

UNCONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 3/2022

HELD ON

FRIDAY 27TH MAY 2022

at 10.00AM

(Boardroom & Via Zoom)

CHAIR

Councillor Shane Sali

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 1 for 2022.

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) – **Boardroom**
- Cr Seema Abdullah - **Zoom**
- Michael MacDonagh – Team Leader Strategic Planning - Greater Shepparton City Council – **Boardroom**
- Jonathan Griffin – Team Leader Development - Greater Shepparton City Council – **Boardroom**
- Joel Ingham – Planning Co-Ordinator – Benalla Rural City Council – **Via Zoom**
- Nilesh Singh – Manager Development – Benalla Rural City Council – **Via Zoom**

OFFICERS AND OTHERS PRESENT

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

- Andrew Dainton - **Boardroom**
- Quinn Maguire – **Boardroom**

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?

Cr Shane Sali confirmed a conflict to Item 2 and removed himself from the meeting for this item.

Cr Seema Adbullah chaired the meeting for the presentation of Item 2.

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 2019-257/A – Use of land for a dog day care and training facility and buildings and works in the Industrial 1 Zone at 4 New Dookie Road, Shepparton.
2. Planning Permit application 2021-471 – Major promotion signage at 1/7910 Goulburn Valley Highway, Kialla.

3. Planning Permit application 2021-194 – Two (2) lot subdivision, Construction of Second Dwelling, Demolition/Relocation of Existing Garage, external painting of heritage dwelling and Demolition of Existing Shed at 21 Knight Street, Shepparton.
4. Planning Permit application 2021-470 – Use and Development of land in the General Residential Zone for a Rooming House and variation of access to a Road Zone Category 1 at 48 Numurkah Road, Shepparton.

LATE REPORTS

None

NEXT MEETING

To be determined

I N D E X

<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2019-257/A	4 New Dookie Road Shepparton	Use of land for a dog day care and training facility and building and works in the Industrial 1 Zone	3
2021-471	1/7910 Goulburn Valley Hwy Kialla	Major Promotional Signage	23
2021-194	21 Knight Street Shepparton	Two (2) Lot Subdivision, Construction of second Dwelling, Demolition/Relocation of Existing Garage, external painting of heritage dwelling & Demolition of Existing Shed	37
2021-470	48 Numurkah Road Shepparton	Use and development of land in the General Residential Zone for a Rooming House and variation of access to a Road Zone Category 1	94

Amended Application Details:

Responsible Officer:	Tracey Mercuri report completed by Jon Brock
Amended Permit Number:	2019-257/A
Applicants Name:	Unleashed Dog Training & Dog Daycare
Date Amendment Received:	9 November 2021
Statutory Days:	164
Land/Address:	4 New Dookie Road SHEPPARTON VIC 3630
Zoning and Overlays:	Industrial 1 Zone – Schedule 1 (INZ1) No Overlays Abuts Transport Road Zone 2 – Principal Road Network (TRZ2)
Why was the amendment required?	Use of the rear existing shed and yard for an outdoor training area Buildings and works for a sun shelter and the installation of glass sliding doors to the existing shed
Why is a permit required (include Permit Triggers):	33.01-4 Buildings and works in the Industrial 1 Zone
Are there any Restrictive Covenants on the title?	The restrictive covenant F883645 restricts further development of the land for a petrol station, motor garage or the sale of petroleum products, or oil company agency depot.
Disclosures of conflicts of interest in relation to advice provided in this report	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

Planning permit 2019-257 issued on 28 October 2019 for the use of land for a doggy day care and training facility in the Industrial 1 Zone at 4 New Dookie Road, Shepparton.

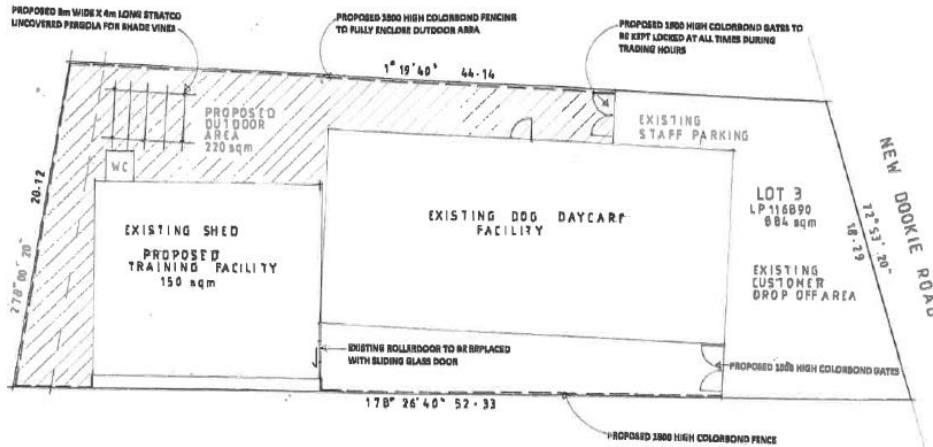
The land has no overlays on the site and abuts a Transport Road Zone 2 – Principal Road Network (TRZ2).

The applicant has applied to relocate the training area out of the day care yards to an existing shed at the rear of the property. An outdoor area will be created for the dogs to play.

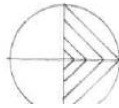
There is no change to the trading hours or number of animals cared for.

The submitted plan includes a shade shelter and proposed boundary fencing. An existing roller door is being replaced with sliding glass doors on the existing shed. Planning permission is required for the shelter and new doors under Clause 33.01-4 for buildings and works in the Industrial 1 Zone. No other changes are proposed to the existing buildings on the site.

Proposed Site Plan below:



SITE PLAN SCALE 1:200

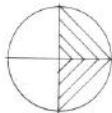


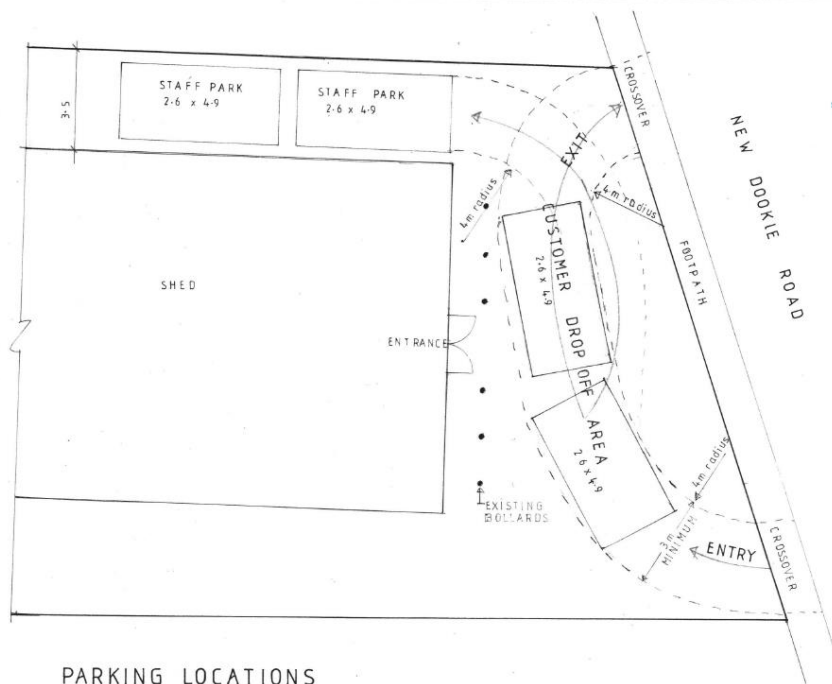
Endorsed plans below:

GREATER SHEPPARTON PLANNING SCHEME
 These endorsed plans form part of
 Planning Permit Number: 2019-257
 Sheet 1 of 3
 Planning Officer: Braydon Aitken
 Date Approved: 3/12/2019

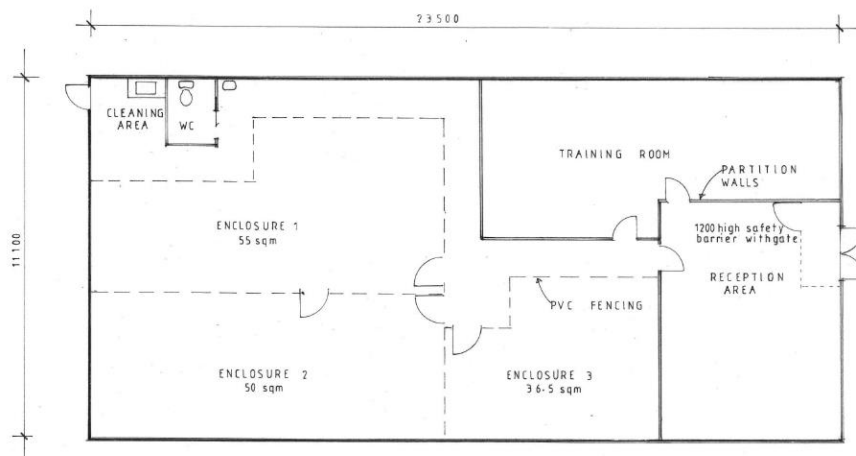


SITE PLAN SCALE 1:200





PARKING LOCATIONS



PROPOSED FLOOR PLAN

GREATER SHEPPARTON PLANNING SCHEME
These endorsed plans form part of
GREATER SHEPPARTON
Planning Permit Number: 2019-257
Sheet 3 of 3
Planning Officer: Braydon Aitken
Date Approved: 3/12/2019

GREATER SHEPPARTON PLANNING SCHEME
These endorsed plans form part of
GREATER SHEPPARTON
Planning Permit Number: 2019-257
Sheet 2 of 3
Planning Officer: Braydon Aitken
Date Approved: 3/12/2019

Summary of Key Issues

- The application was advertised and three (3) objections have been received.
- Key issues raised in objections centred on the proposed fencing along the boundary between 4 and 6 New Dookie Road and associated access issues along with concerns about dog noise, odour and hair.
- In response to objections the following comments are made:
 - The use exists and will not alter.

-
- Council’s Environmental Health Officers previously had no objection to the original application and did not place any conditions on the permit.
 - There is no change to the trading hours or number of animals cared for.
 - The fence between 4 and 6 New Dookie Road does not require planning approval and will only extend to the front of the existing building at #4.
 - The skip bin is required by tenants of #6 and will need to be relocated by the tenants to a more suitable location as it is currently encroaching onto #4.
 - There is no change to the customer drop off area at the frontage which is approved and the proposed amendment will not increase or expand operations, therefore it is expected vehicle numbers will not alter.
 - A general amenity should be included in the permit given outside activities, objector concerns and proximity to residentially zoned land.
- There are no policy implications.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Amended Planning Application No. **2019-257/A** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **33.01-1 and 33.01-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **4 New Dookie Road SHEPPARTON VIC 3630**, for the **use of land for a dog day care and training facility and associated buildings and works in the Industrial 1 Zone** 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 Amended Planning Application No. **2019-257/A** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **33.01-1 and 33.01-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **4 New Dookie Road SHEPPARTON VIC 3630**, for the **use of land for a dog day care and training facility and associated buildings and works in the Industrial 1 Zone** in accordance with the Notice of Decision and the endorsed plans.

Moved: Nilesh Singh

Second: Michael MacDonagh

Carried

Subject Site & Locality

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

Date: 15 December 2021, 24 January 2022 & 5 May 2022
9.20am and 1.45pm respectively

Time: 12.50pm,

The site has a total area of 896 square metres and currently contains:

- An existing dog day care and training centre within an existing building at the front of the site.
- A separate building is at the rear of the site.
- Access to the site is from New Dookie Road.
- Staff parking is provided on the west side of the building.
- A gravel customer car park drop off area is at the frontage of the site.

The main site/locality characteristics are:

- The site forms part of an industrial estate along the south side of New Dookie Road that comprises a mix of uses.
- An automotive spare parts business adjoins to the east. Further west on the opposite side of Hawdon Street is residential dwellings.
- Painting business adjoins to the west and further west is industrial uses.
- New Dookie Road, a principal road comprising multiple lanes adjoins the site frontage. On the opposite side of New Dookie Road is car parking.
- To the south the site adjoins a single storey block of 7 units, which is also within the INZ1. Further south the land is zoned General Residential and developed primarily with single storey dwellings.

The Photos below show the existing site:



Subject site



Roller door on rear building associated with the dog training and day care business to be changed to glass doors



Proposed boundary fence to be constructed where the skip bin is located



Area currently utilised for parking and a driveway to access rear shedding at 6 New Dookie Road



Rear of 6 New Dookie Road



2 New Dookie Road (corner of Hawdon and New Dookie Road) - automotive spare parts business



View looking east down New Dookie Road



Unit development in Hawdon Street

Permit/Site History

The history of the site includes:

- 2004-514 Change of use
- 2014-295 Change of use to a restricted recreation facility
- 2019-257 Use of land for a dog day care and training facility in the Industrial 1 Zone – permit issued - see below.

[Planning Permit 2019-257, issued on 28/10/2019 by Braydon Aitken \(Greater Shepparton City Council\).](#)
Page 1 of 2

PLANNING PERMIT

PERMIT NO: 2019-257
PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL
ADDRESS OF THE LAND: 4 New Dookie Road SHEPPARTON VIC 3630
THE PERMIT ALLOWS: Use of land for a dog day care and training facility in the Industrial 1 Zone in accordance with the endorsed Plans forming part of this Permit.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. **Amended Plans Required**

Before the use 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 must be provided. Such plans must be generally in accordance with the plan submitted with the application but modified to show:

- a) Staff parking location.
- b) How cars enter and exit within the Title boundary.
- c) The location of the customer drop off area.

2. **Layout Not Altered**

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

3. **Hours of Operation**

The dog day care and training facility must only operate between the hours of:-

Monday – Friday 7:45am – 7:30pm
Saturday – Sunday 9:30am – 11:30am

Unless otherwise agreed to in writing to the satisfaction of the responsible authority.

[Planning Permit 2019-257, issued on 28/10/2019 by Braydon Aitken \(Greater Shepparton City Council\).](#)
Page 2 of 2

4. **Time for Starting and Completion**

This permit will expire if the following circumstances apply:

- a) the use has not started within **two (2) years** of the date of this permit;

Further Information

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

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.

The applicant provided a signed declaration stating that the sign on site was displayed on the land between 7 – 20 December 2021.

Photo taken of sign displayed on 15 December 2021.



The application for buildings and works in the Industrial 1 Zone was exempt under Clause 33.01-4.

Objections

The Council has received **3** objections to date. The key issues that were raised in the objections are.

- Oppose installation of 1.8m high fence along the boundary between 4 and 6 New Dookie Road for the following reasons:
- Insufficient access to factory and roller doors.
- No access to empty skip bins.
- Impact on paint deliveries.
- Access and security difficulties between shared driveway of 4 and 6 New Dookie Road caused by new 1800mm high fence.

-
- Loss of forklift access to adjoining property and unable to move cars in and out of shed.
 - Fire hazard as fire truck cannot access back factories.
 - Noise from barking dogs.
 - Loose dog hair blowing around properties.
 - Dog odour will increase.
 - Disposal of dog excrement.

Title Details

The title contains a restrictive covenant. The application does not breach the restrictive covenant for the following reasons:

- The restrictive covenant F883645 restricts further development of the land for a petrol station, motor garage or the sale of petroleum products, or oil company agency depot. As the application proposes the use for a dog day care and training facility, officers do not consider that the proposal breaches the restrictive covenant.

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- 24 January 2022 – meeting onsite with Council officer and objectors – the objectors will withdraw their application if the boundary fence does not proceed.
- 24 January 2022 – follow up phone call to applicant re meeting with objectors
- 25 January 2022 – amended plan emailed to applicant with variance to boundary fence
- 27 January 2022 – amended plan rejected by the applicant
- 3 February 2022 – update to objectors

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	No Section 55 Referrals Required
Section 52 Notices	No Section 52 Notices Required

Internal Council Notices	Advice/Response/Conditions
No Internal Council Notices Required	-

Assessment

The zoning of the land
33.01 Industrial 1 Zone
Purpose

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

Clause 33.01-1 Table of uses

A permit is not required to use land for a dog day care and training as the use has already been lawfully established and no change in use is proposed under the existing planning permit.

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

Clause 33.01-4 Buildings and works

A permit is required to construct a building or construct and carry out works.

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

OFFICER COMMENTS – INZ1

- Refer to later sections with respect to policy considerations.
- In terms of use there is no change to the current operations as an existing approved Planning Permit 2019-257 allows for *“Use of land for a dog day care and training facility in the Industrial 1 Zone in accordance with the endorsed Plans forming part of this permit”*.
- The hours of operation of the premises are controlled by conditions in the current planning permit which will be maintained.
- This current application is for buildings and works and amendment to the permit preamble and endorsed plans only.
- The proposed buildings and works are mainly at the rear of the site and along the western boundary and will not impact on the site’s car parking or access arrangements.
- Refer to discussion in earlier sections with respect to objections.

Relevant overlay provisions

There are no relevant overlays.

The Planning Policy Framework (PPF)

15.01-1L-02 Industrial urban design

Strategies

- Encourage industrial developments that incorporate high quality architectural design elements, create visual interest and incorporate landscaping and/or urban art.
- Facilitate improvements to access, parking, site layout, landscaping and building design in the municipality’s existing industrial areas.
- Discourage the use of cul-de-sac within industrial zoned land to improve lot efficiency and to limit on-street parking problems in court bowls.
- Ensure high quality design in industrial areas by requiring all future industrial development and subdivisions to comply with the requirements of the *Infrastructure Design Manual* (Local Government Infrastructure Design Association).

Policy guideline

Consider as relevant:

- Landscaping within 10 metres of the frontage of an industrial site (other than land required for car parking and access).

17.03-1L Industry

Objective

To protect the integrity and viability of existing and future industrial areas within Shepparton, Mooroopna and Tatura from competing and non-compatible land uses.

Strategies

- Consolidate existing major areas of industrial zones within the urban growth boundaries and around major transport routes and infrastructure assets.
- Encourage industrial subdivisions to provide a variety of lot sizes on all undeveloped land.
- Encourage land in undeveloped areas to be retained in large holdings until it is required for development.

- Encourage industrial uses and development to locate in GV Link freight logistic centre.
- Avoid incremental approvals and development in investigation areas until future land opportunities and constraints, land use, development opportunities, subdivisional layout and servicing for the area have been planned for.
- Facilitate light industrial uses in townships for industries associated with the storage, packing and processing of local agricultural produce or the immediate servicing needs of local communities.
- Facilitate the redevelopment of under-utilised industrial sites for more intensive forms of industrial uses to make more efficient use of existing infrastructure.

02.03 STRATEGIC DIRECTIONS

02.03-6 Economic development

Greater Shepparton services a significantly wider region than that located within the municipal boundaries and continues to experience strong economic growth. The local economy is diverse and includes agriculture, food processing, manufacturing, retail, education, health/community services, transport and warehousing.

Shepparton has developed a 'critical mass' of manufacturing-based employment that is an important component of the local economy. Owing to the presence of a number of significant national and international food processing and packaging companies, the agricultural, food processing and manufacturing sectors are all closely interlinked.

Greater Shepparton has a dispersed pattern of industrial areas with the main concentration of industrial activity occurring within the urban centres of Shepparton, Mooroopna and Tatura. The activities in these industrial areas vary from small-scale uses with a more localised focus to larger manufacturing and warehousing facilities operated by large national and international companies. The expansion of Shepparton has resulted in many of these industrial areas now being encumbered by surrounding sensitive land uses. Industrial land is a limited resource in the municipality and there is an ongoing need to ensure that existing industrial zoned lands are protected for industrial and related land uses.

In addition, there are significant challenges in accommodating material recycling facilities, eco industries and other such land uses that require extensive storage areas or buffer requirements from adjacent sensitive land uses.

The commercial and retailing centres fulfil both local shopping and discretionary shopping needs, with Shepparton CBD positioned as the principal retail centre in the region. The primary issue confronting the CBD's retail sector is competition from sub-regional centres outside the traditional retail core.

Tourism is mainly focused on shopping for locally produced and manufactured products, corporate tourism and people visiting family and friends.

