, the Midland Highway and the Goulburn Valley Highway Shepparton Bypass.
- Ensure development contributions for new developments address transport infrastructure needs.



- Avoid new access to the Goulburn Valley Highway and minimise direct access by providing access through the local road system or service road if possible.
- Require an application for a noise sensitive use and development (including subdivision) to be accompanied by a report by a qualified acoustic consultant outlining the necessary noise control measures which should be undertaken.
- Ensure that parking associated with non-business uses in or adjacent to the CBD does not impact upon on-street parking related to business or for CBD activities.

### Officer Comments

The proposal does not consider or comply with Local Planning Policy, in particular Clause 21.04-4, as more than one sign is proposed, the pole sign is higher than surrounding buildings, service stations are discouraged and that the service station is inappropriately located having regard to:

- The intensity and hours of operation of the proposed activity.
- The siting and design of proposed buildings and works.
- The location of access points.

## **RELEVANT PARTICULAR PROVISIONS**

### **52.05 Signage**

#### **Purpose**

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Decision guidelines are at 52.05-08.

### Officer Comments

The proposed signage is typical of uses of this nature, however it is considered that the 2.7m high internally illuminated price board sign in Meaklim Street is unnecessary and inappropriate for a NRZ1 as it may impact on the amenity of the residential area and promotes the potential use of the Meaklim Street access for additional traffic off Wyndham Street.

### **52.06 Car Parking**

#### **Purpose**

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

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

Decision guidelines are at 52.06-10.

#### Officer Comments

There is no specific requirement for the number of car spaces to be provided for a service station. Given the nature and operations of the use the provision of 7 on-site car spaces is considered satisfactory.

#### **52.29 Land Adjacent to RDZ1**

##### **Purpose**

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

##### **Decision Guidelines**

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

#### Officer Comments

DoT as the determining referral authority supports the application subject to the inclusion of conditions relating to roadworks and access onto Wyndham Street.

## 53.18 Stormwater Management in Urban Development

### Purpose

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

### Objectives and Standards

Objectives	Standards
<p><b>53.18-5 Stormwater management objective for buildings and works</b></p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</p> <p>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces. To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system</p>	<p><b>Standard W2:</b></p> <p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none"> <li>• 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).</li> <li>• Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.</li> <li>• Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</li> </ul>
<p><b>Clause 53.18-7 Site management objective</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 prior to and during construction of subdivision works.</p>	<p><b>Standard W3</b></p> <p>An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> <li>• Erosion and sediment.</li> <li>• Stormwater.</li> <li>• Litter, concrete and other construction wastes.</li> <li>• Chemical contamination.</li> </ul>

### Decision Guidelines

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

- Any relevant water and stormwater management objective, policy or statement set out in this planning scheme.
- The capacity of the site to incorporate stormwater retention and reuse and other water sensitive urban design features.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

### Officer Comments

The requirements of Clause 53.18 can be satisfied under permit conditions if approval was supported.

### **THE DECISION GUIDELINES OF CLAUSE 65**

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

#### **65.01 Approval of an application or plan**

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

## **65.02 Approval of an application to subdivide land**

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

### **OFFICERS ASSESSMENT**

The matters set out at Clause 65 of the Greater Shepparton Planning Scheme have been assessed in various previous sections of this report. The proposal does not comply with a number of relevant guidelines, including the orderly planning of the area, the effect on the amenity of the adjacent residential area and the adequacy of loading and unloading facilities and associated amenity, traffic flow and road safety impacts.

#### **Relevant incorporated or reference documents**

There are no other relevant incorporated or reference documents

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

There are no other relevant adopted State policies or strategies that relate to the application.

### **Relevant Planning Scheme amendments**

There are no other relevant Planning Scheme Amendments that relate to the application.

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

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

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

There are no other relevant Acts that relate to the application

### **The Aboriginal Heritage Act 2006**

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

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

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

### **Charter of Human Rights and Responsibilities**

The application is not considered to impinge on the Charter of Human Rights and Responsibilities

---

## **Summary of Key Issues**

---

- The application was advertised and two objections to the application have been received.
- The various applicable planning policies, zones, overlay controls and particular provisions contain a number of decision guidelines which are relevant to the application. Assessments have found that the application is not supported by objectives, strategies, particular requirements and decision guidelines and unacceptable planning outcomes are achieved.
- In particular officers have concern with access arrangements off Meaklim Street and the resultant negative impact on residential amenity.
- The proposal is inappropriately located within and adjacent to a NRZ1 with consequential amenity impacts.

---

## **Conclusion**

Officers have undertaken an assessment of the application and have formed the view that this application does not produce acceptable planning outcomes.

# DRAFT

## REFUSAL TO GRANT A PERMIT

<b>APPLICATION NO:</b>	2020-439
<b>PLANNING SCHEME:</b>	GREATER SHEPPARTON PLANNING SCHEME
<b>RESPONSIBLE AUTHORITY:</b>	GREATER SHEPPARTON CITY COUNCIL
<b>ADDRESS OF THE LAND:</b>	573 & 575-585 Wyndham Street SHEPPARTON VIC 3630
<b>WHAT HAS BEEN REFUSED:</b>	Use and development of land in the Neighbourhood Residential Zone and Commercial 1 Zone for a service station, advertising signage, re-subdivision of Common Property and creation and variation of access to Road Zone Category 1

### WHAT ARE THE REASONS FOR THE REFUSAL?

---

1. The proposal is inconsistent with the Planning Policy Framework of the Greater Shepparton Planning Scheme, particularly clauses 11.02, 13.07, 15.01 and 21.04.
2. The use of Meaklim Street to access the proposed service station would result in unacceptable amenity impacts to land within a residential zone.
3. The proposal will create detrimental amenity impacts to neighbouring residential residents, and is not compatible with a residential zone.
4. The proposal will result in a development which is inconsistent with the design objectives and decision guidelines of Clause 43.02 – Design and Development Overlay (Schedule 6) as it:
  - does not cater principally to the needs of the immediate residential neighbourhood.
  - Does not respect and maintain the existing residential environment and reinforce a local village character.
  - Negatively impacts on the amenity of abutting residents.
  - Provides a poor interface with existing residential dwellings.
5. The proposed signage in Meaklim Street is unnecessary and inappropriate as it may impact on the amenity of the residential area and promotes the potential use of the Meaklim Street access for additional traffic off Wyndham Street.

---

---

## Application Details:

Responsible Officer:	Sally Edmunds and Quinn Maguire
Application Number:	2021-33
Applicants Name:	Sessions Builders Pty Ltd
Date Application Received:	1 February 2021
Statutory Days:	176
Land/Address:	13 Coomboona Street SHEPPARTON VIC 3630
Zoning and Overlays:	General Residential Zone
Why is a permit required (include Permit Triggers):	32.08-3 - 4 lot subdivision in the General Residential Zone 32.08-6 - 4 dwellings on a lot in the General Residential Zone
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

---

## Proposal

The application seeks approval for the subdivision of land and buildings and works for four dwellings and a subdivision with common property.

The land is within the General Residential Zone with no overlays.

Planning permission is required to subdivide the land into 4 lots pursuant to Clause 32.08-3 and for the buildings and works for 4 dwellings on a lot pursuant to Clause 32.08-6.

Clause 55 and Clause 56 assessments have been undertaken within this report.

The site has an area of 1026sqm and the development proposes the following lots:

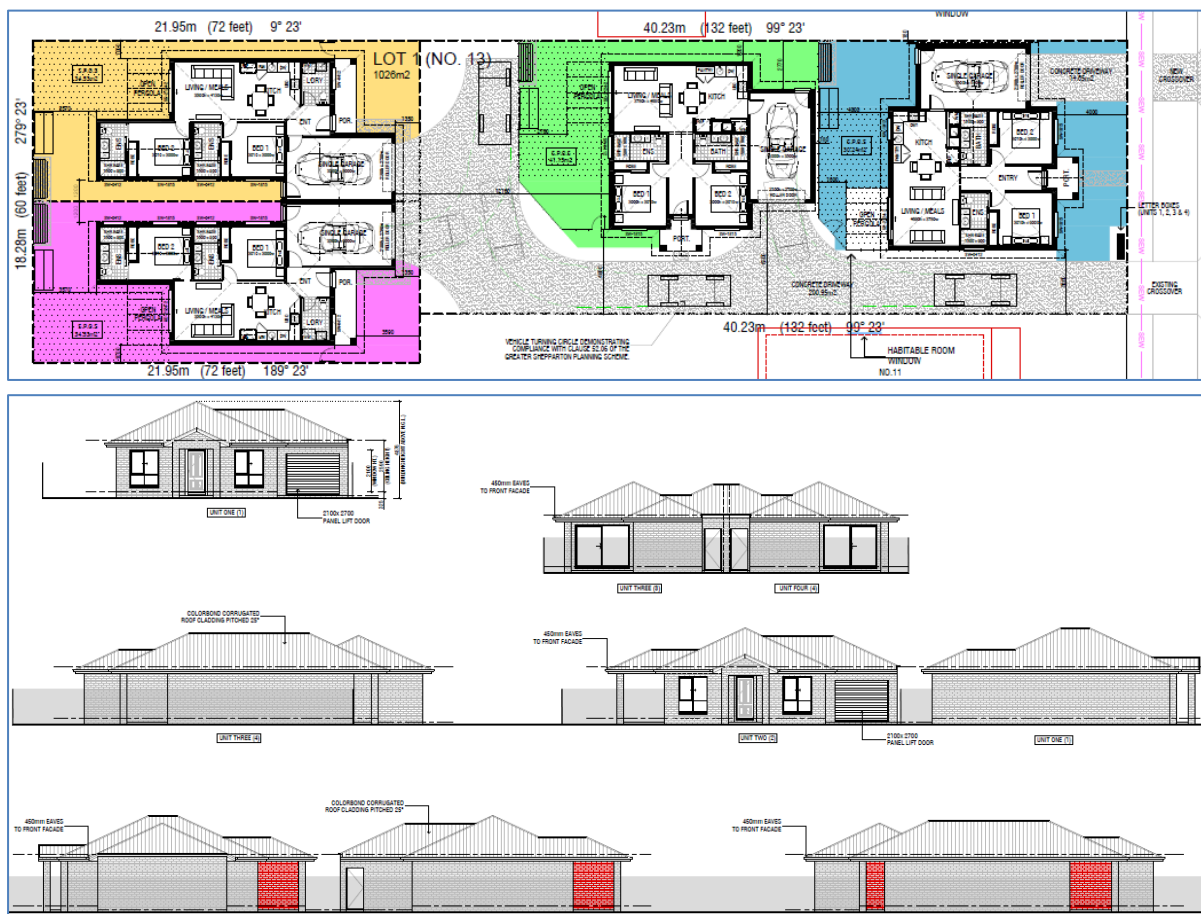
Lot	Area (m2)
1	216
2	188
3	200
4	200
<b>Common Property</b>	222

The existing dwelling and associated structures on the site are to be demolished and lots 1-4 are proposed to each have a two bedroom, single storey dwelling. The dwellings are to have a brick façade with colourbond roofing, with a floor area of between 110-112m<sup>2</sup>.

It is noted that the site is currently in three parcels, with lots 3 and 4 currently being utilised as an extension of the garden area for the existing dwelling.

Plans of the proposed development are below:





## Summary of Key Issues

- The land is zoned General Residential Zone
- A planning permit is required to develop the site for four dwellings and a four lot subdivision for the site
- The application was sent on public notice and referral
- Referral authorities have provided consent for the application subject to conditions (which have been included in the Notice of Decision).
- Internal notice was sent to Development Engineering who have provided conditions (which have been included in the Notice of Decision).
- Three objections have been received by Council from community members
- Clause 55 and 56 reports were provided by the applicant
- Officers consider that the application is consistent with the relevant provisions of the Scheme and achieves a net community benefit to Greater Shepparton.

## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2021-33 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 32.08-3 and 32.08-6 of the Greater Shepparton Planning Scheme in respect of the land known and described as 13 Coomboona Street Shepparton, for the 4 lot subdivision and buildings and works for 4 dwellings on a lot in the General Residential Zone in accordance with the Notice of Decision and the endorsed plans.

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2021-33 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 32.08-3 and 32.08-6 of the Greater Shepparton Planning Scheme in respect of the land known and described as 13 Coomboona Street Shepparton, for the 4 lot subdivision and buildings and works for 4 dwellings on a lot in the General Residential Zone in accordance with the Notice of Decision and the endorsed plans.

**MOTION: Andrew Fletcher** – with a change to Cond 3 as below

### **Works Prior to the Occupation of the Development or issue of a statement of compliance**

Before the dwellings are occupied **or a statement of compliance is issued**, all buildings and works on the endorsed plans forming part of this permit, including landscaping, must be completed to the satisfaction of the responsible authority unless otherwise agreed in writing by the responsible authority.

**SECONDED: Joel**

**CARRIED:**

---

## Subject Site & Locality

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

Date: **28/07/2021**

Time: **10:30** am

The site has a total area of **1026** square metres and currently contains:

- A dwelling
- Residential outbuildings

The main site/locality characteristics are:

- Development within a residential area
- Mixture of residential development on surrounding lots, ranging from low to medium density
- Surrounding buildings predominantly single storey

The Photos below show the existing site:



---

## Permit/Site History

The history of the site includes:

- No recent permits

---

## Further Information

Was further information requested for this application? None requested

---

## Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

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



Sign pictured on site 15/03/2021.

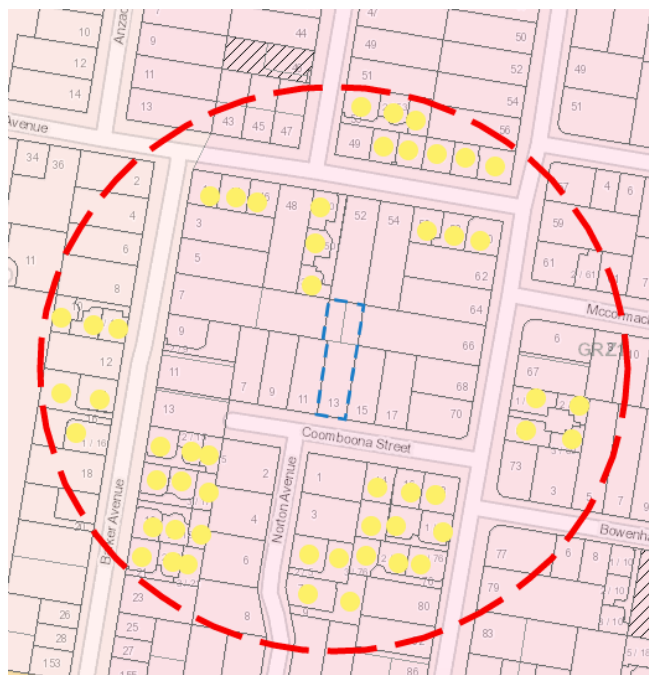
## Objections



The Council has received 3 objections to date, one objector resides on Coomboona St and the other two on Norton Ave (as marked in green). The key issues that were raised in the objections are:

Issues Raised	Officer Comments
<p>Development inconsistent with neighbourhood character/unreasonable increase in development density</p>	<p>The existing site has a single dwelling on a 1026m<sup>2</sup> site comprised of 3 parcels.</p> <p>The proposed development will result in an increase in density of residential development on the subject site. It is noted that the site is within an incremental change area and in these areas it is expected that density of development is to increase in a way, which reflects the surrounding neighbourhood character.</p> <p>The proposed plans include four dwellings; all dwellings are single storey with two bedrooms. The development is within an area of low-medium residential development, the map below shows dwellings on lots of less than 350m<sup>2</sup> within 150m of the site (as identified using aerial imaging). Council officers do not</p>

consider the proposal to be out of character for the surrounding area, and do not foresee the development to have any significant impacts on neighbourhood character.



Objectors have raised concerns regarding the increased number of dwellings relative to those currently present on the street. Coomboona St currently has 11 dwellings (only counting lots fronting the street); the proposal will raise this to 14 dwellings. Based on Council mapping counts of dwellings on similar sized sections of surrounding streets (Norton Ave, Clive St, McCormack Ave, Sutherland Ave) yielded results of between 11 and 18 dwellings. In consideration of this and that Council Officers do not consider the increase to be significant.

Council officers consider that the development site is well positioned for increased density as it located close to the Shepparton CBD (1km), schools, childcare, bus stops and parks. The size of the dwellings and the proposed lots is expected to allow for increased affordable dwelling options in a convenient location.

**Parking Impacts**

The Planning Scheme requires one secure parking space to be provided for each two-bedroom dwelling. There is no requirement for additional visitor parking to be provided for this development as the number of dwellings is less than five.

It is considered reasonable that, if required, resident vehicles that exceed the allotted parking spaces could be parked in public spaces. On inspection of the site, a number of spaces were available for parking. It is not foreseen that the proposed development would generate an unreasonable parking requirement in excess of the Planning Scheme provisions.

	The site is also approximately 100m from the nearest bus stop allowing for alternative transport options.
Traffic Impacts	<p>The proposed development is residential in nature, with frontage to a Council-maintained road. Onsite parking for dwellings 2-4 will all allow for forwards entry/exit to the site.</p> <p>It is noted that objectors have raised concerns regarding the Norton Ave-Knight St intersection, and current through-traffic that affects Norton Ave. Officers do not foresee the addition of 3 dwellings to this site to have significant additional impacts to road safety in the vicinity.</p>

---

## Title Details

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

---

## Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

Copies of the relevant objections were provided to the applicant for response, the following response was provided by the applicant:

*"We refer to the above matter and to letters of objection received from Mrs Barbara Carey, Jan Sabri, and the anonymous resident and ratepayer at 18 Coomboona Street.*

*We respond as follows:*

- Firstly, we do not intend to respond regarding the anonymous objection. This could be from someone who is not local to the area, or who is not a nearby property owner.*
- We note that the property consists of three Titles. We could potentially construct a one bedroom Unit on each of the smaller Titles with no parking allowance (although two people could reside in each Unit with a car each), plus a five bedroom house on the larger Title with only a double garage, notwithstanding that there could be a number of occupants at that home with vehicles.*
- We intend to build quality, sophisticated, and neat Units that we would like to keep long term, with good quality and professional tenants.*
- Whilst the objectors have commented on the basis of car parking, we don't think this is the real issue. We believe some people simply may not want the area further developed. We believe that our development, constructed by a quality builder, will improve the outlook and quality of the street compared to the eyesore which is currently on the site."*

Copies of this correspondence was not provided to the objectors as it was not considered to impact the proposal or provide significant additional information above what was included in the original application documents.