Council is committed to:

- Reinforcing the Shepparton CBD as the principal retail centre in the region.
- Facilitating subregional retail facilities to serve local communities.
- Sustaining a growing and diverse industrial base, while protecting the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.
- Providing for the continued growth of the Shepparton CBD as a multi-purpose retail, business, commercial, community, entertainment and tourism centre.

OFFICER COMMENTS - MPS AND PPF

The proposed development retains an on-going facility within an established industrial area and is considered appropriate in this location.

Relevant Particular Provisions

There are no relevant particular provisions.

The decision guidelines of Clause 65

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

65.01 Approval of an application or plan

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

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

Relevant incorporated or reference documents

Nil

Other relevant adopted State policies or strategies policies

There are no other relevant adopted State policies or strategies policies.

Relevant Planning Scheme amendments

There are no Relevant Planning Scheme amendments.

Are there any significant social & economic effects?

There are no significant social & economic effects

Discuss any other relevant Acts that relate to the amended 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

Conclusion

Officers have undertaken an assessment of the application and found that the proposed buildings and works achieve acceptable planning outcomes. It is recommended that an amended permit and amended plans be endorsed.

**Draft Notice Of Decision to
Amend a Permit**

APPLICATION NO: 2019-257/A

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO AMEND A PERMIT.

THE AMENDED PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 4 NEW DOOKIE ROAD SHEPPARTON VIC 3630

PERMIT FOR WHICH AMENDMENT WAS SOUGHT: 2019-257

WHAT AMENDMENT IS BEING MADE TO THE PERMIT ?:

Use of the rear existing shed and yard for an outdoor training area.
Buildings and works for a sun shelter and the installation of glass sliding doors to the existing shed.

TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT?:

- Preamble amended to include buildings and works
 - Condition 1 deleted
 - Condition 2 renumbered Condition1.
 - Condition 3 renumbered Condition2.
 - Condition 3 General Amenity added.
 - Condition 4 amended to refer to development.
1. **Layout Not Altered**
- The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

2. Hours of Operation

The dog day care and training facility must only operate between the hours of:-
Monday – Friday 7:45am – 7:30pm
Saturday – Sunday 9:30am – 11:30am

Unless otherwise agreed to in writing to the satisfaction of the responsible authority.

3. General Amenity

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Time for Starting and Completion

This permit will expire if the following circumstances apply:

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

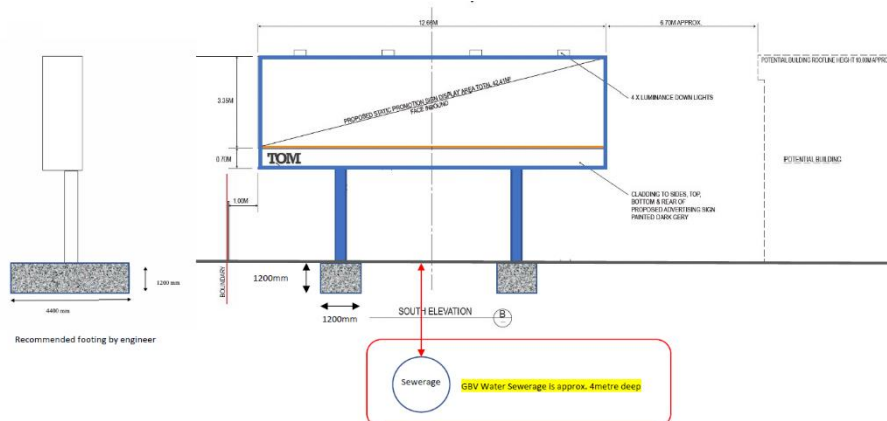
Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2021-471
Applicants Name:	Total Outdoor Media 2 Pty Ltd
Date Application Received:	25 November 2021
Statutory Days:	161
Land/Address:	1/7910 Goulburn Valley Highway KIALLA VIC 3631
Zoning and Overlays:	Commercial 2 Zone Design and Development Overlay 2 Design and Development Overlay 7 Land Subject to Inundation Overlay Airport Environs Overlay Specific Controls Overlay 3
Why is a permit required (include Permit Triggers):	Erect and display an electronic major promotion sign under 52.05-11
Are there any Restrictive Covenants on the title?	No
Disclosures of conflicts of interest in relation to advice provided in this report	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 for a major promotion sign, one side of the sign is electronic the other side is static.





TP Application: 1/7910 Goulburn Valley Highway, Kialla

Recommended footing solution to sewerage easement

The sign face or display will be 12.66m wide and 3.35m high. This sized sign is known as a 'super'. The overall height of the sign is 7.4m. The sign will be supported by two poles. The proposed sign structure is to be dual fronted and constructed in a 'back to back' presentation. The static display panel will be illuminated by external lights. The north facing electronic sign will have an electronic (digital) format.

Recommendation

Refusal to grant a Planning Permit

That the Council having caused notice of Planning Application No. 2021-471 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 provision of 52.05-11 of the Greater Shepparton Planning Scheme in respect of the land known and described as 1/7910 Goulburn Valley Highway Kialla to erect and display a major promotion sign (one face electronic, one face static – externally illuminated).

For the following reasons:

1. The Commercial 2 Zone provides wide discretion and generally encourages a wide range of signage to contribute to a vibrant and active place however this discretion is tempered by local policy. Clause 15.01 – 2L of the Greater Shepparton Planning Scheme generally encourages a high level of urban design through the city by achieving a distinctive appearance for major gateways and precincts. The proposed major promotional sign is inconsistent with the express, specific and clear policy at Clause 15.01 – 2L, which discourages major promotional signs except: In regional & sub-regional centres; When attached to a building wall; If it is less than 3 metres above the ground; If it is not internally or externally illuminated. The proposed major promotional sign meets none of these criteria.
2. Policy documents to consider as relevant under clause 15.01 – 2L include the Urban Design Framework – Shepparton North and South Business Areas (Coomes Consulting, July 2006) (**Urban Design Framework**). The proposed major

promotional sign is inconsistent with the objectives and requirements of the Urban Design Framework. Objectives of the Urban Design Framework include, specifically in regard to signage, to reduce the impact of signage on the streetscape, and minimise the visual chaos usually associated with bulky goods retailing, car sales and manufacturing business zones. The policy seeks fewer signs, and primarily for business identification, which the proposed major promotional sign is not.

3. The site of the proposed major promotion sign is within an important gateway precinct being the primary entrance to Shepparton via Goulburn Valley Highway from the south. The nature and location of the sign proposal would detract from the desired streetscape and built form character of this area. To the extent signage is provided in the area, it is mostly for business identification purposes, not major promotional signage. The physical site context also demonstrates that the Council's specific local policy at clause 15.01 – 2L and the DDO7 have been achieving their aims and accordingly those policies should be given very significant weight.
4. The proposed major promotional sign does not produce an acceptable planning outcome.

Recommendation

Refusal to grant a Planning Permit

That the Council having caused notice of Planning Application No. 2021-471 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 provision of 52.05-11 of the Greater Shepparton Planning Scheme in respect of the land known and described as 1/7910 Goulburn Valley Highway Kialla to erect and display a major promotion sign (one face electronic, one face static – externally illuminated).

Motion: Joel Ingham

Second: Jon Griffin

CARRIED

Subject Site & Locality

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

The site is rectangular in shape and has a total area of **0.422** hectares with a frontage of 42.9 metres and a depth along the southern boundary of 102.9 metres.

The main site/locality characteristics are:

- The site is presently undeveloped and is generally level without vegetation. The site is in a commercial area adjacent to the Goulburn Valley Highway.

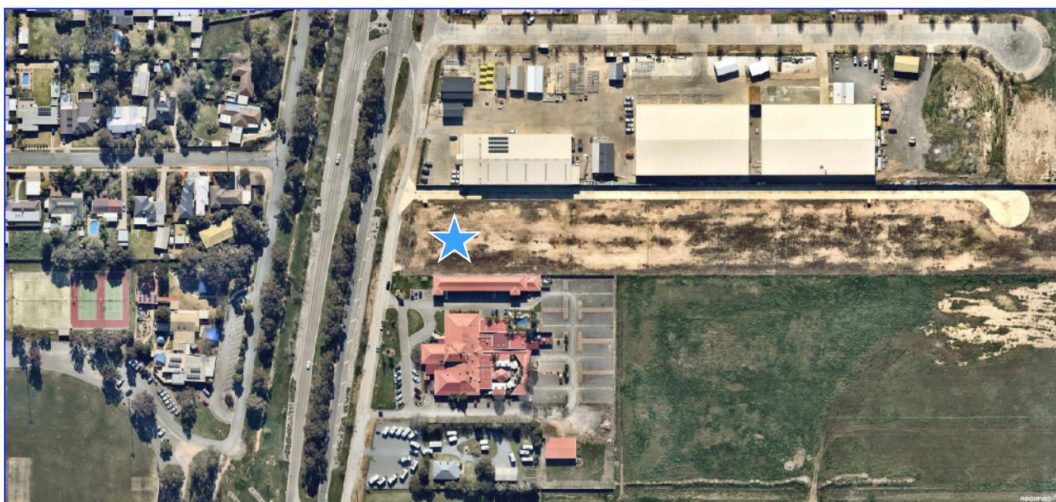
The Photos below show the existing site:



View of the GVH service road looking south towards the subject land at the Peppermill Hotel



View of the subject site.



Permit/Site History

The history of the site includes:

- No previous planning permits issued.

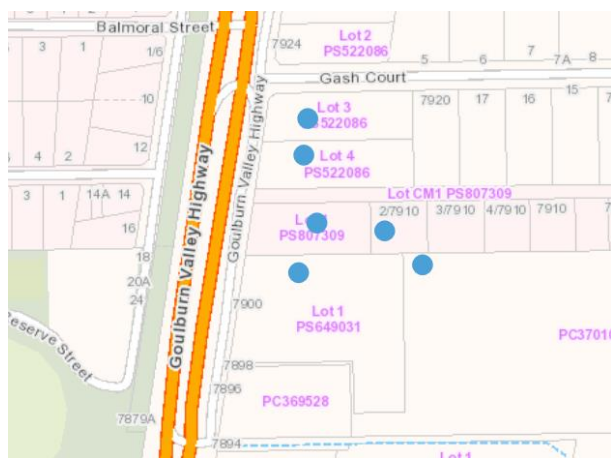
Further Information

Was further information requested for this application? No

Public Notification

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

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



Objections

The Council has received no objections to date.

Title Details

The title does not contain a Restrictive Covenant.

The title contains a Section 173 Agreement (**AS144317M**). The terms of the agreement are below:

Terms of the Agreement

2. The Owner agrees and acknowledges that:

Prepared 11 December 2018

Page 2 of 5

Printed by LANDATA/All, Wednesday 28/11/2021 10:27 Page 4 of 7

AS144317M

Section 173 Agreement Greater Shepparton City Council and Steelbarr Joint Ventures Pty Ltd

Aerodrome Requirements

- (a) buildings erected on the Land must be constructed and maintained with non-reflective materials;
- (b) the use of nearby air space by aircraft landing and taking off from the Shepparton Aerodrome as a result of current and future use and development of the Aerodrome, will create noise which could cause disturbance and may be visually intrusive to occupiers of the Land;
- (c) no trees, buildings, equipment or structures, either permanent or temporary, may be constructed, or in the case of trees allowed to grow on the Land, to a height which breaches the Shepparton Aerodrome Obstacle Limitations Surface, and any existing trees which do so must be removed. The maximum obstacle heights for each allotment are as follows:

LOT	MAXIMUM OBSTACLE HEIGHT (METRES AHD)
1	122.1
2	120.4
3	120.5
4	120.7
5	122.9
6	122.0
7	123.4
8	131.0
9	142.0

The obstacle heights quoted for each Lot may vary upwards, dependant on the location of the proposed structures on a Lot, if agreed to in writing by the Council.

- (d) all external lighting on the Land, including public and private lighting, must be designed, installed and maintained so that it complies with the requirements of the Civil Aviation Regulations, the Civil Aviation Safety Authority Manual of Standards Part 139, and the National Airports Safeguarding Framework (Guideline E) – "Managing the risk of distractions to pilots from lighting in the vicinity of airports";
- (e) all buildings on the Land are to be constructed to incorporate the requirements of AS2021-2000 Acoustics – Aircraft Noise Intrusion – Building, Siting and Construction;
- (f) in addition to the requirements of sub paragraph (c) of this condition, any proposal to build, erect, install or plant on the Land any item, temporary or permanent, in excess of 10 metres in height is to be referred to the Aerodrome Advisory Committee for consideration;
- (g) no activities are to be undertaken on the Land that will result in adverse impact on visual and instrument approach and departures of aircraft, and general use of the Shepparton Aerodrome;

- (h) an occupier of the Land must not install or use any device that may cause electrical or radio interference with aviation navigation aids;
- (i) emissions from any structures on the Land must not exceed an upward vertical velocity of 4.3m/second at the position of discharge;
- (j) site lighting must not rise above 3 degrees from a horizontal position, and preferably the horizontal; and
- (k) landscaping on the Land is to incorporate plants that do not attract birds.

Landscape Buffer

- (l) the 3 metre landscape buffer situated on the eastern boundary of Lot 9, as shown in the Landscape Plan endorsed as part of the Permit, must be retained by the owner/occupier of Lot 9 in perpetuity, with any dead or removed vegetation to be replaced, to the satisfaction of the Council.

Consultation

Consultation was not undertaken.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
DoT	66.03	Determining	DoT consented to the application subject to conditions.

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVW	GVW consented to the proposed sign structure over their easement.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Consented without requiring any conditions.

Assessment

Officers consider that the proposed major promotion sign does not achieve acceptable planning outcomes against the decision guidelines at clauses 34.02-7, Schedule 4.0 of DDO7, 52.05-8, 65 and the Urban Design Framework – Shepparton North & South Business Areas 2006.

The zoning of the land

Commercial 2 Zone (**C2Z**).

34.02 Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

34.02-7 Decision guidelines

General

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

Building 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 verandas, 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 landscaping of land adjoining a road.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- Any natural or cultural values on or nearby the land.
- Outdoor storage, lighting, and stormwater discharge.
- The design of buildings to provide for solar access.

34.02-8 Signs

Sign requirements are at Clause 52.05. This zone is in Category 1.

The Commercial 2 Zone provides wide discretion and generally encourages a wide range of signage to contribute to a vibrant and active place however this discretion is tempered by local policy. This is subject to policy considerations within the Planning Scheme.

Relevant overlay provisions

Design and Development Overlay (DDO) and Schedule 7– Kialla Park Boulevard Precinct (DDO7).

Schedule 1.0 Design objectives

- To create a vibrant and active commercial and business precinct based around large buildings for bulky goods retailing, manufacturing and associated business services within a well-landscaped boulevard setting.
- To encourage high quality built form that strengthens and enhances the existing 'big box' commercial character of the area, including the provision of front setbacks that can accommodate high quality landscape treatments and the display of goods.
- To ensure landscape treatments and signage support and enhance the Goulburn Valley Highway as a key gateway to Shepparton, complement the existing Kialla Lakes Drive and Goulburn Valley Highway landscapes, and reinforce landscaped street edges.
- To ensure new development provides clearly defined, legible and attractive gateways to residential areas, particularly at Kialla Lakes Drive, and an appropriate built form and landscape interface between commercial and residential areas.
- To implement the design and development guidelines for the Kialla Park Boulevard along the Goulburn Valley Highway and Kialla Lakes Drive in accordance with the *Urban Design Framework – Shepparton North & South Business Areas 2006* and the *Addendum to the Urban Design Framework – Shepparton North & South Business Areas 2017*.

Schedule 4.0 Signs

Sign requirements are at Clause 52.05. All land located within the Kialla Park Boulevard Precinct is in Category 1 – Commercial Areas.

In addition to the relevant requirements at Clause 52.05, an application for signage should meet the following requirements, to the satisfaction of the responsible authority:

- One business identification sign is permitted per development.
- Multiple business occupancies are to share space on the sign.
- Freestanding business identification signs are to fit in an envelope that is a maximum height of 2 metres, and a maximum width of 1.5 metres. This envelope includes the height of any supporting structure.
- Signs attached to a building are encouraged and should be a maximum height of 1 metre, and a maximum width of 3 metres. Exemptions may be made for signs composed of individual letters that form an integral part of the building façade.
- Panel, Promotion and Major Promotion signs should be avoided.
- Above veranda signs including V-board signs and advertising elements such as banners, flags and inflatable should be avoided.
- Internally illuminated signs should be located below the main roofline and integrated into the building form/facade.
- Where floodlit signs are proposed, consideration should be given to the impact of glare, light spill and shadow cast.
- Signs that are electronic, animated, contain moving parts or have flashing elements are not encouraged.
- Colours, materials, animation and illumination that interfere with the safety or efficiency of traffic circulation, safety or function of the GVH as a major thoroughfare and Road Zone, Category 1 (RDZ1) must be avoided.
- The design of new buildings should take into account the likely need for signage by future occupants, and incorporate sign panels that meet these guidelines. Refer to Clause 52.05 of the Shepparton Planning Scheme for general requirements relating to signage.

Schedule 6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal provides for a vibrant and active commercial development that reinforce the character of the area with consistent front setbacks for the display of goods in a well landscaped boulevard setting.
- Whether the height of a proposed building accords with the scale of the local environment and the type of surrounding buildings.
- The effect of the development of proposed buildings on the amenity of abutting buildings.
- Whether the proposed landscape treatment contributes to the character of Kialla Lakes Drive or the Goulburn Valley Highway landscape gateways.
- Whether the design, siting and appearance of buildings improves visual presentation of the frontages at the town entrance.
- The architectural quality and innovative response of the building design.

- Whether building setbacks provided along Kialla Lakes Drive or Goulburn Valley Highway demonstrate appropriate consideration of the streetscape and the residential interface.
- Whether the layout allows for safe access and egress from the site.
- The location of any proposed car parking.
- The inclusion of design elements which protect the amenity of abutting residents.
- Whether the development provides for a robust, suitably scaled landscape treatment that integrates the built form, provides an appropriate scale, reduces its visual impact and provides a suitable interface between the commercial and the residential areas.
- Whether the development provides landscape treatment that visually integrates the commercial areas and contributes to a pleasing streetscape, while also partially screening the buildings when viewed from the road.
- Whether the proposed development contributes to the significance of the Sub-Regional Centre providing specialty services to surrounding residential and business areas.
- Whether the proposed development on land abutting a residential zone complies with the overlooking and overshadowing provisions set out at Clause 54 or Clause 55, as appropriate.
- Whether the design considered energy and resource efficient and sustainable design principles.
- Whether the proposal is in accordance with the design and development guidelines set out in the *Urban Design Framework - Shepparton North & South Business Areas*, July 2006 and the *Addendum to the Urban Design Framework* (Planisphere, 2017).
- Whether the proposal complies with the provisions of DDO2 of this planning scheme to the satisfaction of the responsible authority.

The above zoning and overlay decision guidelines do not provide support for the proposed major promotion sign on the following bases:

- The sign would be contrary to the purposes of the relevant zone as it would not implement the planning policy framework (see below);
- The sign does not provide an appropriate scale nor reduce visual impact and is not suitable within the interface between the commercial and residential zones;
- The sign would not enhance Goulburn Valley Highway landscapes nor boulevard settings;
- The sign is not for business identification; and
- Signs that are electronic, animated, contain moving parts or have flashing elements are not encouraged.

Planning Policy Framework (PPF)

The proposed major promotion sign would be contrary to the policy framework.

Clause 11 (Settlement) seeks to ensure all new development responds to ‘the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure’. Further, ‘Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.’

Clause 13.07-1S (Land Use Compatibility) seeks to ‘safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects’. In addition, this Clause aims to ‘ensure the compatibility of a use or development as

appropriate to the land use functions and character of the area by using a range of building design, urban design, operational and land use separation measures’.

Clause 15 (Built Environment and Heritage) seeks to ‘ensure all land use and development appropriately responds to its surrounding landscape and character, values built form and cultural context.’