---

## Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
<b>Section 55 Referrals</b>	
GVW	<p>The Corporation has investigated the Planning Permit Application forwarded under Section 55 of the Planning and Environment Act 1987 and considers that both water and waste water facilities should be provided to the proposed development. These services could be satisfactorily provided to this land.</p> <p>Pursuant to Section 56(1)(B) of the Planning and Environment Act, the Corporation does not object to the granting of a permit, providing the following specified conditions are placed on the permit:</p> <ul style="list-style-type: none"> <li>(g) 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>(h) Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;</li> <li>(i) 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>(j) 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>(k) Provision of combined sewer drains with an inspection opening 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> </ul> <p>In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and include disconnection of any existing house connection drain to the satisfaction of the Corporation's Property Services Section;</p> <ul style="list-style-type: none"> <li>(l) 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>(m) 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> <p>Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.</p>
APA	<p>APT pursuant to Section 56 (1) (b) of the Planning and Environment Act 1987 has no objection to the granting of a permit.</p> <p>APT does not require the plan to be forwarded under Section 8 of the Subdivision Act 1988, and consents to the issue of a statement of compliance at the appropriate time.</p>
Powercor	<p>Subject to the following conditions, Powercor Australia Ltd (the Distributor) does not object to the issue of a planning permit for the abovementioned application.</p> <p><b>Conditions Required By the Distributor</b></p>



	<p>1. This letter shall be supplied to the applicant in its entirety.</p> <p>2. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.</p> <p>3. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. <b>Notes:</b> Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.</p> <p>4. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). <b>Notes:</b> Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.</p> <p><b>*** END OF CONDITIONS ***</b></p> <p>It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link: <a href="https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator">https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator</a></p>
<b>Section 52 Notices</b>	No Section 52 Notices

<b>Internal Council Notices</b>	<b>Advice/Response/Conditions</b>
Development Engineers	<p><b><u>ENGINEERING CONDITIONS:</u></b></p> <p><b><u>Urban Vehicle Crossing Requirements</u></b></p> <p>Before the Statement of Compliance vehicular crossings shall be constructed in accordance with the endorsed plans and constructed to Councils IDM standard drawing SD240. The crossings must:</p> <ul style="list-style-type: none"> <li>i) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);</li> <li>j) be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree;</li> <li>k) residential vehicular crossings shall not be less than 3 metres nor more than 6 metres in width and shall be constructed from concrete or other material as approved in writing by the Responsible authority; and</li> <li>l) be at least 9 meters apart.</li> <li>m) A Works within Road Reserves permit must be obtained from the Responsible authority prior to carrying out of any vehicle crossing works.</li> </ul> <p><b><u>Drainage Discharge Plan</u></b></p> <p>Before the certification of the Plan of Subdivision, a drainage plan with computations prepared by a suitably qualified person or organisation, 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 submitted in an electronic format. 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 retarded and drained ;</li> <li>b) underground pipe drains conveying stormwater to the legal point of discharge;</li> <li>c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;</li> <li>d) maximum discharge rate shall not be more than 37 lit/sec/ha with 12 litres (Tank/Basin) or 14 litres (Pipe) of storage for every square metre of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority).;</li> <li>e) Incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the Responsible authority; and</li> </ul>

	<p>f) Provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal; to the satisfaction of the Responsible authority.</p> <p>Before the statement of compliance is issued all drainage works required by the drainage plan must completed to the satisfaction of the responsible authority.</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>Vehicle Access Requirements (internal)</u></b> 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>g) surfaced with concrete</li><li>h) drained in accordance with an approved drainage plan;</li><li>i) properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land;</li><li>j) 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>k) access ways must be designed to allow vehicles to enter and exit the land in a forward direction.</li></ul> <p><b><u>NOTATIONS</u></b> <b><u>Works within Road Reserves Permit Required</u></b> A permit must be obtained from the Responsible authority prior to carrying out of any work within Road Reserve.</p> <p><b><u>Building Approval Required</u></b> Prior to the commencement of works approved by this permit, building approvals must be obtained.</p> <p><b><u>Council Assets</u></b> 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>
--	--

## Assessment

The zoning of the land

### 32.08 GENERAL RESIDENTIAL ZONE

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.

## **Decision Guidelines**

### **General**

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

There are no relevant overlays.

## **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.

### Relevant Particular Provisions

#### Clause 55 Assessment – 4 dwellings on a lot

Pursuant to Clause 55.01-1 the applicant has submitted a neighbourhood and site description is satisfactory and meets the requirements of Clause 55.01-1.

Objectives	Standards	Compliance
<p><b>Clause 55.02-1 Neighbourhood Character Objectives</b>  To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character;  To ensure the development responds to the features of the site and surrounding area.</p>	<p><b>Standard B1 (Cannot be varied)</b>  The design response must be appropriate to the neighbourhood and the site.  The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p><b>Complies</b>  The application proposes the construction of 4 single storey dwellings on an irregular shaped lot.</p> <p>Dwelling one fronts the street. The size and scale of the development is considered to be consistent with other multi-dwelling development in the vicinity (predominantly on Barker St and Clive St).</p> <p>The proposal is generally consistent with the character of the area as it is within the General Residential Zone and is identified in the Greater Shepparton Housing Strategy for minimal change.</p>
<p><b>Clause 55.02-2 Residential Policy Objectives</b>  To ensure that residential development is provided in accordance with any policy for housing in the SPPF and the LPPF including the MSS and local planning policies;  To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p><b>Standard B2 (Cannot be varied)</b>  An application must be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in:</p> <ul style="list-style-type: none"> <li>• the SPPF; and</li> <li>• the LPPF including the MSS; and Local Planning Policies</li> </ul>	<p><b>Complies</b>  The application proposes to provide additional housing variety within the municipality.</p> <p>The proposal supports medium density development which is appropriately located close to community services such as schools, open space and public transport.</p>
<p><b>Clause 55.02-3 Dwelling Diversity Objective</b>  To encourage a range of dwelling sizes and types in development of ten or more dwellings</p>	<p><b>Standard B3 (Can be varied)</b>  Developments of 10 or more dwellings should provide a range of dwelling sizes and types</p>	N/A
<p><b>Clause 55.02-4 Infrastructure Objectives</b>  To ensure development is provided with appropriate</p>	<p><b>Standard B4 (Can be varied)</b>  Development should be connected to reticulated services including</p>	<p><b>Complies</b>  The land currently contains a single dwelling which is proposed to be demolished.</p>



Objectives	Standards	Compliance
<p>utility services and infrastructure;  To ensure development does not unreasonably overload the capacity of utility services and infrastructure</p>	<p>reticulated sewerage, drainage, electricity and gas if available.  Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.  In areas where utility services or infrastructure have little or no space capacity, developments should provide for the upgrading or mitigation of the impact on services or infrastructure.</p>	<p>The application proposes new crossovers for the development.  A condition on the permit will require the applicant to submit drainage plans for the proposal and carry out works in accordance with the endorsed plans.  All other infrastructure is existing in the area.  Connection requirements will be required as per the relevant authorities.</p>
<p><b>Clause 55.02-5 Integration with the Street Objective</b>  To integrate the layout of development with the street</p>	<p><b>Standard B5 (Can be varied)</b>  Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.  Dwellings should be orientated to front existing and proposed streets  High fencing in front of dwellings should be avoided if practicable.  Development next to existing public open space should be laid out to complement the open space.</p>	<p><b>Complies</b>  Dwelling 1 is oriented towards Coomboona Street. No front fencing is proposed as part of the application.  A condition on permit will require new side and rear fencing to be constructed as required. A condition requiring amended plans showing this will be included on any permit.  Footpaths are existing along Coomboona Street to the front of the land.</p>
<p><b>Clause 55.03-1 Street Setback Objective</b>  To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p><b>Standard B6 (Can be varied)</b>  Walls of buildings should be setback from streets the distance specified in Table B1</p>	<p><b>Variation required</b>  The front dwelling is proposed to be set back 4m from the front boundary.  This setback will still allow for adequate separation from the street without allowing for parking of cars within the front setback area.  The setback is considered to be consistent with other multi-dwelling development in the area.  The dwellings to the north are setback approximately 3.75m from the rear property boundary and 1m from the side boundaries.  A variation is considered appropriate in this instance as the proposal allows for higher density development which is supported by policy.</p>
<p><b>Clause 55.03-2 Building Height Objective</b>  To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B7 (Can be varied)</b>  The max building height should not exceed 13.5m as specified in the Residential Growth Zone 1.</p>	<p><b>Complies</b>  The proposed dwellings are single storey in height which is consistent in the area.</p>
<p><b>Clause 55.03-3 Site Coverage Objective</b>  To ensure that the site coverage respects the existing or preferred neighbourhood character</p>	<p><b>Standard B8 (Can be varied)</b>  The site area covered by buildings should not exceed 60%.</p>	<p><b>Complies</b>  The site has an area of approximately 1026 square metres. The proposed building coverage for the two dwellings is approximately 43.32% of the site</p>

Objectives	Standards	Compliance
and responds to the features of the site		which is below the 60% and therefore complies.
<b>Clause 55.03-4 Permeability Objectives</b> To reduce the impact of increased stormwater run-off on the drainage system; To facilitate on-site stormwater infiltration.	<b>Standard B9 (Can be varied)</b> At least 20% of the site should not be covered by impervious surfaces.	<b>Complies</b> The site impervious surface is 35.65% which is greater than 20% of the site.
<b>Clause 55.03-5 Energy Efficiency Objectives</b> To achieve and protect energy efficient dwellings and residential buildings; To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy	<b>Standard B10 (Can be varied)</b> Buildings should be: <ul style="list-style-type: none"> <li>• Orientated to make appropriate use of solar energy.</li> <li>• Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> <li>• Living areas and private open space should be located on the north side of the dwelling, if practicable.</li> <li>• Developments should be designed so that solar access to north-facing windows is maximised.</li> </ul>	<b>Complies</b> The dwellings have been sited to achieve a 6 star energy rating. The dwellings will not impact any adjoining rooftop solar panels. Dwellings are considered to be oriented to make appropriate use of solar energy. All dwellings have large windows/doors which open onto private open space to the north of the dwelling.
<b>Clause 55.03-6 Open Space Objective</b> To integrate the layout of the development with any public or communal open space provided in or adjacent to the development	<b>Standard B11 (Can be varied)</b> Any public or communal open space should: <ul style="list-style-type: none"> <li>• be substantially fronted by dwellings, where appropriate;</li> <li>• provide outlook for as many dwellings as</li> <li>• practicable</li> <li>• be designed to protect any natural features on the site; and</li> <li>• be accessible and useable.</li> </ul>	<b>N/A</b> There is to be no communal open space as part of this development. Public space is located throughout Shepparton.
<b>Clause 55.03-7 Safety Objective</b> To ensure the layout of development provides for the safety and security of residents and property	<b>Standard B12 (Can be varied)</b> Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.	<b>Complies</b> The entrance to the front dwelling is visible and easily identifiable from the street.  Entrances for dwellings 2-4 are considered to be easily identified from the shared driveway area. The dwelling 4 entrance will also be visible from the street.  Windows onto the accessway will allow for visibility and surveillance of this area.  Conditions to provide security lighting for the entrances of dwelling 3 and 4 will be conditioned.  POS is located to the rear of the dwellings, fences will prevent these areas being accessed as thoroughfares.

Objectives	Standards	Compliance
<p><b>Clause 55.03-8 Landscaping Objectives</b>  To encourage development that respects the landscape character of the neighbourhood;  To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance;  To provide appropriate landscaping;  To encourage the retention of mature vegetation on the site</p>	<p><b>Standard B13 (Can be varied)</b>  Landscape layout and design.</p>	<p><b>Can vary through conditions</b>  A landscape plan has not been provided with the application. A Condition on the permit will require a landscaping plan to be provided.</p>
<p><b>Clause 55.03-9 Access Objectives</b>  To ensure vehicle access to and from a development is safe, manageable and convenient;  To ensure the number and design of vehicle crossovers respects the neighbourhood character</p>	<p><b>Standard B14 (Can be varied)</b>  Accessways should:</p> <ol style="list-style-type: none"> <li>1. Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network.</li> <li>2. Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves 5 or more car spaces, 3 or more dwellings, or connects to a road in a Road Zone.</li> <li>3. Be at least 3m wide.</li> <li>4. Have an internal radius of at least 4m at changes of direction.</li> <li>5. Provide a passing area at the entrance that is at least 5m wide and 7m long if the accessway serves 10 or more spaces and connects to a road in a road zone.</li> <li>6. The width of accessways or car spaces should not exceed: <ul style="list-style-type: none"> <li>• 33% of the street frontage if the width of the street frontage is more than 20m; or</li> <li>• 40% of the street frontage if the width of the street frontage is less than 20m.</li> </ul> </li> </ol>	<p><b>Complies</b>  Access will be required to be constructed in accordance with IDM standards.</p> <p>Carparks for rear dwellings are designed to ensure vehicles can exit a development in a forwards direction.</p>
<p><b>Clause 55.03-10 Parking Location Objectives</b>  To provide for convenient parking for residents and visitor vehicles;  To avoid parking and traffic difficulties in the development and the neighbourhood;  To protect residents from vehicular noise within developments</p>	<p><b>Summary of Standard B15 (Can be varied)</b>  Car parking facilities should:  Be reasonably close and convenient to dwellings and residential buildings;</p> <ul style="list-style-type: none"> <li>• Be secure;</li> <li>• Be designed to allow safe and efficient movements within the development.</li> <li>• Be well ventilated if enclosed.</li> <li>• Large parking areas should be broken up with trees, buildings or different surface treatments.</li> <li>• Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from habitable room windows. This</li> </ul>	<p><b>Complies</b>  All dwellings contain two bedrooms each.</p> <p>One secure car space is provided for each of the dwellings.  Visitor car parking not required as development proposes less than 5 dwellings.</p>

Objectives	Standards	Compliance
	<p>setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.</p>	
<p><b>Clause 55.04-1 Side and Rear Setbacks Objective</b>  To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p><b>Summary of Standard B17 (variable)</b>  New building not on, or within 200mm of boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> <li>• 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m.</li> <li>• Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard.</li> </ul>	<p><b>Complies</b>  The application proposes single storey dwellings. The new dwellings are setback at least 1 metre from the property boundary.</p>
<p><b>Clause 55.04-2 Walls on Boundaries Objective</b>  To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p><b>Standard B18 (Can be varied)</b>  New wall on or within 200mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> <li>• 10m plus 25% of the remaining length of the boundary of an adjoining lot; or the length of an existing or simultaneously constructed wall or carport whichever is the greater.</li> <li>• A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary.</li> <li>• A building on a boundary includes a building up to 200mm from a boundary.</li> <li>• New walls on or within 200mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall.</li> </ul>	<p><b>Complies</b>  The only wall on the boundary is the garage of dwelling 1. The wall will have no impact on the neighbouring properties habitable rooms. This wall will be 6.47m long.</p>
<p><b>Clause 55.04-3 Daylight to existing windows objective</b>  To allow adequate daylight into existing habitable room windows.</p>	<p><b>Standard B19 (Can be varied)</b>  Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m<sup>2</sup> and 1m clear to the sky. The area may include land on the abutting lot.  Walls or carports more than 3m high opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the</p>	<p><b>Complies</b>  The proposed dwellings are located in excess of 1m from the boundary (excluding garage and outdoor undercover areas) and therefore comply.   There are no impacts to existing habitable rooms foreseen.</p>

Objectives	Standards	Compliance
	<p>existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p><b>Note:</b> Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.</p>	
<p><b>Clause 55.04-4 North-facing windows objective</b>  To allow adequate solar access to existing north-facing habitable room windows.</p>	<p><b>Standard B20 (Can be varied)</b>  If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building should be setback from the boundary:</p> <ul style="list-style-type: none"> <li>1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window.</li> </ul>	<p><b>Complies</b>  The proposed dwellings is not foreseen to impact the surrounding existing north facing windows.</p>
<p><b>Clause 55.04-5 Overshadowing open space objective</b>  To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p><b>Standard B21 (Can be varied)</b>  Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m<sup>2</sup> with a minimum dimension of 3m, whichever is the lesser area, of the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September.</p> <p>If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p><b>Complies</b>  An over shadowing diagram has been submitted with the application which demonstrates the development does not significantly overshadow the existing secluded private open space area of adjoining properties.</p>
<p><b>Clause 55.04-6 Overlooking objective</b>  To limit views into existing secluded private open space and habitable room windows.</p>	<p><b>Standard B22 (Can be varied)</b>  Habitable room windows, balconies, terraces etc should be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window, balcony etc.</p>	<p><b>Complies</b>  The proposed dwellings are single storey and separated from other dwellings by existing fences. A condition on permit will require a new fence along side and rear boundaries as required.</p>
<p><b>Clause 55.04-7 Internal Views Objective</b>  To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development</p>	<p><b>Standard B23 (Can be varied)</b>  Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and in the same development.</p>	<p><b>Complies</b>  The proposed dwellings are single storey. There will be no impact on existing views.</p>
<p><b>55.04-4 Noise impacts</b>  To contain noise sources in developments that may affect existing dwellings.  To protect residents from external noise.</p>	<p><b>Standard B24</b>  Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.  Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p>	<p><b>Complies</b>  Application is for residential buildings and therefore no mechanical plant proposed.</p>

Objectives	Standards	Compliance
	Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	
<p><b>55.05-1 Accessibility objective</b>  To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p><b>Standard B25</b>  The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p><b>Complies</b>  All proposed dwellings are considered to be accessible, or with minor alterations (ramps, etc).</p>
<p><b>55.05-2 Dwelling entry objective</b>  To provide each dwelling or residential building with its own sense of identity.</p>	<p><b>Standard B26</b>  Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> <li>• Be visible and easily identifiable from streets and other public areas.</li> <li>• Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul>	<p><b>Complies</b>  The entrances to all dwellings are visible to the street and are covered by porticos.   All entrances are considered to be easily identifiable from the street or common driveway.</p>
<p><b>55.05-3 Daylight to new windows objective</b>  To allow adequate daylight into new habitable room windows.</p>	<p><b>Standard B27</b>  A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> <li>• An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>• A verandah provided it is open for at least one third of its perimeter, or</li> <li>• A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>	<p><b>Complies</b>  All habitable windows face into an outdoor space or are clear to the sky or open verandah with a minimum of 1m clear and 3sqm.</p>
<p><b>55.05-4 Private open space objective</b>  To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p><b>Standard B28</b>  A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.  If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>• An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</li> <li>• A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</li> <li>• A roof-top area of 10 square metres with a minimum width of</li> </ul>	<p><b>Complies</b>  Dwelling 1 has 30.24sqm of SPOS and a total area of 77.98sqm of POS   Dwelling 2 has 41.15sqm of SPOS and a total area of 83.88sqm of POS   Dwelling 3 has 34.53sqm of SPOS and a total area of 100.97sqm of POS   Dwelling 4 has 34.53sqm of SPOS and a total area of 90.67sqm of POS</p>

Objectives	Standards	Compliance
	2 metres and convenient access from a living room.	
<p><b>55.05-5 Solar access to open space objective</b>  To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p><b>Standard B29</b>  The private open space should be located on the north side of the dwelling or residential building, if appropriate.  The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.</p>	<p><b>Complies</b>  All dwellings have private open space to the north of the dwelling.   All lots comply with the secluded open space area requirement.</p>
<p><b>55.05-6 Storage objective</b>  To provide adequate storage facilities for each dwelling.</p>	<p><b>Standard B30</b>  Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p><b>Complies</b>  Each dwelling has area of 6 cubic metres of externally accessible storage.</p>
<p><b>55.06-1 Design detail objective</b>  To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B31</b>  The design of buildings, including:</p> <ul style="list-style-type: none"> <li>• Facade articulation and detailing,</li> <li>• Window and door proportions,</li> <li>• Roof form, and</li> <li>• Verandahs, eaves and parapets,</li> </ul> <p>should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p><b>Complies</b>  The proposal respects the existing neighbourhood character whilst providing higher density within an Incremental Change area.   The development is considered to be of a conservative design. Roof form and materials proposed are in keeping with the surrounding area.   Garages are attached to and constructed of the same materials as the dwellings.</p>
<p><b>55.06-2 Front fences objective</b>  To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B32</b>  The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.  A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> <li>• The maximum height specified in a schedule to the zone, or</li> <li>• If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.</li> </ul> <p><b>Table B3</b>  Maximum front fence height for all other streets apart from Road Zone Category 1 is 1.5m</p>	<p><b>Not applicable</b>  No front fence proposed.</p>
<p><b>Clause 55.06-3 Common Property Objectives</b>  To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained;  To avoid future management difficulties in areas of common ownership</p>	<p><b>Standard B33 (Can be varied)</b>  Developments should clearly delineate public, communal and private areas.  Common property where provided, should be functional and capable of efficient management.</p>	<p><b>Complies</b>  There will be a common property area which will be used to driveway access and services. No communal areas are proposed.  There are no issues foreseen regarding the potential management of this area.</p>
<p><b>Clause 55.06-4 Site Services Objectives</b></p>	<p><b>Standard B34 (Can be varied)</b></p>	<p><b>Complies</b></p>

Objectives	Standards	Compliance
<p>To ensure that site services can be installed and easily maintained;  To ensure that site facilities are accessible, adequate and attractive</p>	<p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.  Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.  Bin and recycling enclosures should be located for convenient access by residents.  Mailboxes should be provided and located for convenient access as required by Australia Post</p>	<p>The proposed dwellings are appropriately located to allow for the provision of connection to services.</p>