Clause 15.01-2S (Building Design) seeks to (amongst other things) reduce the ‘detrimental impact of development on neighbouring properties, the public realm and the natural environment.’

Clause 17 (Economic Development) seeks to ensure that ‘planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential’.

Clause 15.01-2L (Signage) seeks to ‘manage the number, appearance, size, illumination and location of signs.’ Specifically, this Clause actively discourages major promotional signage through the following strategies:

- Encourage fewer signs on a host site or building, displaying a simple clear message.
- Encourage signs to be primarily for business identification, providing basic identification information of the business.
- Discourage sky signs, high wall signs, projecting off-wall signs on upper facades and signs that project above parapets, wall, verandas, roof lines or building fascias.
- Discourage ‘V’ board signs.
- Discourage internally illuminated promotional signs.

Further, this Clause aims at Discouraging major promotional signs except:

- In regional & sub-regional centres.
- When attached to a building wall.
- If it is less than 3 metres above the ground.
- If it is not internally or externally illuminated.

The PPF makes clear reference to preservation of amenity, reducing detrimental impacts and the appropriateness of development. The proposed major promotion sign would by design be large and prominent and sit 3.35 metres high.

The sign does not appropriately respond to its surrounding landscape with the site located immediately adjacent to the Peppermill Hotel and the General Residential Zone across the highway.

The proposal would also contribute to excessive visual clutter and disorder, particularly as the proposed sign is to be electronic and externally illuminated and would stand in isolation on the vacant site.

Clause 15.01 – 2L of the Greater Shepparton Planning Scheme generally encourages a high level of urban design through the city by achieving a distinctive appearance for major gateways and precincts. The proposed major promotional sign is inconsistent with the express, specific and clear policy at Clause 15.01 – 2L, which discourages major

promotional signs except: In regional & sub-regional centres; When attached to a building wall; If it is less than 3 metres above the ground; If it is not internally or externally illuminated. The proposed major promotional sign meets none of these criteria.

Relevant Particular Provisions

Clause 52.05 (Signs) provides guidance on the regulation of signage. The purposes of the Clause include:

- 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.

Clause 52.05-8 outlines decision guidelines for signage and includes the following considerations:

- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The consistency with any identifiable outdoor advertising theme in the area.
- The potential to impede views to existing signs.
- The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
- The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
- The extent to which associated structures integrate with the sign.
- The impact of illumination on the amenity of nearby residents and the amenity of the area.
- The need for identification and the opportunities for adequate identification on the site or locality.

There are no major promotion signs in the immediate area of the same character as the proposal. The proposed sign would dominate existing signage at neighbouring properties and stand in isolation on the vacant site. There is no need for identification at the site as the land is vacant.

Clause 52.05-8 also outlines specific decision guidelines for major promotion signs and includes the following considerations:

- Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.
- Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.

While the site is located in a commercial area the electronic and illuminated sign would not complement or enhance the character of the area. Rather, the major promotion sign would form a dominant visual element that is illuminated externally and non-static on one face. The sign would be visible from adjacent residential areas across the highway and neighbouring accommodation.

Clause 52.05 considerations do not provide support for the proposed major promotional sign.

The decision guidelines of Clause 65

In applying Clause 65 of the Planning Scheme no considerations provide clear support for the major promotional sign.

Relevant incorporated or reference documents

The subject site falls within the Kialla Park Boulevard precinct referenced in the Urban Design Framework – Shepparton North and South Business Areas document (UDF). The UDF outlines a vision as follows:

- Developments should provide front landscapes that complement the existing Goulburn Valley Highway landscape, and reinforce the landscaped street edges.
- A suitable interface between the commercial and the residential areas. Developments should provide landscape treatment that would visually integrate the commercial areas and contribute to a pleasing streetscape. This would also help in partially screening the buildings when viewed from the highway. A landscaped rear setback should be provided to reduce the visual impact of large buildings on the adjoining residential neighbourhoods.

The UDF also recognised that ‘eclectic built forms and some extravagant colours and treatments detract from the streetscape viewed along the highway.’

A major promotion sign that is electronic and illuminated externally would not complement the existing Goulburn Valley Highway landscape and is contrary to the creation of a suitable interface between the commercial and the residential areas. The required viewline for a major promotion sign is also incompatible with the enhanced landscape street edges contemplated by the UDF.

Other relevant adopted State policies or strategies policies

No further adopted State policies or strategies policies are relevant to the application.

Relevant Planning Scheme amendments

No Planning Scheme amendments are relevant to the application.

Are there any significant social & economic effects?

There are no significant social or economic effects relevant to the application.

Discuss any other relevant Acts that relate to the application?

No further Acts are relevant to the application.

Conclusion

Officers consider that the proposed major promotion sign fails to achieve acceptable planning outcomes, no permit should issue.

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO:	2021-471
PLANNING SCHEME:	GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY:	GREATER SHEPPARTON CITY COUNCIL
ADDRESS OF THE LAND:	1/7910 Goulburn Valley Highway KIALLA VIC 3631
WHAT HAS BEEN REFUSED:	Erect and display a major promotion sign (one face electronic, one face static - externally illuminated)

WHAT ARE THE REASONS FOR THE REFUSAL?

1. The Commercial 2 Zone provides wide discretion and generally encourages a wide range of signage to contribute to a vibrant and active place however this discretion is tempered by local policy. Clause 15.01 – 2L of the Greater Shepparton Planning Scheme generally encourages a high level of urban design through the city by achieving a distinctive appearance for major gateways and precincts. The proposed major promotional sign is inconsistent with the express, specific and clear policy at Clause 15.01 – 2L, which discourages major promotional signs except: In regional & sub-regional centres; When attached to a building wall; If it is less than 3 metres above the ground; If it is not internally or externally illuminated. The proposed major promotional sign meets none of these criteria.
2. Policy documents to consider as relevant under clause 15.01 – 2L include the Urban Design Framework – Shepparton North and South Business Areas (Coomes Consulting, July 2006) (**Urban Design Framework**). The proposed major promotional sign is inconsistent with the objectives and requirements of the Urban Design Framework. Objectives of the Urban Design Framework include, specifically in regard to signage, to reduce the impact of signage on the streetscape, and minimise the visual chaos usually associated with bulky goods retailing, car sales and manufacturing business zones. The policy seeks fewer signs, and primarily for business identification, which the proposed major promotional sign is not.
3. The site of the proposed major promotion sign is within an important gateway precinct being the primary entrance to Shepparton via Goulburn Valley Highway from the south. The nature and location of the sign proposal would detract from the desired streetscape and built form character of this area. To the extent signage is provided in the area, it is mostly for business identification purposes, not major promotional signage. The physical site context also demonstrates that the Council's specific local policy at clause 15.01 – 2L and the DDO7 have been achieving their aims and accordingly those policies should be given very significant weight.
4. The proposed major promotional sign does not produce an acceptable planning outcome.

Application Details:

Responsible Officer:	Quinn Maguire
Application Number:	2021-194
Applicants Name:	Chris Smith & Associates P/L
Date Application Received:	25 May 2021
Statutory Days:	113
Land/Address:	21 Knight Street SHEPPARTON VIC 3630
Zoning and Overlays:	Residential Growth Zone – Schedule 1 (RGZ1) Bushfire Management Overlay – Schedule 1 (BMO1) Heritage Overlay (HO183) Land Subject to Inundation Overlay (LSIO) Designated Bushfire Prone Area
Why is a permit required (include Permit Triggers):	32.07-3 – Subdivision in the RGZ 32.07-5 – Two dwellings on a lot in the RGZ 43.01-1 – Subdivision and buildings and works in the HO 43.01-1 – Demolition of building in the HO 44.04-2 – Buildings and works in the LSIO 44.04-3 – Subdivision in the LSIO 44.06-2 – Subdivision in the BMO
Are there any Restrictive Covenants on the title?	None shown on title
Disclosures of conflicts of interest in relation to advice provided in this report	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 proposal involves a two lot subdivision and construction of a two-storey second dwelling. The area of lot 1 (existing dwelling) will be 467 sqm whilst for proposed lot 2 it will be 183 sqm. The proposed dwelling on Lot 2 will comprise 2 bedrooms and ensuites at first floor level with meals, dining, kitchen, laundry and single garage at ground level.

The proposal also includes the demolition and relocation of the existing garage that is located to the south-west of the existing dwelling. This garage has been constructed in recent times and will be demolished and a replacement garage constructed behind the façade of the existing dwelling.

In conjunction with the demolition of the garage, the proposal also seeks to strip the paint to expose the original brick walls of the front façade of the existing dwelling.

An existing shed on proposed lot 2 will also be demolished at the rear of the site. An existing street tree will also need to be removed to create access for proposed Lot 2.

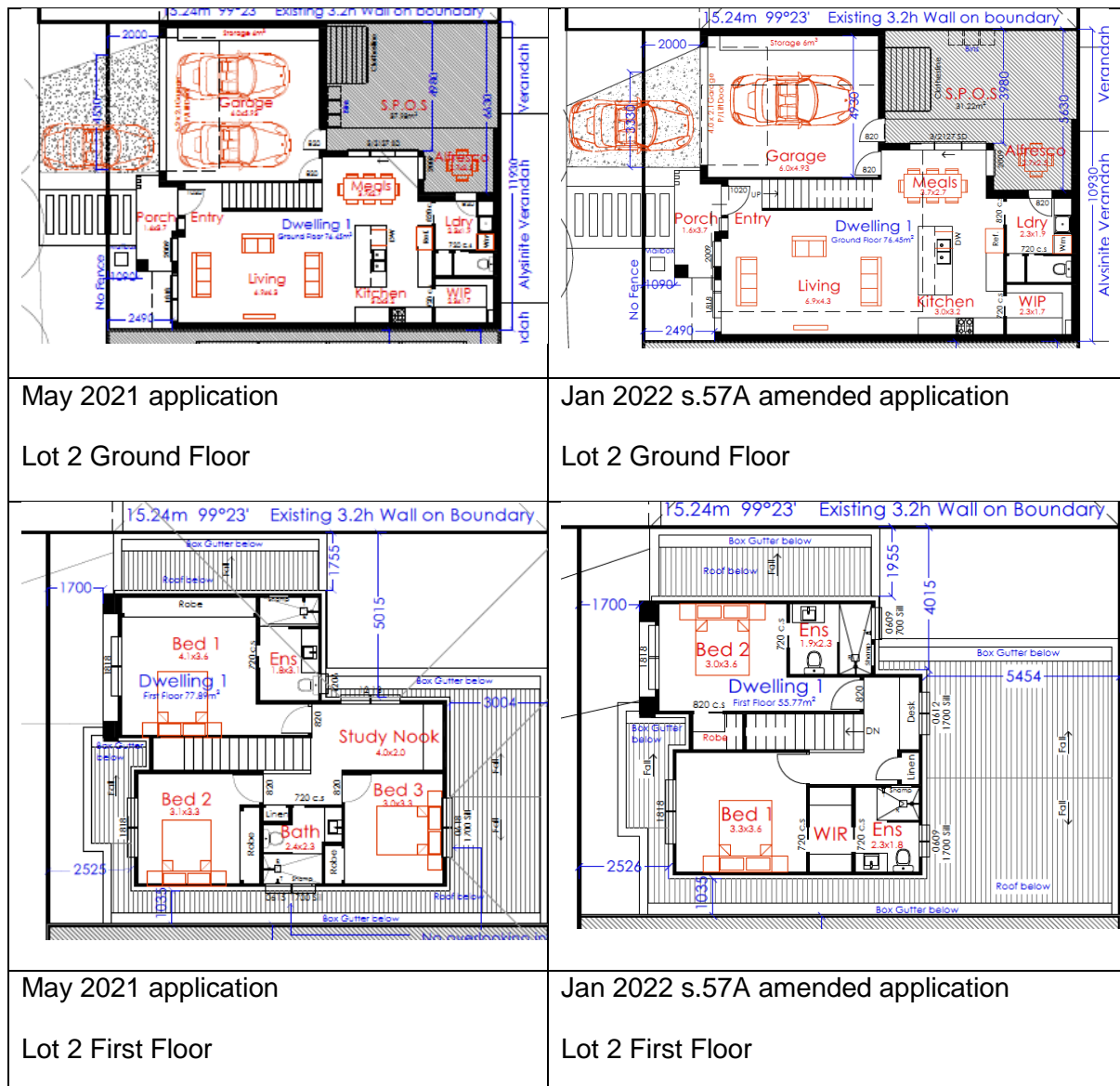
The site has two frontages. Lot 1 will retain access to Knight Street while proposed lot 2 will have frontage and access to Woodburn Place.

The development requires a permit under the provisions of the RGZ, BMO, HO and LSIO.

It is noted that the original application lodged in May 2021 has been amended in January 2022 pursuant to s.57A of the Act following original public notice of the application. The amended application was subsequently re-advertised (refer to later sections).

The amended application was lodged to address Council's initial concerns with respect to ResCode and heritage considerations. As a result, the proposed second dwelling been amended by deleting a bedroom on the first floor reducing the dwelling from three (3) bedrooms to two (2) bedrooms. The original double garage has also been reduced to a single garage to comply with Planning Scheme requirements contained in Clause 52.06.

An extract of the initial application plan and the amended plan for both ground and first floor levels for proposed lot 2 is shown below.

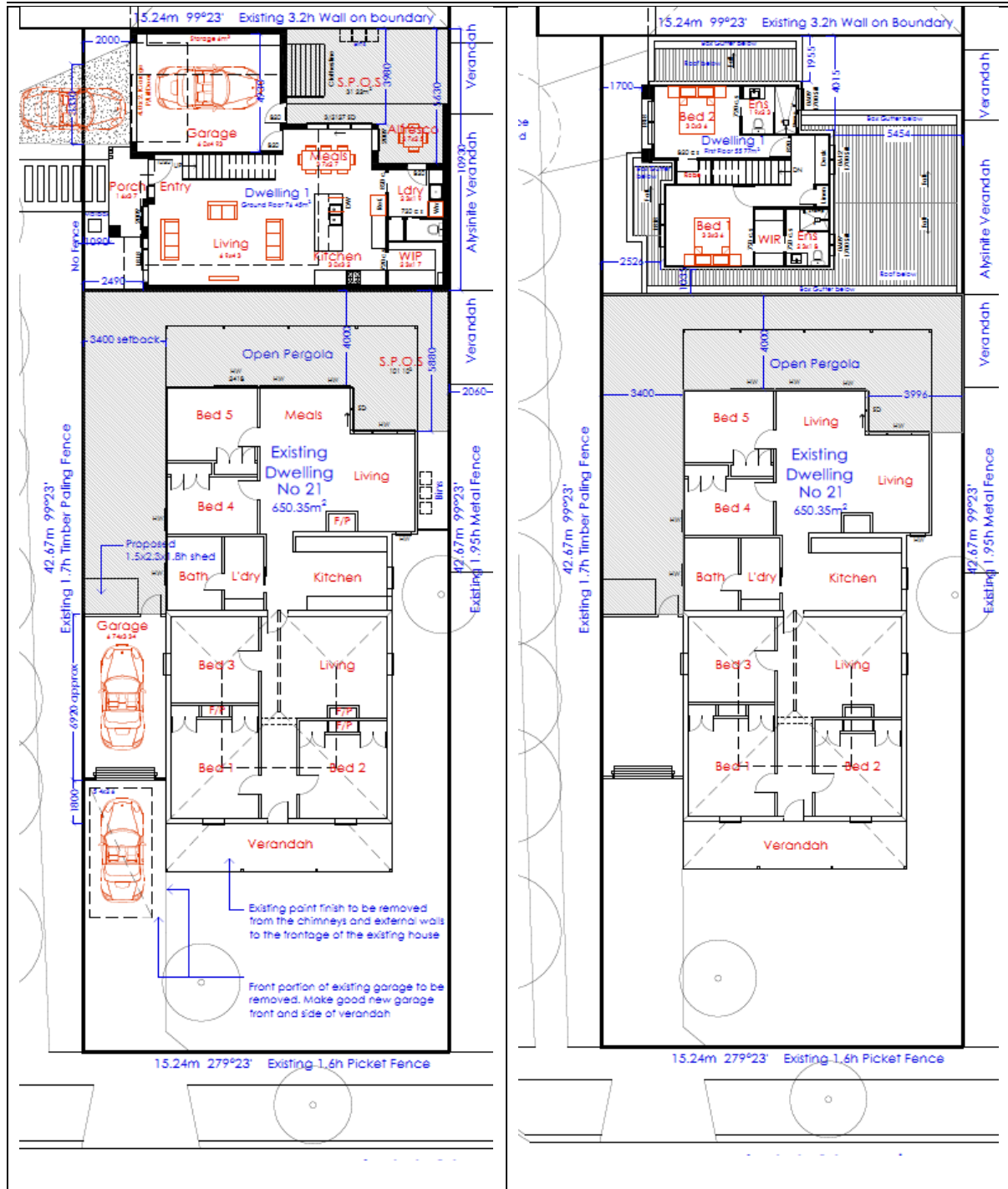




Proposed Plan of Subdivision



Existing garage to be demolished



Proposed Ground Floor and First Floor Plans – existing dwelling at bottom and proposed Lot 2 development at the top of the plan.



Summary of Key Issues

Officers consider the proposed development does not comply with the provisions of the RGZ1, HO213, and the Planning Policy Framework and Municipal Planning Strategy as follows:

- The application was advertised and five objections were received.
- The proposal is only partially supported by State and local policy.
- Whilst the development complies with the purpose of the RGZ1 it is inconsistent with the neighbourhood character of the area.
- Assessment against Clauses 55 (Two or More houses on a Lot) and 56 (Residential Subdivision) demonstrates noncompliance with many of the relevant Standards.
- The proposal is not supported on heritage grounds.

Refer to officer comments in Zone and Policy sections above for greater details.

Recommendation

Refuse a Permit

That the Council having caused notice of Planning Application No. 2021-194 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 32.07-3, 32.07-5, 43.01-1, 44.04-2, 44.04-3 and 44.06-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 21 Knight Street Shepparton, for the Two (2) Lot Subdivision, construction of second dwelling, Demolition/Relocation of Existing Garage, external painting a building in the Residential Growth Zone, Bushfire Management Overlay, Heritage Overlay and Land Subject to Inundation Overlay.

For the following reasons:

- 1) The proposed development fails to achieve acceptable planning outcomes under policy including Clause 15.03-1S, Clause 15.03-1L and the purposes and decision guidelines of the Heritage Overlay, by:
 - a. The proposed subdivision is considered to 'adversely affect the significance of the place'. The changes to the allotment will diminish the tangible physical evidence and compromise the values that inform the significance of this place.
 - b. The proposed second dwelling will result in development which will 'adversely affect the significance, character of appearance of the heritage place.' The development of a two-storey townhouse that is in close proximity to the heritage place will through its bulk, form and appearance compromise the setting of this place.
- 2) The proposal is inconsistent with the Planning Policy Framework of the Greater Shepparton Planning Scheme, particularly clauses 15.01-2S, 15.01-3S, 15.01-5S, 15.03-1S and 15.03-1L.
- 3) The proposal will result in a development that does not comply with the Standards of Clause 55.02-2, 55.03-3, 55.03-4, 55.03-5, 55.03-8, 55.04-2, 55.04-5, 55.05-4, 55.05.5 and 55.06-1.

Recommendation

Refuse a Permit

That the Council having caused notice of Planning Application No. 2021-194 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 32.07-3, 32.07-5, 43.01-1, 44.04-2, 44.04-3 and 44.06-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 21 Knight Street Shepparton, for the Two (2) Lot Subdivision, construction of second dwelling, Demolition/Relocation of Existing Garage, external painting a building in the Residential Growth Zone, Bushfire Management Overlay, Heritage Overlay and Land Subject to Inundation Overlay.