### Clause 56 Assessment

Title and objective	Standard	Compliance
<p><b>C6 Neighbourhood Character Objective</b>  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>  The subject land is identified within the Minimal Change Area of the Housing Strategy which allows for residential development that respects the existing neighbourhood character of the area.</p> <p>The proposal allows for additional lots with appropriate street frontage.</p> <p>A dwelling design has also been submitted as part of the application that demonstrates the subdivision is capable of residential development that is generally in accordance with the character of the area.</p>
<p><b>C8 Lot area and building envelopes objective</b>  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</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><b>Complies</b>  The proposal creates allotments with appropriate areas and orientation. The development of dwellings is proposed as part of this permit.</p> <p>The application has been accompanied by a dwelling design that is considered to</p>



<p>management, easements and the retention of significant vegetation and site features.</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>generally comply with Rescode requirements.</p>
<p><b>C9</b>  <b>Solar Orientation of lots</b>  To provide good solar orientation of lots and solar access for future dwellings.</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 range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</li> </ul> </li> <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><b>Complies</b>  Allotments orientated with north –south orientation similar to all surrounding allotments which is unable to be altered given site constraints.  Design of the proposed dwellings show north facing POS for each site.</p>
<p><b>C11</b>  <b>Common Area</b>  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>  Common property is proposed for the access to Lots 2, 3 and 4.</p>
<p><b>C21</b>  <b>Lot Access</b>  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>  Vehicular access is provided onto Coomboona Street. Access is subject to Engineering requirements. A new crossover is required for Lot 1 driveway.</p>
<p><b>C22</b>  <b>Drink Water supply</b>  To reduce the use of drinking water.</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 requirements and to the satisfaction of the relevant water authority.</li> </ul> </li> </ul>	<p><b>Complies</b>  The proposed lots will have independent connections to reticulated town water to the satisfaction of Goulburn</p>

<p>To provide an adequate, cost-effective supply of drinking water.</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>Valley Regional Water Corporation.</p>
<p><b>C23  Reused and recycled water</b>  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>  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  Waste Water Management</b>  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>  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  Urban Run-off Management</b>  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 from degradation by urban run-off.</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 site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</li> </ul> </li> <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>Complies</b>  Applicant will be required to submit a drainage plan to the satisfaction of the responsible authority.  WSUD will be required as per Engineering requirements.</p>

<p><b>C26</b>  <b>Site Management</b>  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>  The proposed subdivision will require the construction of minor works only. Submission of a construction management plan is not considered necessary; however a permit condition will require site management to the Council's satisfaction (eg dust, mud, erosion and sediment control).</p>
<p><b>C27</b>  <b>Shared Trenching</b>  To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</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 underground services.</li> </ul>	<p><b>Complies</b>  Services should be connected to the site and underground using shared trenching as required by condition.</p>
<p><b>C28</b>  <b>Electricity, Telecommunications and Gas</b>  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>  Service to be connection to the satisfaction of the relevant authorities.</p>

**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.

### **65.02 Approval of an application to subdivide land**

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.

- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

### **Officer Assessment:**

The application is seeking approval for buildings and works for 4 dwellings and a subdivision with common land. The site is within the General Residential Zone and is not affected by any overlays.

Planning permit permission is required to subdivide land in the General Residential Zone pursuant to Clause 32.08-3 and to construct two or more dwellings on a lot pursuant to Clause 32.08-6. A Clause 55 Res Code Assessment is included within this report.

The application was advertised and three objections were received.

The application is considered to be in accordance with the objectives and decision guidelines for the GRZ. As the development is considered to respects the neighbourhood character of the area while also resulting in a diversity of housing types and housing growth in a location offering good access to services and transport. The proposed plans also show that the application will be able to achieve the required garden area of 359m<sup>2</sup>.

The application was referred to the relevant authorities who consented to the application subject to conditions.

The proposal satisfies the Planning Policy Framework in the following ways:

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Ensure housing stock matches changing demand by widening housing choice.
- A mix of housing types.
- Encourage the development of well-designed medium-density housing that:
  - Respects the neighbourhood character.
  - Improves housing choice.

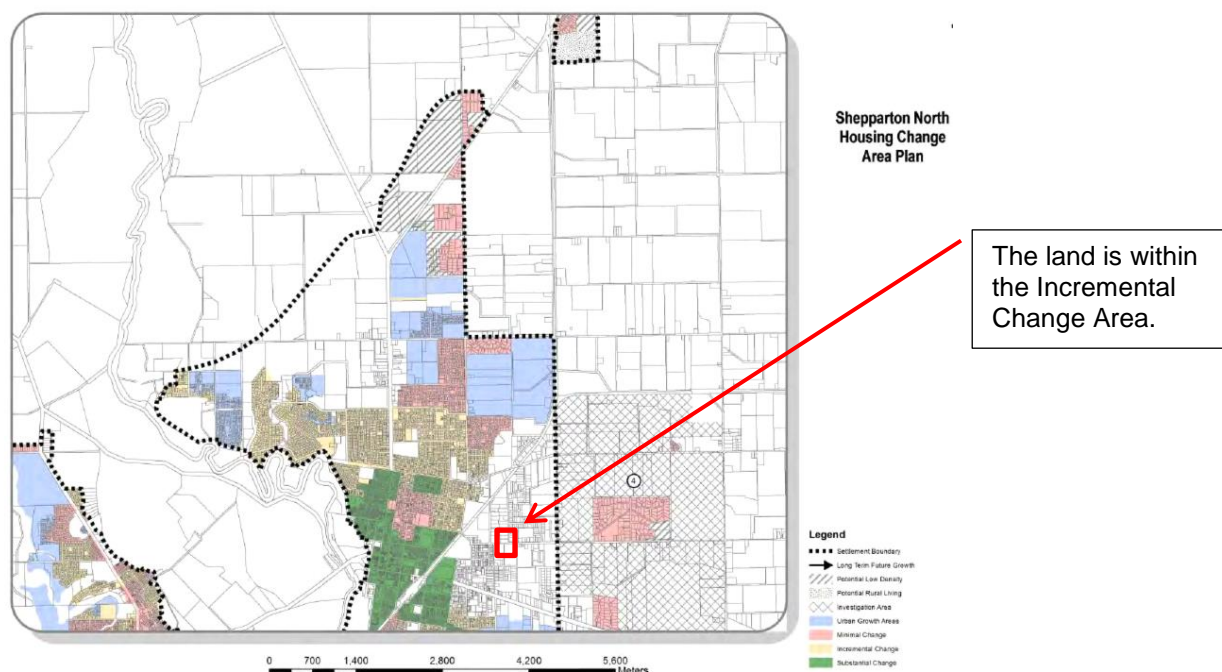
The proposal provides an increase of housing supply in urban areas by providing unit development.

The majority of properties on Coomboona Street are 600-800m<sup>2</sup> and contain single dwellings, by providing an alternative to the standard single dwelling on a lot >600m<sup>2</sup> it is allowing a widening of housing choices and a mix of housing types in the area. Officers consider that the location is ideal as it is close to amenities and encourages accessibility. Officers are satisfied that the proposed development achieves acceptable outcomes against the Planning Policy Framework.

The proposal satisfies the Local Planning Policy Framework in the following ways:

- To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.
- To increase the supply of medium density housing in appropriate locations.
- 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.

The subject site is within the Incremental Change Area, which encourages medium density residential development in the area. The proposal complies with the Urban Growth Area as the unit development encourages medium density living and housing diversity which is close to amenities.



The proposal encourages the increase in variety of housing types by providing unit development. The majority of surrounding properties all contain single dwelling development, by providing an alternative to the standard single dwelling it is allowing a widening of housing choices and a mix of housing types in the area. The site is within a residential area, which is compact and close to amenities. Officers are satisfied that the proposed development achieves acceptable outcomes against the Local Planning Policy Framework.

Officers have undertaken an assessment of the application against the Planning Policy Framework, Local Planning Policy Framework, General Residential Zone. Officers consider that the application complies with the Planning Scheme and recommend that a permit be issued with conditions.

#### **Relevant incorporated or reference documents**

Greater Shepparton Housing Strategy

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

There are no other relevant adopted State policies or strategies that relate to the application.

#### **Relevant Planning Scheme amendments**

There are no relevant Planning Scheme amendments that relate to the application.

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

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

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

Subdivision Act 1988

---

## **Conclusion**

The proposal is considered an appropriate planning outcome and officers recommend that Notice of Decision be issued.

# Draft Notice Of Decision

**APPLICATION NO:** 2021-33

**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:** 13 COOMBOONA STREET SHEPPARTON VIC 3630

**WHAT THE PERMIT WILL ALLOW:** 4 LOT SUBDIVISION AND BUILDINGS AND WORKS FOR 4 DWELLINGS ON A LOT IN THE GENERAL RESIDENTIAL ZONE

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

---

1. **Amended Plans Required**

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. Such plans must be generally in accordance with the plan submitted with the application but modified to show:

a) Elevations of the development amended to show the proposed pergolas

2. **Layout Not Altered**

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

3. **Works Prior to the Occupation of the Development**

Before the dwellings are occupied, all buildings and works on the endorsed plans forming part of this permit, including landscaping, must be completed to the satisfaction of the responsible authority unless otherwise agreed in writing by the responsible authority.

4. **Landscape Plan**

Before the development starts a landscape plan prepared by a suitably qualified landscape designer must be submitted to and approved by the Responsible Authority.

When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must show:

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

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

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

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

#### **5. Drainage Discharge Plan**

Before the development starts (including the certification of the plan of subdivision) 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 submitted in electronic format. The plans must be in accordance with Council's Infrastructure Design Manual and include:

- a) how the land will be retarded and drained ;
- b) underground pipe drains conveying stormwater to the legal point of discharge;
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) maximum discharge rate shall not be more than 37 lit/sec/ha with 12 litres (Tank/Basin) or 14 litres (Pipe) of storage for every square metre of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority).;
- e) incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the Responsible authority; and
- f) provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal;

to the satisfaction of the Responsible authority.



Prior to the issue of the Statement of Compliance and the occupation of the dwellings all drainage works required by the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

**6. Urban Vehicle Crossing Requirements**

Prior to the issue of the Statement of Compliance and the occupation of the dwellings vehicular crossings shall be constructed in accordance with the endorsed plan(s) and Councils IDM standard drawing SD235, to the satisfaction of the responsible authority, and must:

- a) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with kerb and channel.
- b) be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree;
- c) residential vehicular crossings shall not be less than 3 metres nor more than 6 metres in width and shall be constructed from concrete or other material as approved in writing by the Responsible Authority; and
- d) be at least 9 meters apart.

A permit must be obtained from the Responsible Authority for the work within Road Reserve prior to carrying out of any vehicle crossing work.

**7. Fencing**

Before the dwellings are occupied the any internal dividing fences enclosing courtyard/private open space areas must be constructed a height of 1.8m (from finished ground level), and be constructed of materials which soften and enhance the development whilst maintaining privacy to the satisfaction of the responsible authority.

Additionally, before the dwellings are occupied new boundary fencing on the north, east and west boundaries must be constructed to a height of 1.8m (from finished ground level), and be constructed of materials which soften and enhance the development whilst maintaining privacy to the satisfaction of the responsible authority.

**8. Underground Connection**

Before the occupation of the dwellings, the electricity connection to those dwellings must be undergrounded to the satisfaction of the responsible authority.

**9. Construction Phase**

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care

must be taken to minimise the effect of such activities on the amenity of the locality, including:

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

#### **10. Payment in Lieu of Open Space**

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

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

#### **11. Goulburn Valley Region Water Corporation Requirements**

- a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;
- c) 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;
- d) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- e) Provision of combined sewer drains with an inspection opening 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.

In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and include disconnection of any existing house connection drain to the satisfaction of the Corporation's Property Services Section;

- 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;

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;

- 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.

## 12. **Powercor**

- a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- b) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

**Notes:** Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- c) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

**Notes:** Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

## 13. **Telecommunications Referral Condition**

The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written

confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**14. Time for Starting and Completing a Subdivision**

This permit expires if the development does not start (which includes the certification of the plan of subdivision under the *Subdivision Act, 1988*) within two years of the date of the permit or the development is not completed which includes Statement of Compliance within five years of the date of certification of the plan of subdivision.

---

---

## Application Details:

Responsible Officer:	Quinn Maguire
Application Number:	2021-335
Applicants Name:	Graincorp Operations Ltd
Date Application Received:	20 August 2021
Statutory Days:	73
Land/Address:	109 Mary Street DOOKIE VIC 3646
Zoning and Overlays:	Farming Zone (FZ) Public Use Zone - Transport (PUZ) Salinity Management Overlay (SMO)
Why is a permit required (include Permit Triggers):	35.07-4 Buildings and works in the FZ 44.02-2 Buildings and works in the SMO 44.02-4 Removal of Vegetation in the SMO 52.17-1 Removal of Native Vegetation
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

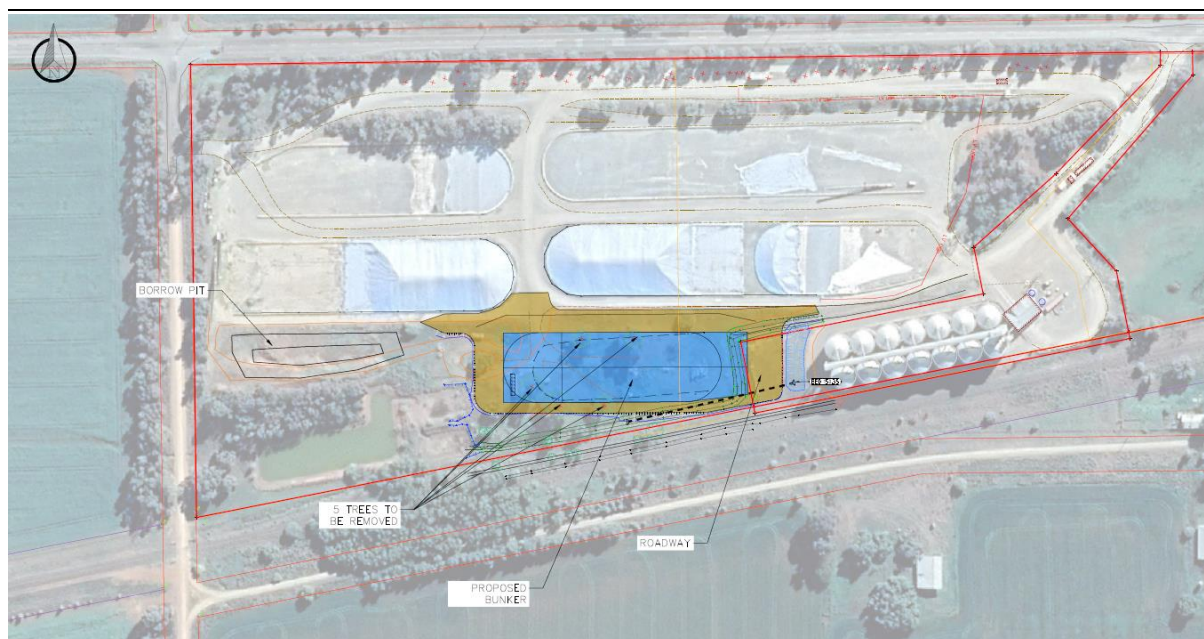
The application proposes works for an additional grain storage bunker at Graincorp's Dookie site located at 109 Mary Street.

The site currently receives wheat and canola by road throughout the harvest period. These commodities are then stored in the existing silos and bunkers and then out-loaded for various end users. The existing land use is considered to be a rural store.

The application requires a permit for buildings and works in the Farming Zone and Salinity Management Overlay. The application also requires a permit for removal of native vegetation per the requirements of the Salinity Management Overlay and Clause 52.17

The new bunker will be 40 metres in width and approximately 140 metres in long, situated near the southern boundary of the site. The bunker will be bordered by an access road for heavy vehicles.

The application also proposes the removal of 5 mature Grey Box trees to facilitate the storage bunker expansion.



---

## Summary of Key Issues

- Whether the proposal is consistent with the purposes of Farming Zone
- Whether the proposal meets the objectives of Salinity Management Overlay.
- Whether the proposal meets the objectives of Clause 52.17 Native Vegetation.
- Whether the proposal meets the relevant objectives of State and Local Planning Policies.
- Whether the proposal will result in any unacceptable offsite amenity impacts on adjoining or nearby properties such as dust, noise and odour.
- Whether the proposal will achieve an acceptable planning outcome.

---

## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2021-335 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 35.07-4, 44.02-2, 44.02-4 and 52.17-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 109 Mary Street DOOKIE VIC 3646, for the Buildings and works for a grain bunker and removal of five (5) native trees in the Farming Zone and Salinity Management Overlay 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. 2021-335 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 35.07-4, 44.02-2, 44.02-4 and 52.17-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 109 Mary Street DOOKIE VIC 3646, for the Buildings and works for a grain bunker and removal of five (5) native trees in the Farming Zone and Salinity Management Overlay in accordance with the Notice of Decision and the endorsed plans.

**MOTION: Geraldine Christou**

**SECONDED: Joel Ingham**

**CARRIED:**

---

## **Subject Site & Locality**

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

Date: **12/10/2021**                      Time: **2:00** pm

The site has a total area of **109,000** square metres and currently contains:

- Four in ground grain bunkers
- 14 large silos
- Site office
- Assorted infrastructure related to the use of the site for grain storage

The main site/locality characteristics are:

- Surrounding land predominantly within the Farming Zone with a mixture of cropping and grazing properties, rural lifestyle lots and dwellings on old small allotments.
- Land to the south-east in the Township Zone, generally low density residential development in this area

The Photos below show the existing site:



---

## Permit/Site History

The history of the site includes:

- 2014-146 Planning Permit issued for installation of weighbridge and new entrance to Mary Street (Category 1 road)
- 2012-399 Permit issued for new toilet block
- 2000-441/A Permit issued for four bunkers and removal of native vegetation

---

## Further Information

Was further information requested for this application? Yes – Stormwater Management Plan