Motion: Cr Seema Abdulla Second: Nilesh Singh

CARRIED

Subject Site & Locality

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

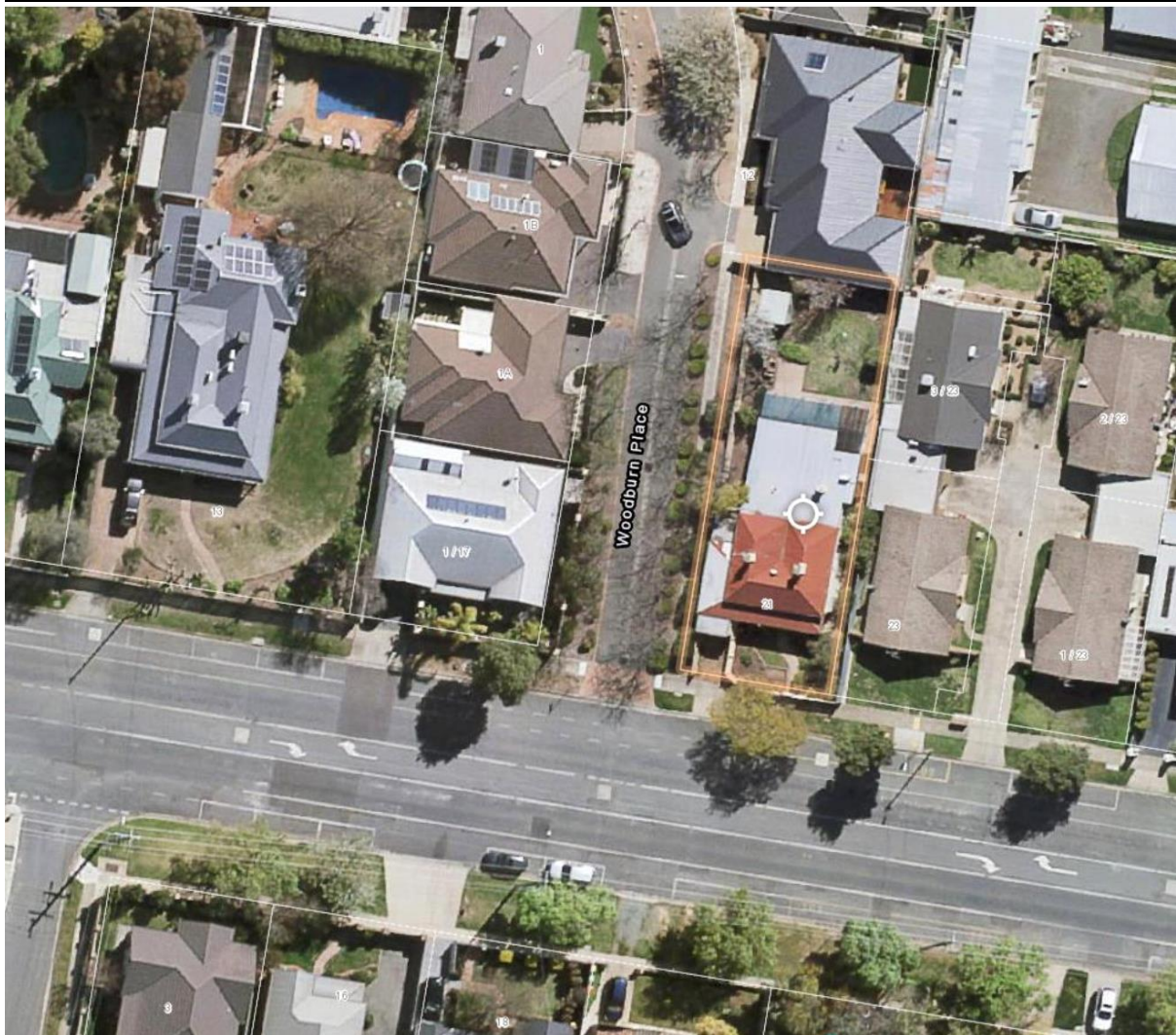
The site has a total area of **650** square metres and currently contains:

- Heritage single storey Victorian dwelling; garage and rear shed.
- The site is a rectangular lot, with frontages of 15.2m to Knight Street at the southern boundary and 42.7m to Woodburn Place along the western boundary. Vehicle access is currently via an existing crossover to a single garage from Knight Street.
- Woodburn Place is a narrow residential access lane, with avenue plantings and a footpath to one side.
- Site is flat with no topographic features.
- Established gardens at front and rear of the site.

The main site/locality characteristics are:

- 500m north-west of Shepparton CBD.
- Neighbourhood built form is varied.
- Excellent access to all services and facilities, including shopping and public transport.

The Photos below show the existing site:



Existing Site Layout – Source: Application Town Planning Report



Street Image of Knight Street – Source: Google Maps (January 2015)

Permit/Site History

The history of the site includes:

- Nil
-

Further Information

Was further information required for the application? Yes

What additional information is required?

Additional information addressing the:

- Impacts on the Heritage building (please see attached heritage referral advice)
- Impacts on neighbouring dwellings including overshadowing of private open space
- Objections raised by neighbours

What date was the information requested?: 30 July 2021

What date was the information received?: 25 January 2022 via a s.57A amended application

Public Notification

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

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



The amended application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description Amended Application - Two lot subdivision and additional dwelling, by:

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

Objections

The Council has received **five (5)** objections to date. The key issues that were raised in the objections are.

Objection	Officers Comments
Not in keeping with character of Woodburn Place. Housing style not sympathetic with existing housing and Woodburn Place	<p>Officers consider that the proposal is not consistent with the current character of Woodburn Place on the basis of the reduced setback, two storey height, limited front green space and the removal of the street tree in Woodburn Place the proposal does not respect the existing character of Woodburn Place (south).</p> <p>However, the proposal is within the Residential Growth Zone and in this area increased density of development in is preferred. The Shepparton Housing Strategy also identifies the site as being in an area of substantial change. Planning Policy for the RGZ and substantial change areas promotes variation in housing offerings including dwellings on smaller lots. In this way the development is considered to contribute to a preferred neighbourhood character.</p>
Driveway utilises Council land and parking would be unacceptable from a neighbourhood character perspective.	All required parking will be provided fully onsite – two car parks are required for the existing dwelling and one car park for the proposed dwelling.
Driveway location is opposite existing driveways and is dangerous. Parking in Woodburn Place is difficult given significant street trees.	<p>The application has been referred to Council's Development Engineers, no issues have been raised in their referral regarding the safety of the proposed driveway.</p> <p>Any driveway works would need to comply with Council's IDM.</p>
Additional load on stormwater drainage	Officers consider that a single dwelling would not generate an unreasonable additional load on stormwater infrastructure.
Loss of privacy to rear yard.	No significant impacts on privacy foreseen,
No fence details provided regarding fence south of 12 Woodburn Place.	No fencing details have been provided, fencing a minimum height of 1.8m would be required as a condition of any permit, if issued.

Overshadowing impacts.	The amended development no longer overshadows the SPOS of the adjoining property to the east (No. 23-25 Knight St). The proposed development overshadows the SPOS of the existing dwelling to the south (No. 21 Knight St.). The usable north facing SPOS is substantially overshadowed during the hours of 10am and 3pm on 22nd September.
Removal of one street tree for new driveway.	Officer consider that the removal of the street tree would be a negative impact on street scape, the trees at the entrance of Woodburn Place are mature trees and a replacement would likely
New dwelling will detract from heritage dwelling at 21 Knight Street.	Please see 43.01 'Officer Comments' below
Non-compliance with ResCode (Clause 55) in terms of neighbourhood character, site coverage, permeability, car parking, side and rear setbacks, walls on boundaries, north facing windows, overshadowing, solar access and design detail.	Please see Clause 55 and 56 assessment below.

Title Details

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

Consultation

Consultation was not undertaken.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	Advice/Response/Conditions
FRV/ CFA	Does not object to the granting of a permit and has no conditions. <u>Comments on Certification and Statement of Compliance</u> • FRV consents to certification of the Plan of Subdivision and consents to the issuing of Statement of Compliance. <u>Further Comments</u> • FRV notes that there are no buildings and works proposed within the BMO mapped extent. • The mandatory subdivision condition in clause 44.06-5 is not required. • FRV requests that a copy of any permit and a copy of any notice given under section 64 or 65 of the Act be sent to FRV pursuant to section 66 of the Act.
GBCMA	Has no objection subject to the following conditions: a) The finished floor level of the proposed second dwelling must be constructed at least 300 millimetres above the 100-year ARI flood level of 112.28 metres AHD, i.e., 112.58 metres AHD, or higher level deemed necessary by the responsible authority.

	<p>Please note that the 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 100-year ARI flood, may occur in the future.</p>
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Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVV	<p>Has no objection subject to the following conditions:</p> <ul style="list-style-type: none"> (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 one water tapping per lot at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (c) 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; (d) 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; (e) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment; (f) 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. (g) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation <p>All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;</p> (h) 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; <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> (i) 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.
Powercor	<p>Has no objection subject to the following conditions:</p> <ul style="list-style-type: none"> a) This letter shall be supplied to the applicant in its entirety. b) 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>c) 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.</p> <p>d) 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.</p>
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Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>Has no objection subject to the following conditions:</p> <p><u>Urban Vehicle Crossing Requirements</u></p> <p>Prior to the Statement of Compliance vehicular crossings shall be constructed, generally, in accordance with the endorsed plans and constructed to Councils IDM standard drawing SD235, and must:</p> <ul style="list-style-type: none"> a) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel); b) be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree; c) 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. e) A Works within Road Reserves permit must be obtained from the Responsible Authority prior to carrying out of any vehicle crossing works. <p><u>Drainage Discharge Plan</u></p> <p>Before the Statement of Compliance, 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"> a) how the land will be 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.

	<p>Before the Statement of Compliance all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority.</p> <p style="text-align: center;"><u>NOTATIONS</u></p> <p><u>Works within Road Reserves Permit Required</u> A permit must be obtained from the responsible authority prior to carrying out of any work within Road Reserve.</p> <p><u>Building Approval Required</u> Prior to the commencement of works approved by this permit, building approvals must be obtained.</p> <p><u>Flooding</u> 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>
<p>Heritage Advisor</p>	<p>Objects to the application and makes the following comments:</p> <p><u>Cultural Heritage Significance</u> 21 Knight Street Shepparton is an Individually Significant building.</p> <p><u>Statement of Significance</u> <u>What is significant?</u> The cottage at 21 Knight Street, Shepparton.</p> <p><u>How is it significant?</u> 21 Knight Street is of local historic, social and aesthetic significance to the City of Greater Shepparton.</p> <p><u>Why is it significant?</u> 21 Knight Street is historically and socially significant as it provides tangible evidence of the development of Shepparton during the late nineteenth and early 20th century.</p> <p>Its construction is representative of the consolidation of the township prior to further subdivision to the north of Knight Street, Shepparton. [HERCON criteria A & G].</p> <p>It is architecturally significant as a representative example</p> <p>Heritage Advice</p> <p><u>Amended plans</u> <u>Subdivision</u></p> <p>The proposed subdivision will compromise the following identified historic and aesthetic cultural values:</p> <p>21 Knight Street is historically and socially significant as it provides tangible evidence of the development of Shepparton during the late nineteenth and early 20th century.</p> <p>Its construction is representative of the consolidation of the township prior to further subdivision to the north of Knight Street, Shepparton. [HERCON criteria A & G]</p> <p>The identified development and settlement values will no longer be fully appreciable through the changes to the setting and setbacks if the subdivision is supported. The period of development represented by 21 Knight Street, Shepparton is one of the significant historic periods and is integral to an understanding of the historic development of the town.</p> <p>21 Knight Street is one of a number of Individually listed buildings in this section of Knight Street and they all contribute to an understanding of the character of suburban development from this period (late 19th – early 20th century).</p> <p>Policy Analysis <u>Clause 43.1</u></p>

	<p>The Decision Guidelines provides support for the refusal of subdivision when it will 'adversely affect the significance of the place'. As identified above the changes to the allotment will diminish the tangible physical evidence and compromise the values that inform the significance of this place.</p> <p>The Decision Guidelines also provide support for the refusal of subdivision which 'may result in development which will 'adversely affect the significance, character of appearance of the heritage place.' The proposed development of a two-storey townhouse that is in close proximity to the heritage place will through its bulk, form and appearance compromise the setting of this place.</p> <p>The removal of a setting which was typical for a place of this type and significance will compromise its cultural values.</p> <p><u>Clause 15.03-1L</u> Support subdivision that retains the significant features on the lot, maintains appropriate settings and contexts and retains the existing built form pattern where such pattern contributes to the significance of the place.</p> <p><u>Clause 15.03-1</u> provides support for the retention of appropriate settings and contexts. The proposed changes to the lot size and the subsequent development compromise an appropriate setting and context. The policy also supports the retention of the existing built form pattern where it contributes to the significance of the place. The development of a two-storey town house immediately adjacent to the heritage place will diminish the existing built form pattern and its contribution to the significance of the place.</p> <p>Summary</p> <p>In summary the proposed subdivision and new works (townhouse) will result in a development that will adversely affect the significance of the place. The cultural values as identified in the statement of significance will not be fully appreciable. On this basis it is recommended that the proposed subdivision and redevelopment of the place is not supported.</p>
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Assessment

The zoning of the land

32.07 RESIDENTIAL GROWTH ZONE

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide housing at increased densities in buildings up to and including four storey buildings.
- To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
- To ensure residential development achieves design objectives specified in a schedule to this zone.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.07-3 Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.

-
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

32.07-5 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person's unit on a lot.

32.07-9 Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that exceeds the maximum building height specified in a schedule to this zone.

If no maximum building height is specified in a schedule to this zone, the building height should not exceed 13.5 metres. Note there is no maximum building height specified in the schedule.

This building height requirement replaces the maximum building height specified in Standard A4 in Clause 54 and Standard B7 in Clause 55.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in this zone or a schedule to this zone applies whether or not a planning permit is required for the construction of a building.

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

32.07-13 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 a 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 Mixed Use Zone or Residential Growth 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.

Dwellings and residential buildings

- For the construction of one dwelling on a lot, whether the development is an under-utilisation of the lot.
- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

OFFICER COMMENTS – RGZ1

- The proposed subdivision accords with the purpose of the zone which promotes increased densities.
- The pattern of development is varied within the immediate area and includes multi-unit developments.
- There is no impact on adjoining existing rooftop solar facilities as none exist.
- The proposal includes a double storey dwelling 6.6m in height which is well below the height requirements of 13.5m in the RGZ1.
- Refer to later sections with respect to policy considerations and Clauses 55 and 56 assessments.

Relevant overlay provisions

43.01 HERITAGE OVERLAY

Purpose

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

43.01-1 Permit requirement

A permit is required to:

- Subdivide land.
- Demolish or remove a building.
- Construct a building or construct or carry out works.:

43.01-8 Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.

Whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place.

The subject site is in HO183 of Schedule 1 to the Heritage Overlay.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO183	<p><i>Cottage</i></p> <p>21 Knight Street, Shepparton</p> <p>Incorporated Plan: Greater Shepparton Heritage Incorporated Plan April 2020</p> <p>Statement of Significance: 21 Knight Street SHEPPARTON (House)</p>	Yes	No	No	No	No	Yes	No

OFFICER COMMENTS – HO183

- Refer to later sections with respect to policy considerations.
- The cottage at 21 Knight Street Shepparton is an Individually Significant building.
- The proposed subdivision will compromise the following identified historic and aesthetic cultural values:
 - 21 Knight Street is historically and socially significant as it provides tangible evidence of the development of Shepparton during the late nineteenth and early 20th century.
 - Its construction is representative of the consolidation of the township prior to further subdivision to the north of Knight Street, Shepparton. [HERCON criteria A & G]
 - The identified development and settlement values will no longer be fully appreciable through the changes to the setting and setbacks if the subdivision is supported. The period of development represented by 21 Knight Street, Shepparton is one of the significant historic periods and is integral to an understanding of the historic development of the town.
 - 21 Knight Street is one of a number of Individually listed buildings in this section of Knight Street and they all contribute to an understanding of the character of suburban development from this period (late 19th – early 20th century).
- Clause 43.1 Decision Guidelines provides support for the refusal of subdivision when it will ‘adversely affect the significance of the place’. As identified above the changes to the allotment will diminish the tangible physical evidence and compromise the values that inform the significance of this place.
- The Decision Guidelines also provide support for the refusal of subdivision which ‘may result in development which will ‘adversely affect the significance, character of appearance of the heritage place.’ The proposed development of a two-storey townhouse that is in close proximity to the heritage place will through its bulk, form and appearance compromise the setting of this place.
- The removal of a setting which was typical for a place of this type and significance will compromise its cultural values.

- In summary the proposed subdivision and new works (townhouse) will result in a development that will adversely affect the significance of the place. The cultural values as identified in the statement of significance will not be fully appreciable. On this basis it is recommended that the proposed subdivision and redevelopment of the place is not supported.

44.04 LAND SUBJECT TO INUNDATION OVERLAY

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) 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, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.
- 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, marine, coastal and wetland health, waterway protection and floodplain health.

44.04-2 Buildings and works

A permit is required to construct a building or to construct or carry out works,

44.04-3 Subdivision

A permit is required to subdivide land.

44.04-8 Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
 - 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.

OFFICER COMMENTS – LSIO

- The relevant floodplain authorities support the proposal subject to conditions which will be included in any permit that issues.

44.06 BUSHFIRE MANAGEMENT OVERLAY

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

44.06-2 Permit requirement

Subdivision

A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Buildings and works

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a Dependent person's unit)

44.06-3 Application Requirements

Unless a schedule to this overlay specifies different requirements, an application must be accompanied by:

- A **bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.
- A **bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.
- A **bushfire management statement** describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective. If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

An application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay.

A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02.

44.06-5 Mandatory Condition

Subdivision

A permit which creates a lot for a single dwelling on land zoned for residential or rural residential purposes must include the following condition:

“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- *State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the [*insert name of applicable planning scheme] Planning Scheme.*
- *Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
- *State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

This does not apply:

- If a schedule to this overlay specifies that a Section 173 Agreement is not required.
- Where the relevant fire authority states in writing the preparation of an agreement under Section 173 of the Act is not required for the subdivision.
- For the subdivision of the land into lots each containing an existing dwelling or car parking space.

A permit to subdivide land must include any condition specified in a schedule to this overlay.

Buildings and Works

A permit to construct a building or construct or carry out works must include the following condition:

“The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.”

A permit allowing a dwelling to be constructed to the next lower bushfire attack level in accordance with AM1.2 in Clause 53.02-3 must include the following condition:

“Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:

*A dwelling constructed in accordance with planning permit [*insert planning permit reference] must not be occupied until a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006) is:*

- *Constructed on the same land as the dwelling.*
- *Available for use by the occupants of the dwelling at all times.*
- *Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

A permit to construct a building or construct or carry out works must include any condition specified in a schedule to this overlay

OFFICER COMMENTS - BMO

As no lot will be created inside the BMO and no construction is proposed, it is considered that the proposal falls outside of the scope of the provisions of the BMO and therefore Council should exercise their discretion to waive the Application Requirements of Clause 44.06-3.



BMO over subject site - Source: Application Town Planning Report

CFA as recommending referral authority does not object to the granting of a permit and has not imposed any conditions. CFA has consented to certification of the Plan of Subdivision and consents to the issuing of Statement of Compliance. In addition, CFA has also noted that there are no buildings and works proposed within the BMO mapped extent and that the mandatory subdivision condition in clause 44.06-5 is not required.

The 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.

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.

13.02-1S Bushfire Planning

Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies

Protection of human life

Give prior to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.

- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- Applying the best available science to identify vegetation, topographic and climate conditions that create a bushfire hazard.
- Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.
- Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.
- Considering and assessing the bushfire hazard on the basis of:
 - Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
 - Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;
 - Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
 - The site for the development.
- Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.
- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.
- Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.

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

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.

15.01-3S 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.

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.

15.03-1S Heritage conservation

Objective

To ensure the conservation of places of heritage significance.

Strategies

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the protection of natural heritage sites and man-made resources.
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- Support adaptive reuse of heritage buildings where their use has become redundant.
- Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

Policy guidelines

Consider as relevant:

- The findings and recommendations of the Victorian Heritage Council.
- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.

15.03-1L Heritage conservation

Policy application

This policy applies to land in the Heritage Overlay at Clause 43.01.