What date was the further information requested?: 22/09/2021

What date was the further information received?: 29/09/2021

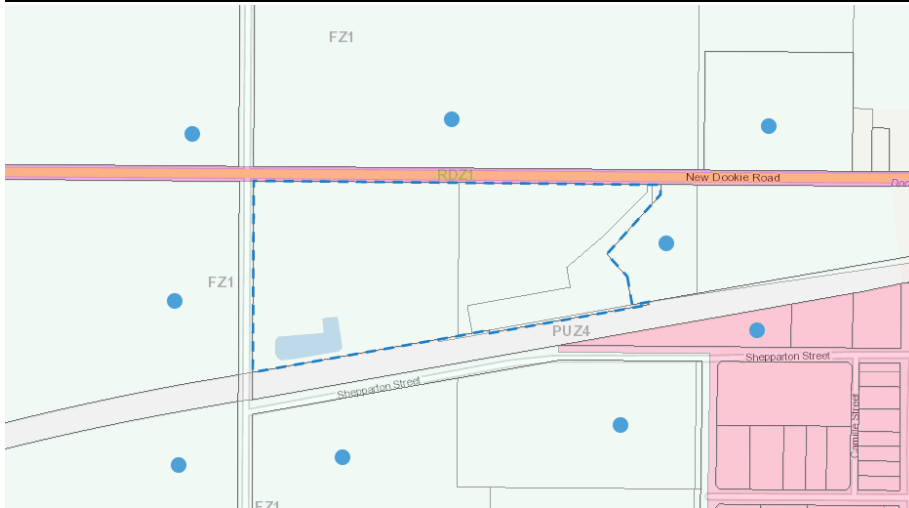
---

## Public Notification

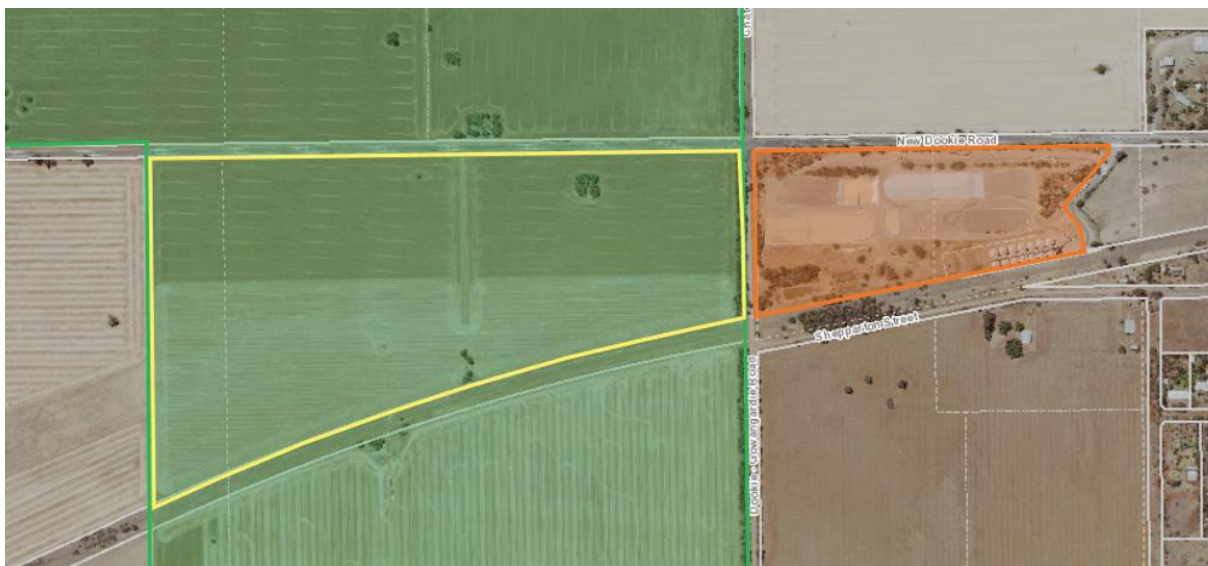
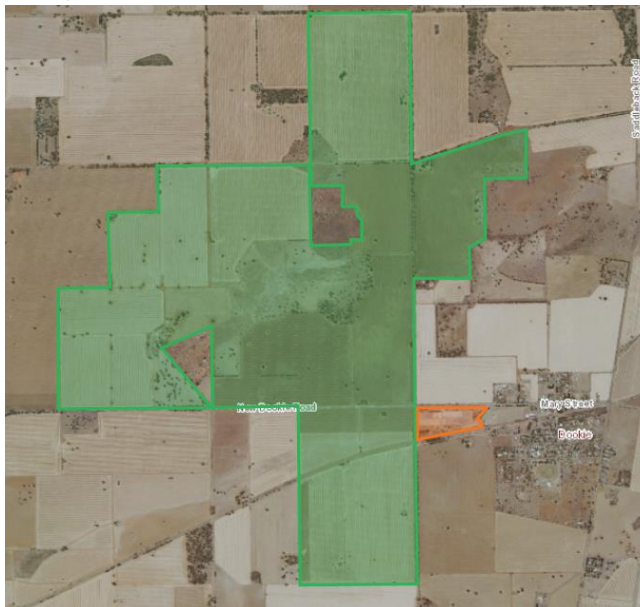
The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

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





## Objections



The Council has received 1 objection.

The objector owns the property (marked in green) to the west of the subject site (marked in orange). The objectors concerns related mostly to impacts from the subject site on the paddock area outlined in yellow. The key issues that were raised in the objections are:

<b>Reason for objection</b>	<b>Planning Response</b>
Stormwater impacts	<p>The objectors raised concerns both regarding the ongoing use of the site and impacts related to the proposed bunker. The objectors have stated that the stormwater from the existing Graincorp site has caused erosion and scouring on the objectors property.</p> <p>It is acknowledged that the current use of the site has insufficient stormwater infrastructure.</p> <p>Officers noted that currently much of the stormwater from the northern portion of the site drains unimpeded directly off the site and into the road reserve on Dookie-Gowangardie Rd. The water subsequently drains into a depression that runs through the objectors site.</p> <p>On the 22/09/21 an onsite meeting was undertaken, as a result of this meeting a stormwater management plan was provided by the applicant. The stormwater management plan proposes a significant increase in the onsite detention area to accommodate stormwater runoff from the current site and the development area. The plan also includes work to divert stormwater back into the site from the road reserve on Dookie-Gowangardie Rd into the onsite detention area.</p> <p>A copy of the stormwater management plan was provided to Council's Development Engineers and also to an independent consultant for review. The Stormwater management plan was discussed with the applicant and objector at the 12/10/2021 meeting. The objector raised concerns regarding the discharge rate for the detention ponds (being 50l/s). The objector requested that all stormwater be retained on the site with no discharge and detention areas lined with plastic to prevent water seeping into the ground.</p> <p>No agreement could be achieved between the objector and the applicant regarding an appropriate discharge rate above the IDM standards.</p> <p>Council Officers note that the proposed discharge rate of 50l/s is above the requirement of the IDM; conversely, Officers do not consider it reasonable to require all stormwater to be retained onsite. As such, Officers will require a discharge rate of 1.2 (about 13 litres a second) in</p>

	<p>line with the IDM. Conditions will attach to NOD requiring submission of a drainage plan limiting discharge to 1.2l/h/s.</p> <p>It is considered that this is an appropriate discharge rate for the site and will mitigate impacts from stormwater runoff while not unreasonably restricting development of the site. It is considered that the increase of stormwater detention on the site and conditions limiting the stormwater discharge rates will result in an acceptable planning outcome for the site.</p>
Salinity impacts	<p>The objector raised concerns regarding salinity impacts in the vicinity of the site due to a decrease in permeable area on the subject site. The objectors concerns relate to levels of salinity that have been detected on their property. The objector has raised that they believe the additional runoff from the subject site and use of detention areas are affecting the local water table and influencing salinity in the vicinity.</p> <p>The Salinity Management Overlay affects the site, as such the application was sent to DELWP as a Section 55 referral. DELWP provided a written response to the referral, they did not object to the application or provide any conditions. The DELWP assessing officer was contacted for further clarification, they confirmed the SMO provisions had been considered for their referral and that the subject site was not considered to be a location of Dryland Salinity discharge via the Goulburn Broken Catchment Management Authority mapping. DELWP Officers raised no concerns regarding the application and expressed that they did not believe that the application would have any impacts on salinity in the immediate vicinity.</p> <p>Based on the above, Council Officers consider that the proposed application to have been assessed against the SMO provisions and unlikely to have any impacts on salinity.</p>

---

## Title Details

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

---

## Consultation

Consultation was undertaken. A consultation meeting between the applicant, objector and a Council Planning Officer and Council Development Engineer was held at the site on 22 September 2021.

The meeting provided an opportunity for the objectors to discuss their concerns in relation to the proposal with the applicant and relevant Council Officers.

The generation of stormwater from the existing site and potential increase of runoff related to the proposal appeared to be the main concern of the objector.

Following this meeting, the applicant provided a stormwater management plan.

A second meeting was held at the site on 12 October 2021. The applicant, objector, Council Planning Officers and Council Development Engineer were in attendance.

The meeting provided an opportunity to discuss the proposed stormwater management plan.

The objector raised concerns regarding the discharge rate (50l/s) proposed in the stormwater plan and expressed that he wanted all water detained on site, with no water to be discharged into the road culvert or allowed to absorb into the ground.

Council Officers noted that if a discharge rate above the IDM standard was to be proposed it would need to be demonstrated that there would be no significant impacts, this could be satisfied through the applicant and objector coming to an agreement about a higher rate. No agreement could be reached onsite.

Since the previous meeting, the objector had also raised salinity as significant concern. They raised concerns regarding use of detention areas for water onsite and impacts this would have on the water table/salinity in the vicinity.

## Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
DELWP	As a <i>determining</i> referral authority for the planning permit application, the Department of Environment, Land, Water and Planning does not object to a planning permit being granted. In accordance with Section 66 of the <i>Planning and Environment Act 1987</i> , please provide a copy of the permit, if one is granted, or any notice to grant or refusal to grant a permit to the above address.
Section 52 Notices	
VicRoads	It is noted gravel is being tracked onto the surface of the New Dookie Road and the applicant is responsible for the maintenance of the access and to ensure that tracking of material from the site does not result in a road safety hazard particularly for vulnerable road users such as cyclists and motorcyclist.  The Department of Transport request that the applicant introduce measures to ensure that gravel is not tracked from the subject land onto the road surface of New Dookie Road.  The Head, Transport for Victoria has considered the application and has no objection to the proposal
VicTracks	No response received

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<b>ENGINEERING CONDITIONS:</b>  <b>Drainage Discharge Plan</b> Prior to the development starts, a properly prepared drainage discharge plan (by a suitably qualified person or organisation) with computations to the satisfaction

- of the responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The information and plan must include:
- a) direction of stormwater runoff, demonstrated by contours or levels.
  - b) details of how the works on the land are to be drained and retarded generally in accordance with the concept plan prepared by Price Merrett Consulting Rev B dated 16/09/2021;
  - c) underground pipe drains conveying stormwater to the legal point of discharge;
  - d) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
  - e) Maximum discharge rate shall be limited to pre development flow of the site or to the discharge rate provided by the Responsible Authority;
  - f) the provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
  - g) the details of the incorporation of water sensitive urban design, designed in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.
  - h) No discharge/infiltration of stormwater runoff must be allowed onto adjoining properties. Measures must be taken into account to protect adjoining properties from inundation. A Geotechnical Report must be included in the detailed design.

Before the use begins and/or the building(s) is/are occupied all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority

**ACCESS REQUIREMENTS:**

Accesses to the facility including internal roads must be surfaced with an all-weather material and maintained regularly to the satisfaction of the responsible authority to prevent dust, to provide safe access, etc.

**Works on Municipal Road Reserves Permit Required**

A road opening/crossing permit must be obtained from the responsible authority prior to carrying out of any work within the road reserve.

**Construction Phase**

Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority. Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.

**No Mud on Roads**

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.

**Erosion and Sediment Control**

Appropriate steps must be taken to retain all silt and sediment on the site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.

**Generation of Dust.**

During the construction phase, the applicant shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority.

---

--	--

---

## 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

##### 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**

#### **44.02 SALINITY MANAGEMENT OVERLAY**

##### **Purpose**

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

To identify areas subject to saline ground water discharge or high ground water recharge.

To facilitate the stabilisation of areas affected by salinity.

To encourage revegetation of areas which contribute to salinity.

To encourage development to be undertaken in a manner which brings about a reduction in salinity recharge.

To ensure development is compatible with site capability and the retention of vegetation, and complies with the objectives of any salinity management plan for the area.

To prevent damage to buildings and infrastructure from saline discharge and high watertable.

##### **44.02-9 Decision guidelines**

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The potential risks and impacts of saline discharges to the environmental quality of water and groundwater.
- The Regional Landcare Plan applicable to the catchment.
- The Catchment Salinity Management Plan to the particular catchment.
- A Local Government Planning Guide for Dry Land Salinity - Department Conservation and Natural Resources, 1995.
- The need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.
- The need to augment tree planting and the establishment of deep-rooted, high water-use pasture species to reduce rainfall accessions to the watertable in high recharge areas.
- The need for planting of salt-tolerant species to stabilise and lower ground water levels in discharge areas.
- The need for stock-proof fencing of discharge and high discharge areas to enable effective stock management for site stabilisation.
- Any proposed landscaping and the need to preserve existing vegetation, particularly in high recharge and high discharge areas.
- Any land management plan, works program, or farm plan applicable to the land.
- The design, siting and servicing of the development and the extent of earthworks.

- The appropriateness of the proposed use or development having regard to the sensitivity and constraints of the land and the capability of the land to accommodate the use or development.
- Any other matters specified in a schedule to this overlay.

### **Planning Policy Framework**

**Clause 12.01-2S – Native Vegetation Management** aims to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The applicant will be required to offset in the removal of native vegetation in accordance with the relevant offset requirements.

**Clause 13.05-1S - Noise abatement** aims to assist the control of noise effects on sensitive land uses. The proposal meets the setback requirements for sensitive land uses (see Clause 53.10 assessment below). The requirement for a noise management plan will ensure the impacts of noise on nearby and adjoining land uses are kept to an acceptable level.

**Clause 13.05-1S – Land Use Capability** aims to safeguard community amenity while facilitating appropriate commercial uses with potential off-site side effects. As outlined previously in this report the location of the proposal and appropriate planning permit conditions to control amenity will ensure this is managed appropriately.

### **13.04-3S Salinity**

#### **Objective**

To minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt load in rivers.

#### **Strategies**

- Identify areas subject to salinity in the preparation of planning schemes and land use planning decisions.
- Promote vegetation retention and replanting in aquifer recharge areas contributing to groundwater salinity problems.
- Prevent inappropriate development in areas affected by groundwater salinity.

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

**Clause 21.05 – Environment** recognises the importance of retaining native vegetation. The proposal has been designed to avoid the removal of a significant path of grey box trees within a wetland depression on the land.

**Clause 21.06-1 Agriculture** notes that the regions workforce is heavily dependent on agricultural sector, as outlined previously in this report the proposed use supports the local agricultural sector and is appropriately located within the Farming Zone.

### **Relevant Particular Provisions**

#### **52.17 – Native Vegetation**

##### **Purpose**

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach



in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the *Guidelines*):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

### **52.17-4 Decision guidelines**

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

#### **The decision guidelines of Clause 65**

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

#### **65.01 Approval of an application or plan**

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

#### **Officers Response:**

The site is currently used as a rural store for agricultural produce which is closely associated with agriculture. The use is suitably located within the Farming Zone in close proximity to the township of Dookie, with good access to transport networks and with appropriate separation from residential land.

The proposed development is agricultural in nature, and is considered to support surrounding agricultural uses. The proposal will assist the sustainability of a local business

within the Dookie community, it is noted that this development will likely be the last increase in infrastructure for this site due to lot constraints.

The proposed storage bunker will be located at least 200m away from the nearest dwelling, no objections have been raised by the owner of this property. With suitable management practises in relation to dust and noise management the proposed use will not have an unacceptable impact on the amenity of adjoining and nearby land uses.

The appearance of grain storage bunkers and associated infrastructure is not an uncommon in an agricultural area.

The vehicle ingress and egress to the land will need to be maintained to ensure it does not impact on the operational efficiency of the local road infrastructure by dragging gravel or mud onto the road pavement. A condition included on any planning permit issued will address this concern.

The whole of the site is affected by the SMO, the application was referred to the relevant Authority (DELWP) who has no objections to the proposal.

Municipal Planning Strategy and the Planning Policy Framework clearly seek to support, strengthen and enhance the productive agricultural use of the region's farming land.

Whilst officers identify this needs to be balanced against the other relevant policy objectives of the Planning Scheme, it is considered that the purpose of the proposed clearing of native vegetation to facilitate the enhanced agricultural productivity of the land supports the policy objectives with respect to agriculture.

Officers have assessed the application against the decision guidelines found in the assessor's handbook. As the application is within the Intermediate Pathway, officers have considered the impacts on biodiversity based on the following values of the native vegetation to be removed:

- The proposal is to remove 5 grey box trees.
- The strategic biodiversity score for the trees is fairly low, this is due to their location as they are scattered paddock trees with no surrounding linkage to riparian or highly vegetated areas. All other vegetation on the property is within the smaller paddocks.
- The site is not within any sensitive wetlands and does not contain an Endangered Vegetation Class.

Officers consider in particular that the proposed development is appropriately located to avoid and minimise the impacts on native vegetation and that the offsets meet the offset requirements for the native vegetation to be removed and has been identified and secured in compliance with the Guidelines.

Officer's note that the site is constrained by the existing infrastructure on site, because of this only the southern portion of the site is wide enough to accommodate the bunker, and associated vehicle access

Importantly the proposal only seeks to remove the minimum amount of native vegetation required to facilitate the construction of the additional storage bunker. The applicant has identified the offset requirements for the removal of the native vegetation and will be required to secure the offset by conditions of any planning permit issued.

The relevant zone, policy, native vegetation and amenity considerations have been discussed above. There is adequate room for the parking of employee vehicles within the existing silo site. The Grain storage bunkers have been designed to allow for all loading and unloading to occur on site.

Vehicle ingress and egress to the site is adequate but must be maintained to the satisfaction of the road authority to ensure on impact on the efficiency of local roads.

A detailed stormwater management plan will be required to be provided by the applicant to ensure that the stormwater discharge from the site and that the quality of water discharged from the site meets current standards.

Based on the above assessment it is considered that the development will result in positive planning outcomes and a Planning Permit should be issued subject to conditions.

#### **Relevant incorporated or reference documents**

IDM

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

There are no 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?**

Subdivision Act, 1988

#### **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**

It is considered that a Notice of Decision should issue on the basis that:

- The proposal is consistent with the purposes and objectives of the Farming Zone
- The Department of Environment, Land, Water and Planning has assessed the application against the relevant provisions of the Salinity Management Overlay and have consented to the permit
- The proposal is consistent with the relevant Native Vegetation requirements at Clause 52.17.
- The proposal meets the relevant objectives of State and Local Planning Policies.
- The proposal will not result in any unacceptable offsite amenity impacts on adjoining or nearby properties. This can be ensured through the issue of a planning permit with the conditions on the attached Draft Notice of Decision
- Based on the above the proposal will achieve an appropriate planning outcome.

## Draft Notice Of Decision

**APPLICATION NO:** 2021-335

**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:** 109 MARY STREET DOOKIE VIC 3646

**WHAT THE PERMIT WILL ALLOW:** BUILDINGS AND WORKS FOR A GRAIN BUNKER AND REMOVAL OF FIVE (5) NATIVE TREES IN THE FARMING ZONE AND SALINITY MANAGEMENT OVERLAY

### WHAT WILL THE CONDITIONS OF THE PERMIT BE?

---

**1. Layout Not Altered**

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

**2. General Amenity**

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

- a) processes carried on the land;
- b) the transportation of materials, goods or commodities to or from the land;
- c) the appearance of any buildings, works or materials;
- d) the 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.

**3. Drainage Discharge Plan**

Prior to the development commencing, a properly prepared drainage discharge plan (by a suitably qualified person or organisation) with computations to the satisfaction of the

responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information and plan must include:

- a) direction of storm water runoff, demonstrated by contours or levels;
- b) details of how the works on the land are to be drained and retarded;
- c) maximum discharge rate shall not be more than 1.2 lit/sec/ha, unless otherwise agreed to in writing by the responsible authority;
- d) underground pipe drains conveying stormwater to the legal point of discharge;
- e) measures to enhance storm water discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- f) no effluent or polluted water of any type may be allowed to enter the Council's storm water drainage system.

Before the use of the bunker commences all works constructed or carried out must be in accordance with the endorsed drainage plans to the satisfaction of the responsible authority.

**4. Access Requirements**

Accesses to the facility including internal roads must be surfaced with an all-weather material and maintained regularly to the satisfaction of the responsible authority to prevent dust, to provide safe access, etc.

**5. Native Vegetation Offsets**

Native vegetation offsets are required to offset the removal of native vegetation (**5 large trees**) approved as part of this permit. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with *The Guidelines for the removal, destruction or lopping of native vegetation 2017* (Department of Environment, Land, Water and Planning):

The offset must:

- a) contribute gain of at least 0.060 general habitat units;
- b) be located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton City Council Municipal district; and
- c) have a **strategic biodiversity value** of at least **0.200**

**6. Native vegetation offset evidence**

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *The Guidelines for the removal, destruction or lopping of native vegetation 2017* (Department of Environment and Primary Industries).

Offset evidence can be either:

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

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

The Offset Management Plan must be in accordance with *The Guidelines for the removal, destruction or lopping of native vegetation 2017* (Department of Environment and Primary Industries) and include:

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

## **7. VicRoads Requirements**

The existing accesses must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto New Dookie Road).

## **8. Time for Starting and Completion**

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

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