Strategies

- Encourage the repair, retention and uncovering of significant building fabric and elements.
- Encourage the removal of non-contributory elements to the heritage significance of the place using methods that do not damage the significant fabric.
- Encourage contemporary design to ensure new fabric is distinguishable from original heritage fabric and avoid development that distorts historic evidence by simply copying or reproducing historic styles or detailing.
- Encourage all ground floor buildings and works, including garages, carports and sheds, to be set back from the front wall of any heritage building in order to allow the façade to retain its primacy and integrity, particularly when viewed from the street.
- Encourage all buildings and works to have minimal impact when viewed from adjoining streets and public open space.
- Encourage re-roofing or roof extensions that respect the original roofline and materials where visible from the street.
- Maintain the predominantly low density, single-storey character of residential precincts.
- Encourage services and other elements, such as tanks, in locations that are not highly visible from the street. Exceptions may be considered for solar installations, if other alternatives are not feasible, or where these services can be appropriately screened.
- Discourage the demolition of Individually Significant or Contributory buildings, except where the:
 - Building is structurally unsound (as determined by a suitably qualified Building Surveyor).
 - Cost of repairs is unreasonable and economically unsustainable.
 - Significant physical fabric is so compromised or in such poor condition that its replacement and/or repair would compromise and reduce the integrity of the building.
- Support subdivision that retains the significant features on the lot, maintains appropriate settings and contexts and retains the existing built form pattern where such pattern contributes to the significance of the place.
- Promote the retention of vistas and the visual prominence of Individually Significant and Contributory places over new development in any subdivision.
- Encourage the use of paint colours appropriate to the period of the building.
- Encourage all new fencing to be constructed in a style and height that is sympathetic to the period of the place.
- Avoid signage that dominates the aesthetics of the place.
- Discourage external applied finishes to signage that compromise the significance of the place.
- Discourage external paint schemes that constitute signage or corporate branding.
- Encourage signage on commercial buildings to be placed in traditional locations, according to the age of the building and to be of complementary proportions, designs, fonts and colours.

- Retain plantings that contribute to the cultural heritage significance of a place.
- Encourage replanting of a similar species of tree where the removal of a significant street tree is unavoidable.

Policy guideline

Consider as relevant:

- Use of galvanised corrugated metal roofing material or an alternative roofing material that is sympathetic to the significance of the heritage place for reroofing and new roofs.

16.01-1S Housing supply

Objective

To facilitate well-located, integrated and diverse housing that meets community needs.

Strategies

- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
- Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Identify opportunities for increased residential densities to help consolidate urban areas.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.
- Encourage the development of well-designed housing that:
 - Provides a high level of internal and external amenity.
 - Incorporates universal design and adaptable internal dwelling design.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.
- Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

16.01-2S Housing affordability

Objective

To deliver more affordable housing closer to jobs, transport and services.

Strategies

- Improve housing affordability by:
 - Ensuring land supply continues to be sufficient to meet demand.
 - Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
 - Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.
 - Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.
- Increase the supply of well-located affordable housing by:
 - Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.

- Ensuring the redevelopment and renewal of public housing stock better meets community needs.
- Facilitate the delivery of social housing by identifying surplus government land suitable for housing.

19.03-2S Infrastructure design and provision

Objective

To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

Strategies

- Provide an integrated approach to the planning and engineering design of new subdivision and development
- Integrate developments with infrastructure and services, whether they are in existing suburbs, growth areas or regional towns.

Purpose and Vision - including the Municipal Planning Strategy (MPS), local planning policies and Structure Plans

02.03 STRATEGIC DIRECTIONS

02.03-1 Settlement

To accommodate a population that is forecast to grow 59,202 in 2006 to 71,509 by 2026 (Victoria in Future, DSE, 2016), there will need to be a corresponding growth in the number of dwellings in Shepparton and the outlying townships. 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.

It is expected that the urban areas of Shepparton, Mooroopna and Kialla will accommodate the majority of new residential development, with new growth located to the south, south east of Shepparton and Kialla, north of Shepparton and to the west of Mooroopna, with remaining growth distributed throughout the outlying townships of Tatura, Murchison, Merrigum, Dookie, Congupna, Katandra West, Tallygaroopna, Toolamba, and Undera. In facilitating the future growth and development of its towns, Council is committed to achieving urban consolidation, thereby promoting walking, the use of bicycles and reducing the dependence on car use. In proximity to the Shepparton CBD and other key activity centres, people will be encouraged to live at higher densities in environments that offer individual, lifestyle and community benefits. Council encourages the provision of additional medium density and apartment style accommodation including shop-top housing within the Shepparton, Mooroopna and Kialla urban areas.

02.03-5 Built form and heritage

Heritage places are intrinsically valuable and make an important contribution to the social, cultural, environmental and economic quality of life in Greater Shepparton.

The appearance of rural, industrial, retail and residential areas and main road approaches to urban centres is important in maintaining a strong level of civic pride. Improving architectural and urban design quality in the built environment can strengthen Shepparton's image and identity as a regional centre.

Signage is a key and often highly visible component of the physical environment and the inappropriate design or placement of signs can have a significant effect on the appearance and visual amenity of an area.

Council is committed to:

- Conserving places of cultural heritage significance.
- Supporting adaption and development of heritage places to suit contemporary uses and lifestyles.
- Encouraging a high standard of architectural, landscaping and urban design for built form and public spaces.
- Managing the design, form, size and placement of signs.
- Supporting signage that responds to the character and amenity of the area.

02.03-8 Infrastructure

The efficient design, delivery and management of infrastructure is a fundamental element in providing affordable and diverse housing, generating economic growth and managing the municipality in a sustainable manner.

Reticulated water and sewerage services will impact land use planning throughout Greater Shepparton. Goulburn Valley Water provides services to Shepparton, Mooroopna, Tatura, Murchison and Merrigum and there are no proposals to provide this service to any other community within the next 10 years. Goulburn Murray Water is responsible for the supply and distribution of irrigation water for rural use, with a long term operational goal to continue to deliver water as efficiently as possible with the minimum amount of cost.

The provision and management of facilities for waste, resource recovery and recycling will continue to impact land use planning in Greater Shepparton. Technological changes within the next 20 years may change the way we are currently treating and managing waste with government regulations expected to limit the amount of waste going to landfill with greater emphasis on recycling and green waste reuse.

Standardised infrastructure design guidelines provide for the efficient design, assessment and development of infrastructure within the municipality, including roads, drainage, stormwater, car parking, landscaping, access, earthworks, public lighting and intersection infrastructure.

Council is committed to:

- Facilitating a coordinated, efficient and equitable approach to the provision of infrastructure and community facilities.
- Facilitating the delivery of waste, resource recovery and recycling services to reduce the amount of waste going to landfill.
- Progressing principles of environmentally sustainable design, including water sensitive urban design, in all developments.
- Applying standardised infrastructure design guidelines.

OFFICER COMMENTS - MPS AND PPF

- The proposed development gives effect to the following intended outcomes of the relevant planning policies, particularly in terms of:
 - Facilitating urban consolidation and housing in a location which has good access to public open space and commercial services and facilities.
 - Providing diversity in housing type in the area.
 - Providing increased densities in close proximity to activity centres.
 - The site is within a substantial change area in the Greater Shepparton Housing Strategy 2011.
 - Ensuring all dwellings can be adequately serviced with necessary infrastructure.
- The CMA supports the proposal and therefore conforms with policy.

- The BMO does not cover the intended works and therefore the provisions do not apply, in addition CFA has no objection.
- Despite the above, the proposal is not supported by heritage policy as follows:
 - Clause 15.03-1L only supports subdivision that retains the significant features on the lot, maintains appropriate settings and contexts and retains the existing built form pattern where such pattern contributes to the significance of the place.
 - Clause 15.03-1 provides support for the retention of appropriate settings and contexts.
 - The proposed changes to the lot size and the subsequent development compromise an appropriate setting and context. The policy also supports the retention of the existing built form pattern where it contributes to the significance of the place. The development of a two-storey town house immediately adjacent to the heritage place will diminish the existing built form pattern and its contribution to the significance of the place.

Relevant Particular Provisions

53.01 – Public open space contribution and subdivision.

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

53.01-1 Exemption from public open space requirement specified in the scheme

A subdivision is exempt from a public open space requirement specified in this scheme if:

- It is one of the following classes of subdivision:
 - Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
 - Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.
- It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.
- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

OFFICER COMMENTS – 53.01

- The schedule to the clause requires a 5% contribution however it is considered an exemption would apply as the proposal subdivides land into two lots it is unlikely that each lot will be further

55 TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.

- To encourage residential development that is responsive to the site and the neighbourhood

The following assessment has been undertaken against the objectives and standards contained in Clause 55. A satisfactory subdivision site and context description and a design response plan was provided with the planning permit application in accordance with Clause 55.01.

Objectives	Standards	Compliance
<p>Clause 55.02-1 Neighbourhood Character Objectives To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character;</p> <p>To ensure the development responds to the features of the site and surrounding area.</p>	<p>Standard B1 (Cannot be varied) 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>Complies</p> <p>The neighbourhood is characterised by a diversity of housing styles, lot sizes, materials, units and dwellings both single and two storey.</p> <p>Woodburn Place features established deciduous trees and the proposal will require removal of one street tree to enable access to proposed Lot 2.</p> <p>Whilst building setbacks are quite small in Woodburn Place the proposed dwelling on Lot 2 is virtually built to the boundary with limited green space.</p> <p>The majority of adjoining, opposite and nearby dwellings are single storey.</p> <p>On the basis of the reduced setback, two storey height, limited front green space and the removal of the street tree in Woodburn Place the proposal does not respect the existing character of Woodburn Place.</p> <p>However, the proposal is within the Residential Growth Zone and in this area increased density of development is preferred. The Shepparton Housing Strategy also identifies the site as being in an area of substantial change. Planning Policy for the RGZ and substantial change areas promotes variation in housing</p>

Objectives	Standards	Compliance
		offerings including dwellings on smaller lots. In this way the development is considered to contribute to a preferred neighbourhood character.
<p>Clause 55.02-2 Residential Policy Objectives 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;</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Standard B2 (Cannot be varied) 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"> • the SPPF; and • the LPPF including the MSS; and Local Planning Policies 	<p>Complies in part A written report has been submitted assessing the MPS, PPF and local policy</p> <p>The application proposes to provide additional housing variety within the municipality which complies with its location in a RGZ1.</p> <p>The proposal however is not considered to meet Heritage Policy.</p>
<p>Clause 55.02-3 Dwelling Diversity Objective To encourage a range of dwelling sizes and types in development of ten or more dwellings</p>	<p>Standard B3 (Can be varied) Developments of 10 or more dwellings should provide a range of dwelling sizes and types including:</p> <ul style="list-style-type: none"> • dwellings with a different number of bedrooms; and • at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level. 	<p>N/A</p>
<p>Clause 55.02-4 Infrastructure Objectives To ensure development is provided with appropriate utility</p>	<p>Standard B4 (Can be varied) Development should be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available.</p>	<p>Complies The application proposes the development of an additional dwelling on the site.</p> <p>A condition on any permit that issues will require the applicant to</p>

Objectives	Standards	Compliance
<p>services and infrastructure;</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure</p>	<p>Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>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>submit drainage plans for the proposal.</p> <p>All other infrastructure is existing in the area. Connection requirements will be required as per the relevant authorities.</p> <p>No significant increase in demand for services expected to be generated by the development.</p>
<p>Clause 55.02-5 Integration with the Street Objective</p> <p>To integrate the layout of development with the street</p>	<p>Standard B5 (Can be varied)</p> <p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Dwellings should be orientated to front existing and proposed streets</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>Complies</p> <p>The proposed development will be orientated to Woodburn Place with vehicular and pedestrian access.</p> <p>The existing picket front fence will be retained to the existing house fronting Knight Street and the existing timber paling side fence will be removed to the frontage of the proposed dwelling facing Woodburn Place. No high fencing is proposed.</p> <p>The development is not next to any existing public open space to complement.</p>
<p>Clause 55.03-1 Street Setback Objective</p> <p>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>Standard B6 (Can be varied)</p> <p>Walls of buildings should be setback from streets the distance specified in Table B1</p>	<p>Complies</p> <p>The home at the front of the site is to remain, the front setback from Knight Street shall not change.</p> <p>From Woodburn Place, the front setback will be in line with the adjoining dwelling at No. 12 Woodburn Place.</p> <p>The portico will encroach less than 2.5m into the front setback area.</p>
<p>Clause 55.03-2 Building Height Objective</p> <p>To ensure that the height of buildings respects the</p>	<p>Standard B7 (Can be varied)</p> <p>The max building height should not exceed 13.5m as specified in the Residential Growth Zone 1.</p>	<p>Complies</p> <p>The maximum height is less than 9m</p>

Objectives	Standards	Compliance
existing or preferred neighbourhood character.		
<p>Clause 55.03-3 Site Coverage Objective To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</p>	<p>Standard B8 (Can be varied) The site area covered by buildings should not exceed 60%.</p>	<p>Does Not Comply 60% is the maximum.</p> <p>The site coverage of the proposed rear lot when it is subdivided is approximately 73.78% which is greater than 60%. However, for the total site coverage is 58.69%</p> <p>Lot 2 does not satisfy the Standard nor does it meet the objectives as it fails to address the character and features of the Woodburn Place frontage.</p>
<p>Clause 55.03-4 Permeability Objectives To reduce the impact of increased stormwater run-off on the drainage system;</p> <p>To facilitate on-site stormwater infiltration.</p>	<p>Standard B9 (Can be varied) At least 20% of the site should not be covered by impervious surfaces.</p>	<p>Does Not Comply 81.08% of Lot 2 is covered by impervious surfaces.</p>
<p>Clause 55.03-5 Energy Efficiency Objectives To achieve and protect energy efficient dwellings and residential buildings;</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</p>	<p>Standard B10 (Can be varied) Buildings should be:</p> <ul style="list-style-type: none"> • Orientated to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. • Living areas and private open space should be located on the north side of the dwelling, if practicable. <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p>Does Not Comply North facing windows have not been maximised as only the ground floor meals room utilises north facing windows. Other habitable room windows face west.</p> <p>The proposed dwelling will impact solar access to 23-25 Knight Street.</p>
<p>Clause 55.03-6</p>	<p>Standard B11 (Can be varied)</p>	<p>N/A</p>

Objectives	Standards	Compliance
<p>Open Space Objective To integrate the layout of the development with any public or communal open space provided in or adjacent to the development</p>	<p>Any public or communal open space should:</p> <ul style="list-style-type: none"> • be substantially fronted by dwellings, where appropriate; • provide outlook for as many dwellings as practicable • be designed to protect any natural features on the site; and • be accessible and useable. 	<p>There is to be no communal open space as part of this development.</p>
<p>Clause 55.03-7 Safety Objective To ensure the layout of development provides for the safety and security of residents and property</p>	<p>Standard B12 (Can be varied) 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.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies The front entrance to both dwellings are visible from the street.</p>
<p>Clause 55.03-8 Landscaping Objectives To encourage development that respects the landscape character of the neighbourhood;</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance;</p> <p>To provide appropriate landscaping;</p>	<p>Standard B13 (Can be varied) Landscape layout and design.</p>	<p>Does Not Comply No landscaping is proposed and there is limited opportunity in the frontage setback due to the minimal setback provided and hard paved surfaces, including the driveway.</p> <p>The proposal relies on removing a street tree for access with no opportunity for replacement.</p> <p>Woodburn Place is a narrow tree lined street and the proposal does not respect the character of this southern end of Woodburn Place.</p> <p>No landscaping plan has been provided, but this could be addressed as a condition of any consent, if given.</p>

Objectives	Standards	Compliance
<p>To encourage the retention of mature vegetation on the site</p>		
<p>Clause 55.03-9 Access Objectives To ensure vehicle access to and from a development is safe, manageable and convenient;</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character</p>	<p>Standard B14 (Can be varied) Accessways should:</p> <ol style="list-style-type: none"> 1. Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network. 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. 3. Be at least 3m wide. 4. Have an internal radius of at least 4m at changes of direction. 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. 6. The width of accessways or car spaces should not exceed: <ul style="list-style-type: none"> • 33% of the street frontage if the width of the street frontage is more than 20m; or • 40% of the street frontage if the width of the street frontage is less than 20m. 	<p>Complies The proposal incorporates a driveway from a single garage onto Woodburn Place.</p> <p>Only one car space is provided and is 3.33m wide with no change in direction.</p> <p>New entrance way is less than 40% of frontage.</p> <p>The design of the vehicle crossover does not respect the neighbourhood character due to the, loss of a street tree and being opposite an existing crossover, noting that other crossovers along Woodburn Place are staggered.</p>
<p>Clause 55.03-10 Parking Location Objectives To provide for convenient parking for residents and visitor vehicles;</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood;</p>	<p>Summary of Standard B15 (Can be varied) Car parking facilities should: Be reasonably close and convenient to dwellings and residential buildings;</p> <ul style="list-style-type: none"> • Be secure; • Be designed to allow safe and efficient movements within the development. • Be well ventilated if enclosed. • Large parking areas should be broken up with trees, buildings or different surface treatments. 	<p>Complies Proposed dwelling on lot 2 has a garage for 1 car, this satisfies Clause 52.06 of the Planning Scheme for a two bedroom dwelling.</p>

Objectives	Standards	Compliance
To protect residents from vehicular noise within developments	Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from habitable room windows. This 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>Clause 55.04-1 Side and Rear Setbacks Objective</p> <p>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>Summary of Standard B17 (variable)</p> <p>New building not on, or within 200mm of boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> • 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m. • Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard. 	<p>Complies</p> <p>Part of the new dwelling is to be built within 200mm of the boundary but complies with B17 (refer architect plans).</p>
<p>Clause 55.04-2 Walls on Boundaries Objective</p> <p>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>Standard B18 (Can be varied)</p> <p>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"> • 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. • 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. • A building on a boundary includes a building up to 200mm from a boundary. <p>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</p>	<p>Does Not Comply</p> <p>The ground floor is built to the north, south and east boundaries.</p> <p>Southern boundary does not comply – requirement 11.3m, proposal 12.75m</p> <p>Northern boundary complies as it abuts an existing wall on boundary.</p> <p>Eastern boundary complies as the wall on boundary is less than 10m</p> <p>Height of walls is 3.2m. Only the north boundary complies as it adjacent to an existing 3.2m high wall. South and east boundaries are 3.2m and therefore exceed the average requirement of 3.0m.</p>

Objectives	Standards	Compliance
	<p>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.</p>	
<p>Clause 55.04-3 Daylight to existing windows objective To allow adequate daylight into existing habitable room windows.</p>	<p>Standard B19 (Can be varied) Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m² and 1m clear to the sky. The area may include land on the abutting lot.</p> <p>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 existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Note: 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>Complies The proposal complies with the minimum setback required for habitable windows of the existing dwellings.</p>
<p>Clause 55.04-4 North-facing windows objective To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20 (Can be varied) 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"> • 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. 	<p>Complies No windows within 3 metres.</p>
<p>Clause 55.04-5 Overshadowing open space objective To ensure buildings do not significantly overshadow existing secluded</p>	<p>Standard B21 (Can be varied) Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m² 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>Does Not Comply The proposed development does not overshadow SPOS of the adjoining property to the east (No. 23-25 Knight St).</p> <p>The proposed development overshadows the SPOS of the existing dwelling to the south (No. 21 Knight St.).</p>

Objectives	Standards	Compliance
private open space.	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>Whilst the applicant claims that there is a minimum of 41m² unshadowed SPOS between the hours of 10am and 3pm on 22nd September, the east facing open space area does not meet the SPOS requirements in Clause 56 as it is not accessed from a living area so should be excluded from the applicants calculations for SPOS.</p> <p>The usable north facing SPOS is substantially overshadowed during the hours of 10am and 3pm on 22nd September.</p>
<p>Clause 55.04-6 Overlooking objective To limit views into existing secluded private open space and habitable room windows.</p>	<p>Standard B22 (Can be varied) 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>Complies No habitable room windows or SPOS are overlooked.</p>
<p>Clause 55.04-7 Internal Views Objective To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development</p>	<p>Standard B23 (Can be varied) 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>Complies No habitable room windows face the SPOS of existing dwelling at 21 Knight St.</p>
<p>55.04-4 Noise impacts To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p>Standard B24 Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>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>Complies Not a residential building and 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>55.05-1 Accessibility objective To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p>Standard B25 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>Complies Dwelling entry will be accessible.</p>
<p>55.05-2 Dwelling entry objective To provide each dwelling or residential building with its own sense of identity.</p>	<p>Standard B26 Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> • Be visible and easily identifiable from streets and other public areas. • Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>Complies Entry is visible and provides shelter.</p>
<p>55.05-3 Daylight to new windows objective To allow adequate daylight into new habitable room windows.</p>	<p>Standard B27 A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> • 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 • A verandah provided it is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>Complies All windows are clear to the sky.</p>
<p>55.05-4 Private open space objective To provide adequate private open space for the reasonable recreation and</p>	<p>Standard B28 A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</p> <p>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building</p>	<p>Does Not Comply Existing dwelling has SPOS at the rear (north of dwelling) that meets the Standard.</p> <p>Proposed dwelling on Lot 2 has only 31.22sqm SPOS.</p>

Objectives	Standards	Compliance
service needs of residents.	<p>should have private open space consisting of:</p> <ul style="list-style-type: none"> • 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 • A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. 	
<p>55.05-5 Solar access to open space objective To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>Standard B29 The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>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>Complies in part</p> <p>POS is provided on the north side of each dwelling.</p> <p>The southern boundary of the proposed dwelling SPOS complies with B29.</p> <p>The southern boundary of the SPOS of the existing dwelling does not comply with B29 (4.88m required and minimum of 4.0 provided).</p>
<p>55.05-6 Storage objective To provide adequate storage facilities for each dwelling.</p>	<p>Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Complies</p> <p>Space provided in garage and lock up shed.</p>
<p>55.06-1 Design detail objective To encourage design detail that respects the existing or preferred</p>	<p>Standard B31 The design of buildings, including:</p> <ul style="list-style-type: none"> • Facade articulation and detailing, • Window and door proportions, • Roof form, and 	<p>Does not comply</p> <p>The design does not respect the existing neighbourhood character which consists of hipped tiled roofs, verandas and eaves.</p>

Objectives	Standards	Compliance
neighbourhood character.	<ul style="list-style-type: none"> Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	The minimal setbacks and two storey form is visually dominating and out of character with surrounding development.
<p>55.06-2 Front fences objective To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> The maximum height specified in a schedule to the zone, or If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. <p>Table B3 Maximum front fence height for all other streets apart from Road Zone Category 1 is 1.5m</p>	<p>Complies.</p> <p>The existing picket front fence will be retained to the existing house fronting Knight Street.</p> <p>The existing timber paling side fence will be removed to the frontage of the proposed dwelling facing Woodburn Place.</p> <p>There will be no front fence to the street frontage of the proposed dwelling as many homes in the area have no front fence.</p>
<p>Clause 55.06-3 Common Property Objectives To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained;</p> <p>To avoid future management difficulties in</p> <p>areas of common ownership</p>	<p>Standard B33 (Can be varied) Developments should clearly delineate public, communal and private areas. Common property where provided, should be functional and capable of efficient management.</p>	N/A
Clause 55.06-4	Standard B34 (Can be varied)	Complies

Objectives	Standards	Compliance
<p>Site Services Objectives To ensure that site services can be installed and easily maintained;</p> <p>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.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>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> <p>Bin and mailboxes are conveniently located.</p>

OFFICERS ASSESSMENT – 55

The development involves development of a new dwelling at the rear of the existing heritage cottage with frontage to Knight Street.

Clause 55 demonstrates substantial non-compliance with many standards.

56 – RESIDENTIAL SUBDIVISION

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
 - Metropolitan Melbourne growth areas.
 - Infill sites within established residential areas.
 - Regional cities and towns.
- To ensure residential subdivision design appropriately provides for:
 - Policy implementation.
 - Liveable and sustainable communities.
 - Residential lot design.
 - Urban landscape.
 - Access and mobility management.
 - Integrated water management.
 - Site management.
 - Utilities.

The following assessment has been undertaken against the objectives and standards contained in Clause 56. A satisfactory subdivision site and context description and a design response plan was provided with the planning permit application in accordance with Clause 56.01.

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>C6 Neighbourhood Character Objective To design subdivision that respond to neighbourhood character.</p>	<ul style="list-style-type: none"> • 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. • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. 	<p>1) Does Not Comply</p> <p>Woodburn Place features established deciduous trees and the proposal will require removal of one street tree to enable access to proposed Lot 2.</p> <p>Whilst building setbacks are quite small in Woodburn Place the proposed dwelling on Lot 2 is virtually built to the boundary with limited green space.</p> <p>On the basis of the reduced setback, two storey height, limited front green space and the removal of the street tree in Woodburn Place the proposal does not respect the existing or preferred character of Woodburn Place (south). Proposed Lot 2 is substantially smaller than any other lot in Woodburn Place, and is not in keeping with the established neighbourhood character.</p>
<p>C8 Lot area and building envelopes objective To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> - Contain a building envelope that is consistent with a development of the lot approved under this scheme, or <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</p>	<p>Complies</p> <p>Proposed Lot 2 is 15.24m x 10.93m (166.6m²) and is therefore capable of containing a rectangle of 10m x 15m building envelope and is oriented to comply with C8.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<p>nominated as part of the building envelope.</p> <hr/> <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>C9 Solar Orientation of lots To provide good solar orientation of lots and solar access for future dwellings.</p>	<ul style="list-style-type: none"> • Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. • Lots have appropriate solar orientation when: <ul style="list-style-type: none"> - 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. • 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. <p>Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size</p>	<p>Complies</p> <p>Both lots are orientated correctly.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	and the relationship of each lot to the street	
<p>C11 Common Area 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"> • 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"> - The common area to be owned by the body corporate, including any streets and open space. - The reasons why the area should be commonly held. - Lots participating in the body corporate. <p>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</p>	<p>N/A</p>
<p>C21 Lot Access To provide for safe vehicle access between roads and lots.</p>	<ul style="list-style-type: none"> • 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. • 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. <p>The design and construction of a crossover should meet</p>	<p>Complies</p> <p>Access is via Woodburn Place</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	the requirements of the relevant road authority.	
<p>C22 Drink Water supply To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.</p>	<ul style="list-style-type: none"> • The supply of drinking water must be: <ul style="list-style-type: none"> - Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. - Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<p>Complies The proposed lots will have independent connections to reticulated town water to the satisfaction of Goulburn Valley Regional Water Corporation.</p>
<p>C23 Reused and recycled water To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<ul style="list-style-type: none"> • Reused and recycled water supply systems must be: <ul style="list-style-type: none"> - 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. <p>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>Complies Both 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>C24 Waste Water Management 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"> • Waste water systems must be: <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. 	<p>Complies 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>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<ul style="list-style-type: none"> - Consistent with any relevant approved domestic waste water management plan. <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>C25 Urban Run-off Management 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"> • The urban stormwater management system must be: <ul style="list-style-type: none"> - Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. - Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. - 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. - Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment 	<p>Complies</p> <p>The site will be drained to the legal point discharge. Detailed design plans will be submitted for approval to satisfy on site detention requirements on as a condition of any permit.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<p>levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</p> <ul style="list-style-type: none"> • The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design. - 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. - 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. 	
<p>C26 Site Management To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p>	<ul style="list-style-type: none"> • A subdivision application must describe how the site will be managed prior to and during the construction period and may set out 	<p>Complies The proposed subdivision will require the construction of minor works only. Submission of a construction management plan is not considered necessary; however a</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<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>	<p>requirements for managing:</p> <ul style="list-style-type: none"> - Erosion and sediment. - Dust. - Run-off. - Litter, concrete and other construction wastes. - Chemical contamination. - Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>permit condition will require site management to the Council's satisfaction (eg dust, mud, erosion and sediment control).</p>
<p>C27 Shared Trenching To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<ul style="list-style-type: none"> • Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services. 	<p>Complies Services should be connected to the site and undergrounded using shared trenching as required by condition.</p>
<p>C28 Electricity, Telecommunications and Gas 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"> • 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. • Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. 	<p>Complies Service to be connection to the satisfaction of the relevant authorities.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<ul style="list-style-type: none"> • 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. • 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. 	

OFFICERS ASSESSMENT - 56

An assessment against Clause 56 demonstrates partial compliance with all relevant standards.

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.

Relevant incorporated or reference documents

The following reference documents are relevant to this application:

- Infrastructure Design Manual.
- Local Floodplain Development Plan
- Greater Shepparton Housing Strategy
- Affordable Housing Strategy Houses for People, April 2020
- Shepparton and Mooroopna 2050: Regional City Growth Plan
- 'City of Greater Shepparton Heritage Study Stage Two' (Allom Lovell and Associates, 2003)
- Greater Shepparton Heritage Study Stage IIB (Heritage Concepts, May 2013)
- Greater Shepparton Heritage Study Stage IIC (Heritage Concepts, December 2017)
- Greater Shepparton Heritage Incorporated Plan (Greater Shepparton City Council, April 2018)

Other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

There are no relevant Planning Scheme Amendments.

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 for a planning permit and it is not considered that the application impinges on the Charter.

Conclusion

Officers have undertaken an assessment of the application and found that the proposal for a two (2) lot subdivision, construction of a second dwelling, demolition/relocation of an existing garage and demolition of an existing shed does not achieve acceptable planning outcomes. It is recommended that a refusal be issued.

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO:	2021-194
PLANNING SCHEME:	GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY:	GREATER SHEPPARTON CITY COUNCIL
ADDRESS OF THE LAND:	21 Knight Street SHEPPARTON VIC 3630
WHAT HAS BEEN REFUSED:	Two (2) lot subdivision, construction of second dwelling, demolition/relocation of existing garage, external painting a building in the Residential Growth Zone, Bushfire Management Overlay, Heritage Overlay and Land Subject to Inundation Overlay

WHAT ARE THE REASONS FOR THE REFUSAL?

- 1) The proposed medical centre fails to achieve acceptable planning outcomes under policy including Clause 15.03-1S, Clause 15.03-1L and the purposes and decision guidelines of the Heritage Overlay, by:
 - a. The proposed subdivision is considered to 'adversely affect the significance of the place'. The changes to the allotment will diminish the tangible physical evidence and compromise the values that inform the significance of this place.
 - b. The proposed second dwelling will result in development which will 'adversely affect the significance, character of appearance of the heritage place.' The development of a two-storey townhouse that is in close proximity to the heritage place will through its bulk, form and appearance compromise the setting of this place.
- 2) The proposal will result in a development that does not comply with the Standards of Clause 55.02-2, 55.03-3, 55.03-4, 55.03-5, 55.03-8, 55.04-2, 55.04-5, 55.05-4, 55.05.5 and 55.06-1.
- 3) The proposal is inconsistent with the Planning Policy Framework of the Greater Shepparton Planning Scheme, particularly clauses 15.01-2S, 15.01-3S, 15.01-5S, 15.03-1S and 15.03-1L.

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2021-470
Applicant Name:	Bruce Mactier Building Designers
Date Received:	24-Nov-2021
Statutory Days:	162
Land/Address:	48 Numurkah Road SHEPPARTON VIC 3630
Zoning & Overlays:	GRZ Abuts RDZ1
Why is a permit required (include Permit Triggers):	Use of land for a Rooming House under 32.08-2 Buildings and works associated with a section 2 use under 32.08-6 Variation 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 \$1570.60 – Development \$668.85 – Use \$668.85 – Variation of access to a RDZ1 (widening of crossover from 3.3m to 5m) Total - \$2,908.30
Disclosures of conflicts of interest in relation to advice provided in this report	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 develop the land for a brick veneer Rooming House with nine bedrooms and double garage and associated amenities. The existing dwelling on site will be demolished.

Rooming House is defined in the Table to Clause 73.03 as “Land used for a rooming house as defined in the *Residential Tenancies Act 1997*.” The land is included in a ‘Residential Building in the table.

Is permission required for a Rooming House?

Yes, for use and development as the building exceeds 300sqm.

Use

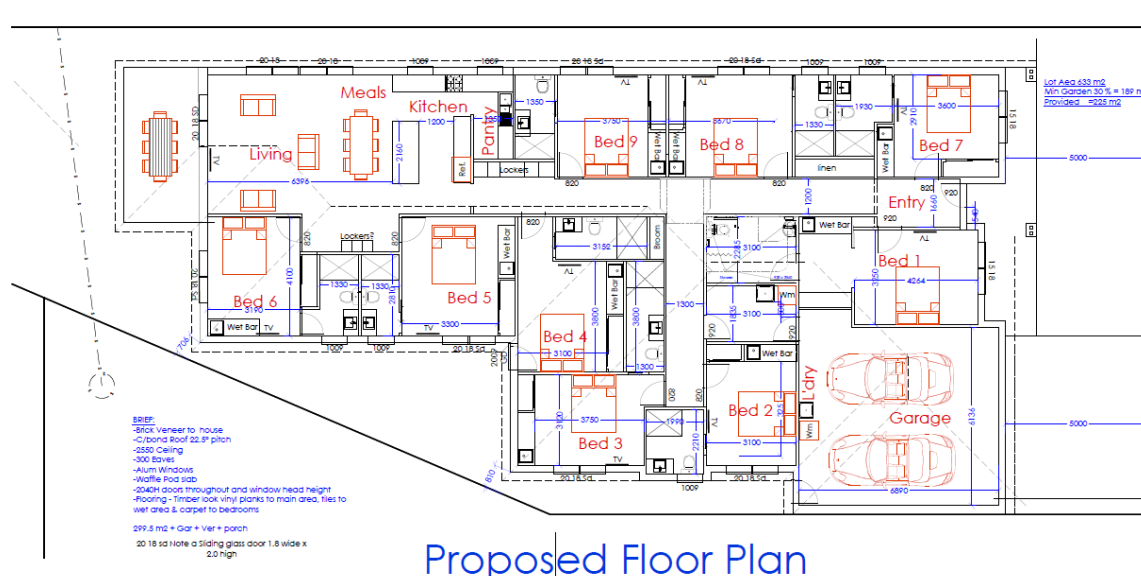
Requirement	Is the requirement met	Officers Comment
Any condition opposite the use 'rooming house' in the table of uses in the zone or schedule is met	No.	Compliance is not achieved with 52.23 as the dwelling size exceeds 300sqm
The total floor area of all buildings on the land, measured from the outside external walls or the centre of party walls, does not exceed 300sqm, excluding outbuildings	No.	The plans state that the dwelling is 299.5sqm, plus, garage, alfresco and verandah, therefore the total floor area exceeds 300sqm
No more than 12 persons are accommodated	Yes	No more than 9 persons are accommodated
No more than 9 bedrooms are provided	Yes	9 bedrooms are provided

Buildings and works

Requirement	Is the requirement met?	Officers comment
No more than 9 bedrooms are developed on the land	Yes	9 bedrooms are proposed
Bedrooms can only be accessed from within the building	Yes	Bedrooms can only be accessed from within the building
The total floor area of all buildings on the land, measured from the outside external walls or the centre of party walls, does not exceed 300sqm, excluding outbuildings	No.	The plans state that the dwelling is 299.5sqm, plus, garage, alfresco and verandah, therefore the total floor area exceeds 300sqm
Garden area of 30% (land is 634sqm in size)	Yes.	
Shared entry facilities and common areas, including a kitchen and living area, are provided	Yes	

Clause 52.06-5 requires one car space to each four bedrooms, based on a 9 bedroom dwelling, two car parking spaces are required. Two car spaces are provided within the garage, which satisfies the uses statutory parking requirement.

The proposed development is shown below.



Summary of Key Issues

In summary, it is submitted that the proposal:

- Accords with the Planning Policy Frameworks of the Greater Shepparton Planning Scheme.
- Complies with the requirements of the General Residential Zone.
- Is supported by DoT in terms of varying the vehicle access onto a TRZ2.
- Demonstrates full compliance with all relevant objectives and the majority of Standards of Clause 55.
- The site can be serviced and has good access to services and transport and will not have any adverse impacts on the amenity of the area.
- GVW, and GBCMA have no objection subject to conditions.
- Council's Development Engineers and Environmental Health Officers support the proposal subject to conditions.
- Was advertised and 2 objections were received, which have been assessed as part of this report. Officers consider that the objections do not warrant refusal of the application.
- Permit conditions will require the submission of more detailed plans for endorsement.

Refer to officer comments in Zone and Policy sections above for greater details.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2021-470 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 32.08-2, 32.08-6 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 48 Numurkah Road SHEPPARTON VIC 3630, for a rooming house and variation of vehicle access under Clause 52.29-2 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. 2021-470 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 32.08-2, 32.08-6 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 48 Numurkah Road SHEPPARTON VIC 3630, for a rooming house and variation of vehicle access under Clause 52.29-2 in accordance with the Notice of Decision and the endorsed plans.

Update to Conditions

- 1e: Details of external fencing including heights and materials. The height of external side fences to be ~~1.8m~~ 2m.
- 1f: Outdoor services (hot water and air conditioning / heating) to be located on the north side of the dwelling

Motion: Michael MacDonagh

Second: Nilesh Singh

CARRIED

Subject Site & Locality

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

Date: 14 February 2022 and 18 May 2022

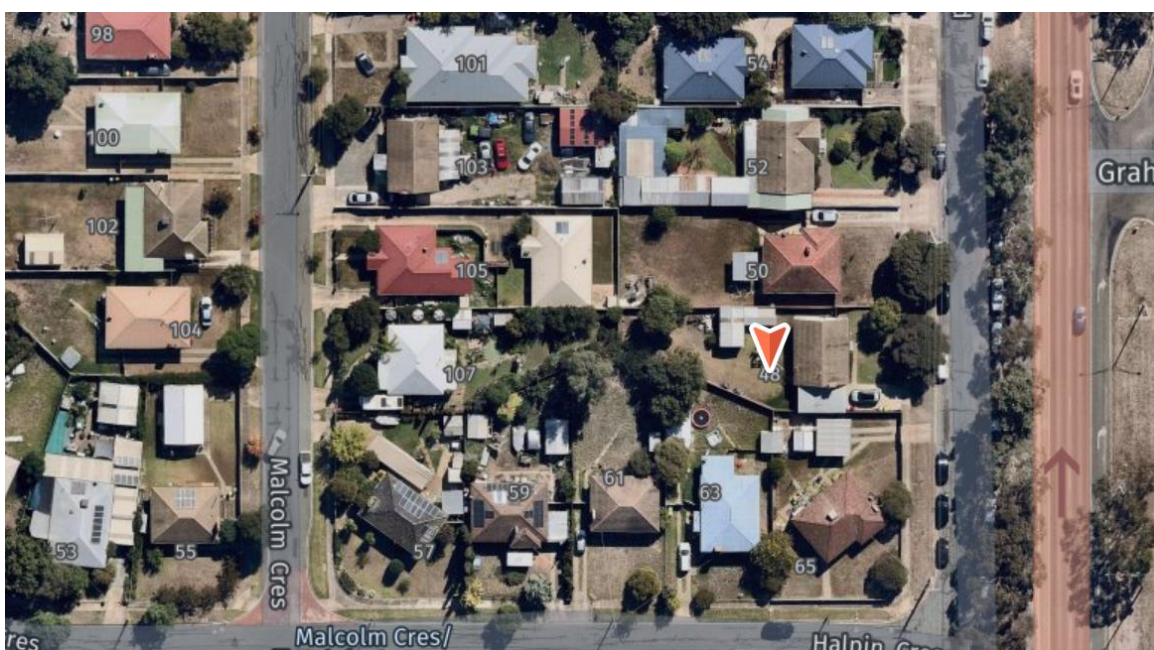
The site has a total area of 634 square metres and currently contains:

- a single storey dwelling and associated outbuildings.

- Access is provided by a crossover at the southern end of the frontage to Numurkah Road.
- The site is flat and is generally devoid of vegetation.

The main site/locality characteristics are:

- Approximately 2km north of Shepparton CBD.
- Within an established residential area.
- Dwellings abut all boundaries except the frontage which abuts Numurkah Road.
- Goulburn Valley Health is on the opposite side of Numurkah Road to the east.
- Close to all services and infrastructure.
- The Photos below show the existing site:



Source: Nearmap - 5 April 2022



Source: Googlemaps Streetview – February 2015



Photo of Access (Photo Taken on 14th of February, 2022)

Permit/Site History

The history of the site includes:

- Nil

Further Information

Was further information requested for this application? No

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description use and development of land for a 9 bedroom Rooming House, by:

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

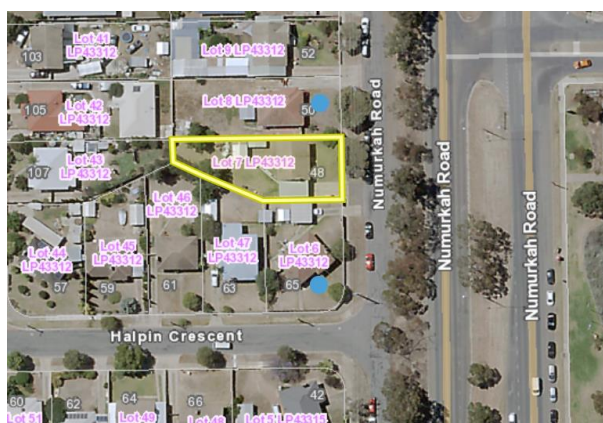


The application was exempt from being advertised in accordance with Clause 52.29-5 of the planning scheme.

Objections

The Council has received two (2) objections to date.

The location of the objectors are shown by blue dots on the below plan.



The key issues that were raised in the objections are.

- One objector just stated that “I don’t support this development” – no grounds were supplied.
- The other objector raised the following objections:
 - Lack of information regarding the purpose of the proposed use.
 - Compliance with P&E Act 1987.
 - Noise impacts and compliance with EPA Act 2017.
 - Lack of parking for residents, maintenance staff and visitors.
 - Lack of outdoor recreation areas.
 - No fire plan included in the application.
 - No plans provided of how waste will be disposed.
 - Privacy concerns/overlooking.

Title Details

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

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- 14 January 2022 – legal advice received from Holding Redlich. The garage is not considered an outbuilding and therefore the floor area will exceed 300 square metres because the garage would be included in the floor area calculation.

Refer to Annexure A below:

Annexure A

Case Law

[Two the Close Pty Ltd v Monash CC \[2020\] VCAT 1406:](#)

- The definition of “**outbuilding**” was considered by VCAT in *Two the Close Pty Ltd v Monash CC*.¹ The tribunal ultimately found that the garage:
 - was not an outbuilding because it was not detached from the dwelling (or main building); and
 - forms part of the dwelling because it is part of the integrated whole as set out by the applicant.
- The following paragraphs in the decision were of particular relevance:

[33] The applicant submitted that the garage is not separate or removed from the dwelling and is part of the integrated whole. The applicant relies on the ordinary definition of ‘outbuilding’ derived from a number of dictionaries and said that commonalities in the definition of ‘outbuilding’ include:

 - the proximity to, and relationship with the larger or main building; and*
 - separation from the main building.*

[34] Mr Langdon [respondent] refers to the definition of ‘outbuilding’ in the several dictionaries including the Australian Concise Oxford dictionary which states:

A detached shed, barn, garage etc within the grounds of a main building; an outhouse.

[35] The Macquarie dictionary (online at 26 November 2020) defines outbuilding as:

A detached building subordinate to a main building.

[36] In support of its submissions that the garage is part of the dwelling and not a separate building, the applicant relied upon the following:

The garage for dwelling 3:

 - forms part of the ground floor;*
 - serves partly as the front and rear external walls;*
 - shares a common internal wall with dwelling 2;*
 - will be integrated into the design and support of the first floor of dwelling 3;*
 - shares the roof of the first floor; and*
 - shares the roof of the ground floor (in part).*

[37] Further, the applicant submitted that as the garage is not an outbuilding having regard to the ordinary meaning of outbuilding, and is integrated with dwelling 3, it is part of the dwelling, and thus should be included in the floor area calculation.

¹ [Two the Close Pty Ltd v Monash CC \[2020\] VCAT 1406](#) at [33]-[42].

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Vic Roads	52.29-4	Determining	<p>No objection subject to the following conditions:</p> <p>Direct access to Numurkah Road will not be permitted. Access will only be permitted via the service road.</p> <p>Prior to the occupation of the rooming house, the access must be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.</p> <p>Planning Notes</p> <p>Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act.</p> <p>Please note that Amendment VC205 was gazetted on 20 January 2022. The amendment introduced the Transport Zone and deletes the Road Zone. The Head, Transport for Victoria recommends that the permit preamble be updated to reflect this change.</p>

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVW	<p>No objection subject to the following condition:</p> <p>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>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>Please note, 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>

CMA	<p>No objection subject to the following conditions:</p> <ol style="list-style-type: none"> The finished floor level of the proposed house must be constructed at least 300 millimetres above the 100-year ARI flood level of 111.58 metres AHD, i.e., 111.88 metres AHD, or higher level deemed necessary by the responsible authority. <p>Please note that the 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 100-year ARI flood, may occur in the future.</p>
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Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council's engineers consented to the application subject to standard conditions.
EHO	<p>No objection subject to the following conditions:</p> <ol style="list-style-type: none"> The proposed use will require registration with Council's Environmental Health Department under the Public Health & Wellbeing Act 2008. <p>The dwelling will need to comply with the requirements of the Public Health and Wellbeing Regulations 2009 and the regulations made under Division 8 of Part 3 of the Residential Tenancies Act 1997.</p>

Assessment

The zoning of the land

32.08 GENERAL RESIDENTIAL ZONE

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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 non-residential uses to serve local community needs in appropriate locations.

32.08-4 Construction or extension of a dwelling or residential building Minimum garden area requirement

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

Lot size	Minimum percentage of a lot set aside as garden area
400 - 500 sqm	25%
Above 500 - 650 sqm	30%
Above 650 sqm	35%

This does not apply to:

An application to construct or extend a dwelling or residential building if specified in a schedule to this zone as exempt from the minimum garden area requirement;

An application to construct or extend a dwelling or residential building on a lot if:

The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;

The lot is designated as a medium density housing site in an incorporated plan or approved development plan.

32.08-6 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement:

A permit is required to construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55 (no requirements are specified in Schedule 1 to the GRZ).

32.08-9 Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

32.08-10 Maximum building height requirement for a dwelling or residential building

If no maximum building height or maximum number of storeys is specified in a schedule (which is the case in the GRZ1) to this zone: the building height must not exceed 11 metres; and the building must contain no more than 3 storeys at any point.

32.08-13 Decision guidelines

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

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- 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.
- 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.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

OFFICER COMMENTS – GRZ1

- Refer to later sections with respect to policy considerations.
- The pattern of development is consistent with the area.
- There is no impact on adjoining existing rooftop solar facilities.
- The proposal includes single storey building 2.55m in height which is well below the height requirements of 11m or 3 storeys in the GRZ1.
- The development exceeds the minimum garden area of 30% (35% provided).
- The development meets all objectives and majority of Standards in Clause 55 (refer to assessment against Clause 55 later in this report).

Relevant overlay provisions

There are no overlay applicable to the site.

Planning Policy Framework (PPF)

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 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.

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.

15.01-1L Urban design

Strategies

- Avoid building frontages with long expanses of solid walls by incorporating design elements and a variety of materials that create articulation and visual interest.
- Encourage landscaping in new developments to mitigate the impact of buildings on the surrounds and provide additional vegetation in the canopy.
- Orient buildings in the vicinity of the river towards the riverside environment.
- Encourage retention of existing vegetation where practical.
- Encourage the use of indigenous and low maintenance plant species.

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.

16.01-1S Housing supply

Objective

To facilitate well-located, integrated and diverse housing that meets community needs.

Strategies

- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
- Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Identify opportunities for increased residential densities to help consolidate urban areas.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.
- Encourage the development of well-designed housing that:
 - Provides a high level of internal and external amenity.
 - Incorporates universal design and adaptable internal dwelling design.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.
- Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

16.01-1L Residential development

Strategies

- Support retention and renovation of existing dwellings that front the street in the General Residential Zone.
- Encourage additional dwellings to the rear of existing dwellings in the General Residential Zone.
- Encourage lot consolidation to allow for larger scale development in the Residential Growth Zone

19.03-2L-01 Infrastructure design and provision

Strategies

- Encourage a consistent approach to the design and construction of infrastructure across the municipality using standardised infrastructure guidelines.
- Encourage the provision of infrastructure that is responsive to township and local character.
- Coordinate developer funded delivery of development infrastructure including the extension of water and sewerage services.

Policy guideline

Consider as relevant:

- The Infrastructure Design Manual (Local Government Infrastructure Design Association) or an approved precinct structure plan for new subdivision and development.

Policy document

Consider as relevant:

- Infrastructure Design Manual (Local Government Infrastructure Design Association, 2020)

02.03 STRATEGIC DIRECTIONS

02.03-1 Settlement

To accommodate a population that is forecast to grow 59,202 in 2006 to 71,509 by 2026 (Victoria in Future, DSE, 2016), there will need to be a corresponding growth in the number of dwellings in Shepparton and the outlying townships. 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.

It is expected that the urban areas of Shepparton, Mooroopna and Kialla will accommodate the majority of new residential development, with new growth located to the south, south east of Shepparton and Kialla, north of Shepparton and to the west of Mooroopna, with remaining growth distributed throughout the outlying townships of Tatura, Murchison, Merrigum, Dookie, Congupna, Katandra West, Tallygaroopna, Toolamba, and Undera.

In facilitating the future growth and development of its towns, Council is committed to achieving urban consolidation, thereby promoting walking, the use of bicycles and reducing the dependence on car use. In proximity to the Shepparton CBD and other key activity centres, people will be encouraged to live at higher densities in environments that offer individual, lifestyle and community benefits. Council encourages the provision of additional medium density and apartment style accommodation including shop-top housing within the Shepparton, Mooroopna and Kialla urban areas.

02.03-8 Infrastructure

The efficient design, delivery and management of infrastructure is a fundamental element in providing affordable and diverse housing, generating economic growth and managing the municipality in a sustainable manner.

Reticulated water and sewerage services will impact land use planning throughout Greater Shepparton. Goulburn Valley Water provides services to Shepparton, Mooroopna, Tatura, Murchison and Merrigum and there are no proposals to provide this service to any other community within the next 10 years. Goulburn Murray Water is responsible for the supply and distribution of irrigation water for rural use, with a long term operational goal to continue to deliver water as efficiently as possible with the minimum amount of cost.

The provision and management of facilities for waste, resource recovery and recycling will continue to impact land use planning in Greater Shepparton. Technological changes within the next 20 years may change the way we are currently treating and managing waste with government regulations expected to limit the amount of waste going to landfill with greater emphasis on recycling and green waste reuse.

Standardised infrastructure design guidelines provide for the efficient design, assessment and development of infrastructure within the municipality, including roads, drainage, stormwater, car parking, landscaping, access, earthworks, public lighting and intersection infrastructure.

Council is committed to:

- Facilitating a coordinated, efficient and equitable approach to the provision of infrastructure and community facilities.
- Facilitating the delivery of waste, resource recovery and recycling services to reduce the amount of waste going to landfill.
- Progressing principles of environmentally sustainable design, including water sensitive urban design, in all developments.
- Applying standardised infrastructure design guidelines.

OFFICER COMMENTS – PPF and LPPF

- The proposed subdivision accords with the PPF and LPPF as it:
 - Creates additional housing opportunities;
 - Supports population growth,
 - Is close to a range of services and facilities;
 - Is supported by existing infrastructure services;
 - Is consistent with surrounding development.

Relevant Particular Provisions

52.23

Rooming House

Purpose

To facilitate the establishment of domestic-scale rooming houses.

52.29 Land Adjacent to the Principal Road Network

Purpose

- To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.
- To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

52.29-2 Permit requirement

A permit is required to:

- Create or alter access to:
 - A road in a Transport Zone 2.
 - Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.

52.29-6 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 – 52.29

- Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in Road Zone, Category 1. This application includes the creation of crossovers to Numurkah Road.
- DoT as determining referral authority supports the proposed access onto Numurkah Road provided that there is no direct access to Numurkah Road. Access will only be permitted via the service road.

55 TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

Purpose

A Residential Building includes a Rooming house as defined in the Table to Clause 73.03.

Therefore Clause 55 applies to this application.

The purpose of Clause 55 is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.

- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood

All of the provision of Clause 55, except Clauses 55.07-1 to 55.07-15 (inclusive) apply to an application to construct a Residential Building.

The following assessment has been undertaken against the objectives and standards contained in Clause 55.

55.01 NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE	
<p><i>An application must be accompanied by:</i></p> <ul style="list-style-type: none"> ▪ <i>A neighbourhood and site description.</i> ▪ <i>A design response.</i> 	<p>Does Not Comply</p> <p>Clause 55.01-1 allows the RA to reduce or waive this requirement.</p>

OBJECTIVE & TITLE	STANDARD	COMPLIES DOES NOT COMPLY / VARIATION REQUIRED
55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE		
55.02-1 Neighbourhood Character	Standard B1	Complies / Does Not Comply / Variation Required
<p><i>To ensure that the design respects the existing neighbourhood character or contributes to neighbourhood character.</i></p> <p><i>To ensure that development responds to the features of the site and the surrounding area</i></p>	<p><i>The design response must be appropriate to the neighbourhood and the site.</i></p> <p><i>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site</i></p>	<p>Complies</p> <p>The proposal is consistent with the residential character of the area being single dwellings and only one storey in height.</p>
55.02-2 Residential Policy	Standard B2	Complies / Does Not Comply / Variation Required
<p><i>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework,</i></p>	<p><i>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the</i></p>	<p>Does not Comply with Standard</p>

<p><i>including the Municipal Strategic Statement and local planning policies.</i></p> <p><i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services</i></p>	<p><i>Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i></p>	<p>No Planning Report was attached to the application providing a detailed policy response. The proposal however would meet the objective as it complies with policy.</p>
<p>55.02-3 Dwelling Diversity</p>	<p>Standard B3</p>	<p>Complies / Does Not Comply / Variation Required</p>
<p><i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings</i></p>	<p><i>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</i></p> <ul style="list-style-type: none"> • <i>Dwellings with a different number of bedrooms.</i> • <i>At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</i> 	<p>N/A</p>
<p>55.02-4 Infrastructure</p>	<p>Standard B4</p>	<p>Complies / Does Not Comply / Variation Required</p>
<p><i>To ensure development is provided with appropriate utility services and infrastructure.</i></p> <p><i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i></p>	<p><i>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</i></p> <p><i>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</i></p> <p><i>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</i></p>	<p>Complies</p> <p>All services can be connected in accordance with the requirements of relevant authorities.</p>
<p>55.02-5 Integration With The Street</p>	<p>Standard B5</p>	<p>Complies / Does Not Comply / Variation Required</p>
<p><i>To integrate the layout of development with the street</i></p>	<p><i>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</i></p>	<p>Complies</p>

<i>Development should be oriented to front existing and proposed streets</i>	Direct vehicle and pedestrian access is provided to Numurkah Road. Development fronts the existing street. No high fencing is proposed. There is no abuttal to POS.
<i>High fencing in front of dwellings should be avoided if practicable</i>	
<i>Development next to existing public open space should be laid out to complement the open space.</i>	

55.03 SITE LAYOUT AND BUILDING MASSING		
55.03-1 Street Setback	Standard B6	Complies / Does Not Comply / Variation Required
<p><i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site</i></p>	<p><i>Walls of buildings should be set back from streets:</i></p> <ul style="list-style-type: none"> <i>At least the distance specified in a schedule to the zone, o</i> <i>If no distance is specified in a schedule to the zone, the distance specified in Table B1.</i> <p><i>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</i></p> <p>Development Context and Minimum Setbacks</p> <p><i>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</i></p> <ul style="list-style-type: none"> <i>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</i> 	<p>Does Not comply with the Standard</p> <p>The front setback requirement is 5m and the development does not comply with the Standard as #50 Numurkah Road is setback approximately 9+ metres.</p> <p>The adjoining site to the south has frontage to Halpin Crescent but only has a approx. 2 metre setback to Numurkah Street. Other setbacks</p>

	<p><i>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner:</i></p> <ul style="list-style-type: none"> ▪ <i>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</i> <p><i>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</i></p> <ul style="list-style-type: none"> ▪ <i>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i> <p><i>The site is on a corner.</i></p> <ul style="list-style-type: none"> ▪ <i>Min front setback if there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</i> ▪ <i>Min front setback if there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</i> ▪ <i>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</i> ▪ <i>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</i> ▪ 	<p>along Numurkah Street are approx. 5m. Consequently, it is considered that the objective can be met.</p>
<p>55.03-2 Building Height</p>	<p>Standard B7</p>	<p>Complies / Does Not Comply / Variation Required</p>
<p><i>To ensure that the height of buildings respects the existing or preferred neighbourhood character</i></p>	<p><i>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</i></p> <p><i>If no maximum height is specified in the zone, schedule to the zone or an overlay,</i></p>	<p>Complies</p>

	<p><i>the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</i></p> <p><i>Changes of building height between existing buildings and new buildings should be graduated.</i></p>	<p>Clause 32.08-10 of the GRZ requires a height of no more than 11 metres and no more than 3 storeys</p> <p>The proposed building heights are 2.55m and single storey.</p>
55.03-3 Site Coverage	Standard B8	Complies / Does Not Comply / Variation Required
<p><i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</i></p>	<p><i>The site area covered by buildings should not exceed:</i></p> <ul style="list-style-type: none"> ▪ <i>The maximum site coverage specified in a schedule to the zone, or</i> ▪ <i>If no maximum site coverage is specified in a schedule to the zone, 60 per cent.</i> ▪ 	<p>Does Not comply with the Standard</p> <p>Required site coverage is 60% maximum.</p> <p>Proposed Site coverage is 66%.</p> <p>Given the nature of the use and the location on a Principal Road Network, the increase in site coverage is acceptable and can meet the objectives.</p>
55.03-4 Permeability	Standard B9	Comments
<p><i>To reduce the impact of increased stormwater run-off on the drainage system</i></p> <p><i>To facilitate on-site stormwater infiltration</i></p>	<p><i>The site area covered by the pervious surfaces should be at least:</i></p> <ul style="list-style-type: none"> • <i>The minimum area specified in a schedule to the zone, or</i> • <i>If no minimum is specified in a schedule to the zone, 20 percent of the site.</i> 	<p>Complies</p> <p>Required minimum permeable area is 20%.</p>

<p><i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i></p>	<p><i>The stormwater management system should be designed to:</i></p> <ul style="list-style-type: none"> • <i>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).</i> • <i>Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</i> 	<p>Proposed minimum permeable area is approx. 33%.</p>
<p>55.03-5 Energy Efficiency</p>	<p>Standard B10</p>	<p>Complies / Does Not Comply / Variation Required</p>
<p><i>To achieve and protect energy efficient dwellings and residential buildings</i></p> <p><i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</i></p>	<p><i>Buildings should be:</i></p> <ul style="list-style-type: none"> • <i>Orientated to make appropriate use of solar energy</i> • <i>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced</i> • <i>Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</i> <p><i>Living areas and private open space should be located on the north side of the development if practicable</i></p> <p><i>Developments should be designed so that solar access to north-facing windows is maximised</i></p>	<p>Complies</p> <p>All bedrooms can use of northerly sunlight where possible</p> <p>There is no solar impact on adjoining lots to the south.</p> <p>Where practicable the proposed habitable areas are north facing with large windows allowing for sunlight to enter where possible.</p>
<p>55.03-6 Open Space</p>	<p>Standard B11</p>	<p>Complies / Does Not Comply / Variation Required</p>
<p><i>To integrate the layout of the development with any public and communal open space provided in or adjacent to the development</i></p>	<p><i>If any public or communal open space is provided on site, it should:</i></p> <ul style="list-style-type: none"> • <i>Be substantially fronted by dwellings, where appropriate</i> • <i>Provide outlook for as many dwellings as practicable</i> • <i>Be designed to protect any natural features on the site</i> • <i>Be accessible and useable</i> 	<p>Complies</p> <p>N/A</p>

55.03-7 Safety	Standard B12	Complies / Does Not Comply / Variation Required
<p><i>To ensure the layout of development provides for the safety and security of residents and property</i></p>	<p><i>Entrances to dwellings should not be obscured or isolated from the street and internal accessways</i></p>	<p>Complies</p> <p>Entrance is via Numurkah Road.</p> <p>No landscape plan has been provided but conditions on permit can ensure only low lying vegetation is placed in front of dwellings.</p> <p>There are no public thoroughfares.</p>
	<p><i>Planting which creates unsafe spaces along streets and accessways should be avoided</i></p>	
	<p><i>Developments should be designed to provided good lighting, visibility and surveillance of car parks and internal accessways</i></p>	
	<p><i>Private spaces within developments should be protected from inappropriate use as public thoroughfares</i></p>	
55.03-8 Landscaping	Standard B13	Complies / Does Not Comply / Variation Required
<p><i>To encourage development that respects the landscape character of the neighbourhood</i></p> <p><i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance</i></p> <p><i>To provide appropriate landscaping</i></p> <p><i>To encourage the retention of mature vegetation on the site</i></p>	<p><i>The landscape layout and design should:</i></p> <ul style="list-style-type: none"> • <i>Protect any predominant landscape features of the neighbourhood</i> • <i>Take into account the soil type and drainage patterns of the site</i> • <i>Allow for intended vegetation growth and structural protection of buildings</i> • <i>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals</i> • <i>Provide a safe, attractive and functional environment for residents</i> 	<p>Complies</p> <p>No landscape plan has been provided but conditions on permit will seek preparation of a plan.</p> <p>There is no existing significant vegetation on site worth retaining.</p>
	<p><i>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood</i></p>	
	<p><i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made</i></p>	

	<p><i>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting</i></p> <p><i>Development should meet any additional landscape requirements specified in a schedule to the zone.</i></p>	
55.03-9 Access	Standard B14	Complies / Does Not Comply / Variation Required
<p><i>To ensure the number and design of vehicle crossovers respects the neighbourhood character</i></p>	<p><i>The width of accessways or car spaces should not exceed:</i></p> <ul style="list-style-type: none"> • <i>33% of the street frontage, or</i> • <i>if the width of the street frontage is less than 20m, 40% of the street frontage</i> <p><i>No more than one single-width crossover should be provided for each dwelling fronting a street</i></p> <p><i>The location of crossovers should maximize the retention of on-street car parking spaces</i></p> <p><i>The number of access point to a road in a Road Zone should be minimised</i></p> <p><i>Developments must provide access for service, emergency and delivery vehicles</i></p>	<p>Complies</p> <p>The proposed accessways take up less than 33% of existing and proposed road frontages.</p> <p>Access is limited to one location and will minimise reduction in on street parking.</p>
55.03-10 Parking Location	Standard B15	Complies / Does Not Comply / Variation Required
<p><i>To provide convenient parking for resident and visitor vehicles</i></p> <p><i>To protect residents from vehicular noise within developments</i></p>	<p><i>Car parking facilities should:</i></p> <ul style="list-style-type: none"> • <i>Be reasonably close and convenient to dwellings and residential buildings</i> • <i>Be secure</i> • <i>Be well ventilated if enclosed</i> <p><i>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from the windows of habitable rooms. This 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</i></p>	<p>Complies</p> <p>All car parking areas are considered to be secure and convenient being provided in an double garage..</p> <p>No habitable room windows are within thin 1.5metres of an accessway.</p>

55.04 AMENITY IMPACTS		
55.04-1 Side And Rear Setback	Standard B17	Complies / Does Not Comply / Variation Required
<p><i>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</i></p>	<p><i>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</i></p>	<p>Does Not comply with Standard</p> <p>The garage and the corner of the building in two points does not comply, however the balance of the building is more than 1m from boundaries. The objective is considered to be met.</p>
	<p><i>A new building not on or within 200mm of a boundary should be setback from side or rear boundaries:</i></p> <ul style="list-style-type: none"> • <i>At least the distance specified in a schedule to the zone, or</i> • <i>If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</i> 	
	<p><i>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5m into the setbacks of this standard</i></p>	
	<p><i>Landings having an area of not more than 2sqm and less than 1m high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard</i></p>	

55.04-2 Wall On Boundaries	Standard B18	Complies / Does Not Comply / Variation Required
<p><i>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</i></p>	<p><i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:</i></p> <ul style="list-style-type: none"> <i>• For a length of more than the distance specified in a schedule to the zone; or</i> <i>• If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> <i>– 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</i> <i>– Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.</i> </i> <p><i>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</i></p> <p><i>A building on a boundary includes a building set back up to 200mm from a boundary</i></p> <p><i>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</i></p>	<p>N/A</p> <p>No walls on a boundary.</p>
<p>55.04-3 Daylight To Existing Windows</p>	<p>Standard B19</p>	<p>Complies / Does Not Comply / Variation Required</p>
<p><i>To allow adequate daylight into existing habitable room windows</i></p>	<p><i>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3sqm and minimum dimensions of 1m clear to the sky. The</i></p>	<p>Complies</p>

	<p><i>calculation of the area may include land on the abutting lot</i></p>	<p>Adjoining dwelling to the south is well setback to maintain daylight.</p>
	<p><i>Walls or carports more than 3m in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the existing window.</i></p>	
	<p><i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window</i></p> <p><i>Refer to Diagram B2</i></p>	
<p>55.04-4 North Facing Windows</p>	<p>Standard B20</p>	<p>Complies / Does Not Comply / Variation Required</p>
<p><i>To allow adequate solar access to existing north-facing habitable room windows</i></p>	<p><i>If a north-facing habitable window of an existing dwelling is within 3m of a boundary on an abutting lot, a building should be setback from the boundary 1m, plus 0.6m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m, for a distance of 3m from the edge of each side of the window.</i></p> <p><i>A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i></p> <p><i>Refer to Diagram B3</i></p>	<p>Complies</p> <p>No adjacent existing dwelling is within 3 metres.</p>

55.04-5 Overshadow Open Space	Standard B21	Complies / Does Not Comply / Variation Required
<p><i>To ensure buildings do not significantly overshadow existing secluded private open space</i></p>	<p><i>Where sunlight to secluded private open space of an existing dwelling is reduced, at least 75%, or 40sqm with minimum dimension of 3m, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September</i></p> <p><i>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced</i></p>	<p>Complies</p> <p>No overshadowing diagrams have been prepared however the building is single storey and 2.55m in height there is not expected to be any overshadowing impacts.</p>
55.04-6 Overlooking	Standard B22	Complies / Does Not Comply / Variation Required
<p><i>To limit views into existing secluded private open space and habitable room windows</i></p>	<p><i>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45° angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7m above the floor level</i></p> <p><i>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling within a horizontal distance of 9m (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</i></p> <ul style="list-style-type: none"> <i>• offset a minimum of 1.5m from the edge of one window to the edge of the other</i> <i>• have sill heights of at least 1.7m above floor level</i> <i>• have fixed, obscure glazing in any part of the window below 1.7m above floor level</i> <i>• have permanently fixed external screens to at least 1.7m above floor level and be no more than 25% transparent</i> 	<p>Complies</p> <p>The building is single storey and 2.55m in height and incorporates a 1.8m high existing boundary fence and there will be no overlooking.</p>

	<p><i>Obscure glazing in any part of the window below 1.7m above floor level may be openable provided that there are no direct views as specified in this standard</i></p> <p><i>Screens used to obscure a view should be:</i></p> <ul style="list-style-type: none"> • <i>perforated panels or trellis with a maximum of 25% openings or solid translucent panels</i> • <i>permanent, fixed and durable</i> • <i>designed and coloured to blend with the development</i> <p><i>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</i></p>	
55.04-7 Internal Views	Standard B23	Complies / Does Not Comply / Variation Required
<i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development</i>	<i>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 within the same development</i>	<p>Complies</p> <p>The design ensures there is no overlooking into the secluded private open space or habitable room windows of bedrooms within the development.</p>
55.04-8 Noise Impacts Objective	Standard B24	Complies / Does Not Comply / Variation Required
<i>To contain noise sources in developments that may affect existing dwellings</i>	<p><i>Noise sources, such as mechanical plant, should not be located near boundaries of immediately adjacent existing dwellings</i></p> <p><i>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take</i></p>	Complies

<i>To protect residents from external noise</i>	<i>account of noise sources on immediately adjacent properties</i>	No impacts due to residential nature of the proposal and surrounds.
	<i>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms</i>	

55.05 ON-SITE AMENITY AND FACILITIES		
55.05-1 Accessibility	Standard B25	Complies / Does Not Comply / Variation Required
<i>To encourage the consideration of the needs of people with limited mobility in the design of developments</i>	<i>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.</i>	Complies The building has access at ground level.
55.05-2 Dwelling Entry	Standard B26	Complies / Does Not Comply / Variation Required
<i>To provide each dwelling or residential building with its own sense of identity</i>	<i>Entries to dwellings and residential buildings should:</i> <ul style="list-style-type: none"> • <i>be visible and easily identifiable from streets and other public areas</i> • <i>provide shelter, a sense of personal address and a transitional space around the entry</i> 	Complies The building has its own entrance which is clearly visible.
55.05-3 Daylight To New Windows	Standard B27	Complies / Does Not Comply / Variation Required
<i>To allow adequate daylight into new habitable room windows</i>	<i>A window in a habitable room should be located to face:</i> <ul style="list-style-type: none"> • <i>an outdoor space or a light court with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, not including land on an abutting lot, or</i> • <i>a verandah provided it is open for at least one third its perimeter, or</i> 	Complies

	<ul style="list-style-type: none"> a carport provided it has two or more open sides and is open for at least one third of its perimeter 	
55.05-4 Private Open Space	Standard B28	Complies / Does Not Comply / Variation Required
<p>To provide adequate private open space for the reasonable recreation and service needs of residents</p>	<p>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</p>	<p>Complies</p> <p>Private open space exceeds 25m².</p>
	<p>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"> an area of 40sqm, with one part secluded at the side or rear with a min area of 25sqm, a min dimension of 3m and convenient access from a living room, or a balcony of 8sqm with a min width of 1.6m and convenient access from a living room, or <p>a roof-top area of 10sqm with a min width of 2m and convenient access from a living room</p>	
	<p>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</p>	
55.05-5 Solar Access To Open Space	Standard B29	Complies / Does Not Comply / Variation Required
<p>To allow solar access into the secluded private open space of new dwellings and residential buildings</p>	<p>The private open space should be located on the north side of the dwelling or residential buildings</p>	<p>Does Not Comply to Standard</p> <p>There is limited POS given the nature of the use and it is located to the west and south of the site. The western POS has solar access so the objective is met.</p>
	<p>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>Refer to Diagram B29</p>	

55.05-6 Storage	Standard B30	Complies / Does Not Comply / Variation Required
<i>To provide adequate storage facilities for each dwelling</i>	<i>Each dwelling should have convenient access to at least 6m³ of externally accessible, secure storage space</i>	N/A No requirements for a Residential Building

55.06 DETAILED DESIGN		
55.06-1 Design Detail	Standard B31	Complies / Does Not Comply / Variation Required
<i>To encourage design detail that respects the existing or preferred neighbourhood character</i>	<p><i>The design of buildings, including:</i></p> <ul style="list-style-type: none"> • <i>Facade articulation and detailing,</i> • <i>Window and door proportions,</i> • <i>Roof form, and</i> • <i>Verandahs, eaves and parapets,</i> <p><i>should respect the existing or preferred neighbourhood character.</i></p> <p><i>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character</i></p>	Complies Dwellings complement existing residential development in terms of design detail.
55.06-2 Front Fences	Standard B32	Complies / Does Not Comply / Variation Required
<i>To encourage front fence design that respects the existing or preferred neighbourhood character</i>	<p><i>The design of front fences should complement the design of the dwelling and any front fences on adjoining properties</i></p> <p><i>A front fence within 3m of a street should not exceed:</i></p> <ul style="list-style-type: none"> • <i>The maximum height specified in a schedule to the zone. or</i> • <i>If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.</i> <ul style="list-style-type: none"> - <i>Streets in a Road Zone Category 1 = 2m</i> - <i>Other Streets = 1.5m</i> 	Complies N/A – no front fences are proposed.

55.06-3 Common Property	Standard B33	Complies / Does Not Comply / Variation Required
<p><i>To ensure that communal open space, car parking, access lanes and site facilities are practical, attractive and easily maintained</i></p> <p><i>To avoid future management difficulties in areas of common ownership</i></p>	<p><i>Developments should clearly delineate public, communal and private areas</i></p>	<p>N/A</p>
	<p><i>Common property, should be functional and capable of efficient management</i></p>	
55.06-4 Site Service	Standard B34	Complies / Does Not Comply / Variation Required
<p><i>To ensure that site services can be installed and easily maintained</i></p> <p><i>To ensure that site facilities are accessible, adequate and attractive</i></p>	<p><i>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</i></p>	<p>Complies</p> <p>All necessary services are provided and well designed and located.</p>
	<p><i>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development</i></p>	
	<p><i>Bin and recycling enclosures should be located for convenient access</i></p>	
	<p><i>Mailboxes should be provided and located for convenient access</i></p>	

OFFICER COMMENTS – Clause 55

The development involves development of a 9 bedroom rooming house which falls under a Residential Building under the Planning Scheme hence the need for a Clause 55 assessment. The above demonstrates compliance with all relevant objectives and the majority of standards.

A Neighbourhood and Site Description and Design Response was not submitted as required pursuant to Clause 55.01. Notwithstanding, Clause 55.0-1 states that “*if in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.*”

The proposal is essentially one dwelling but needs to be assessed under Clause 55 as it has 9 bedrooms and is classified as a Residential Building. It is considered that given that the neighbourhood is fully established a Neighbourhood and Site Description and Design Response is not critical to the evaluation of the application so this requirement can be waived.

The following Standards were not met but it is considered that the proposal still satisfies the objectives as highlighted below from the above assessment:

B2 (Residential Policy) – No Planning Report was attached to the application providing a detailed policy response. The proposal however would meet the objective as it complies with policy.

B6 (Street Setback) – The front setback requirement is 5m and the development does not comply with the Standard as 50 Numurkah Road is setback approximately 9+ metres. The adjoining site to the south has frontage to Halpin Crescent but only has an approx. 2 metre setback to Numurkah Road. Other setbacks along Numurkah Road are approx. 5m. Consequently it is considered that the objective can be met.

B8 (Site Coverage) – Required site coverage is 60% maximum. Proposed Site coverage is 66%. Given the nature of the use and the location on a Principal Road Network, the increase in site coverage is acceptable and can meet the objectives.

B17 (Side Setbacks) – The garage and the corner of the building in two points does not comply, however the balance of the building is more than 1m from boundaries. The objective is considered to be met

B29 (POS) - There is limited POS given the nature of the use and it is located to the west and south of the site. The western POS has solar access so the objective is met.

The decision guidelines of Clause 65

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

65.01 Approval of an application or plan

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

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

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

OFFICERS ASSESSMENT

Refer to preceding officer comments regarding compliance with PPF, LPPF, GRZ1, Clause 52.29 and Clause 55 assessment.

With respect to the two objections lodged the following comments are provided.

Lack of information regarding the purpose of the proposed use.

The applicant has provided the following response which was forwarded to the objector:

“We acknowledge that the adjoining residents have concerns about the nature of use and would like to be provided with additional information on the purpose of the use. The subject site would be used for a rooming house, which will allow multiple tenants to enter into a rental agreement and reside in the property. The property is strategically located in close proximity to existing Universities and Schools and therefore is likely to be rented out to University Students and Goulburn Valley Health Workers. These tenants would be subject to an appropriate rental agreement and would-be long-term residents. It is not to be used as backpackers/short term hostel accommodation.”

Compliance with P&E Act 1987.

The proposal is a discretionary use under the Greater Shepparton Planning Scheme and the application has been assessed under the provisions of the P&E Act and Planning Scheme requirements as outlined in this report.

Noise impacts and compliance with EPA Act 2017.

The proposal is similar to a residential dwelling. Planning permit conditions will be included in the permit to protect residential amenity from noise and will enable any breaches to be enforced under the Planning Scheme and also the EPA Act.

Lack of parking for residents, maintenance staff and visitors.

The Planning Scheme only requires 2 car spaces on site and these are provided via a double garage. There is space between the garage and frontage to park 2 cars in tandem if required, which could be utilized by maintenance staff and/or deliveries.

There is also car parking on both sides of the abutting service road provided in both parallel and angled spaces.

Lack of outdoor recreation areas.

The Clause 55 assessment has confirmed that sufficient POS is provided.

No fire plan included in the application.

Internal accessways must meet building regulations which will include emergency/fire access.

No plans provided of how waste will be disposed.

Usual Council provided on-street waste collection will be provided and there is no requirement to provide a waste management plan under the Planning Scheme. A condition of permit will require location of bins to be shown on endorsed plans.

Privacy concerns/overlooking.

The Clause 55 assessment has confirmed there are no privacy/overlooking issues. A 1.8m high fence is provided along the southern boundary and is considered sufficient to prevent overlooking.

Relevant incorporated or reference documents

There are no relevant incorporated or reference documents that relate to this application for a planning permit.

Other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

There are no relevant Planning Scheme Amendments.

Are there any significant social & economic effects?

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

Discuss any other relevant Acts that relate to the application?

There are no other relevant acts that relate to this application for a planning permit.

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 for a planning permit and it is not considered that the application impinges on the Charter.

Conclusion

Officers have undertaken an assessment of the application and found that the proposed Rooming House achieves acceptable planning outcomes. It is recommended that a permit issue subject to conditions.

Draft Notice Of Decision

APPLICATION NO: 2021-470
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: 48 NUMURKAH ROAD SHEPPARTON VIC 3630
WHAT THE PERMIT WILL ALLOW: USE AND DEVELOPMENT OF LAND IN THE
GENERAL RESIDENTIAL ZONE FOR A ROOMING
HOUSE AND VARIATION OF ACCESS TO A ROAD
ZONE CATEGORY 1

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 must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) Full dimensioned plans including heights and setbacks.
- b) A schedule of materials, external finishes and colours.
- c) Location and details of pedestrian pathways and the driveway.
- d) Location of waste bins.
- e) Details of external fencing including heights and materials. The height of external side fences to be 1.8m.

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

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

3. Layout Not Altered

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

4. Drainage Discharge Plan

Before the development starts, 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:

- a) how the land will be 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 65 lit/sec/ha with 8 litres (Tank/Basin) or 10 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.

Before the occupation of the development all drainage works required by the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

5. Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided and must show:

- a) Street trees.
- b) Landscaping and planting within all open areas of the site including 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;
- c) Details of surface finishes of pathways and driveways.

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

Before the occupation of the developments 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.

6. General Amenity

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

- a) the appearance of any buildings, works or materials;
- b) the emission of noise and artificial light.

to the satisfaction of the responsible authority.

7. Health Requirements

The Rooming House requires registration with Council's Environmental Health Department under the Public Health & Wellbeing Act 2008 and comply with the requirements of the Public Health and Wellbeing Regulations 2009 and the regulations made under Division 8 of Part 3 of the Residential Tenancies Act 1997.

8. Department of Transport Requirements

- a) Direct access to Numurkah Road will not be permitted. Access will only be permitted via the service road.
- b) Prior to the occupation of the rooming house, the access must be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

9. Goulburn Broken Catchment Management Authority Requirements

The finished floor level of the proposed house must be constructed at least 300 millimetres above the 100-year ARI flood level of 111.58 metres AHD, i.e., 111.88 metres AHD, or higher level deemed necessary by the responsible authority.

10. Goulburn Valley Region Water Corporation Requirements

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

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

11. Time for Starting and Completion

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

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

