

UNCONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 5/2022

HELD ON

FRIDAY 29th JULY 2022

at 10.00AM

(Boardroom & Via Zoom)

CHAIR

Councillor Seema Abdullah

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel ([DHP](#)) meeting number 5 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 Seema Abdullah (Chair) – **Boardroom**
- Michael MacDonagh – Team Leader Strategic Planning – Greater Shepparton City Council – **~~Boardroom~~Zoom**
- Nilesh Singh – Manager Development – Benalla Rural City Council – **Via Zoom**
- Jonathan Griffin – Team Leader Development – Greater Shepparton City Council – **Boardroom**
- Braydon Aitken - Manager Planning and Investment – **~~Strathbogie Shire Council~~ – Zoom**

OFFICERS AND OTHERS PRESENT

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

- 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

Mayor, Cr Shane Sali

DECLARATIONS OF CONFLICTS OF INTEREST

No ~~C~~onflicts ~~D~~eclared.

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~~ ~~o~~ut 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 the 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 submission/s in support of their objection (should they wish to)
 - The applicant or representatives on behalf of the applicant to present in support of the application
- For the purpose of today's hearing, the officer, objectors and applicant will be limited to a maximum of 3 minutes per person with 1 extension.

MATTERS FOR CONSIDERATION

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

1. Planning Permit Application – 2022-59 – ~~e~~Erection and display of a major promotion sign

2. Planning Permit application – 2021-413 – use and development for a medical centre in the Neighbourhood Residential Zone and Heritage Overlay.
-

Thank you very much. ~~A~~ as you may be aware, there are appeal rights available at the Victorian Civil and Administrative Tribunal (VCAT) in relation to this decision. For any questions on this or if you have any further questions you can contact the planning officer and arrange a time to meet to discuss your concerns.

10. LATE REPORTS

None.

11. NEXT MEETING

To be determined.

Thank you. – That now concludes today's DHP.

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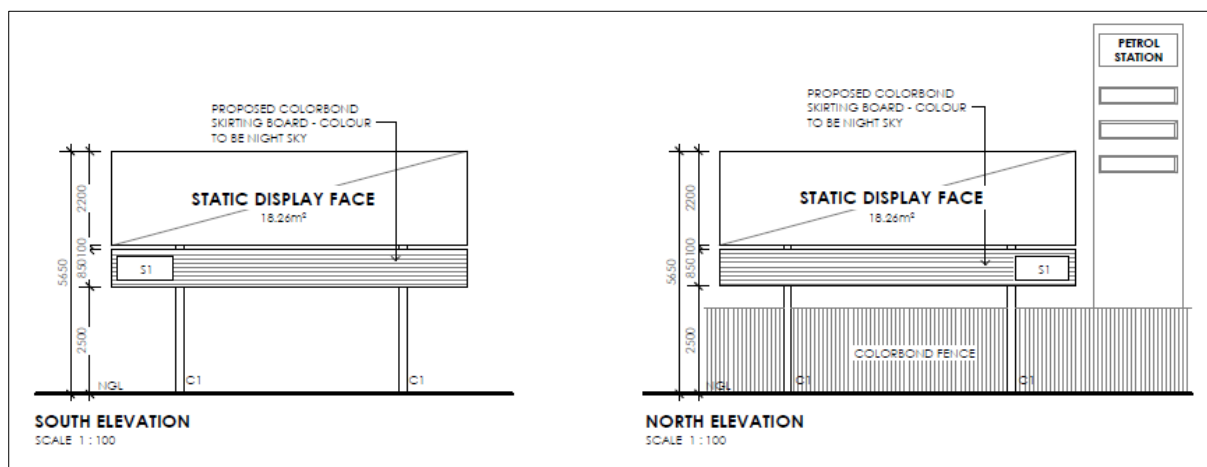
Application Details:

Responsible Officer:	Quinn Maguire
Application Number:	2022-59
Applicants Name:	Regional Billboard Co Pty Ltd
Date Application Received:	7 March 2022
57a Amendment:	14 July 2022
Statutory Days:	7
Land/Address:	159 Numurkah Road SHEPPARTON VIC 3630
Zoning and Overlays:	Commercial 2 Zone Design and Development Overlay - Schedule 9 Land Subject to Inundation Overlay Specific Controls Overlay 3
Why is a permit required (include Permit Triggers):	Erect and display a 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.

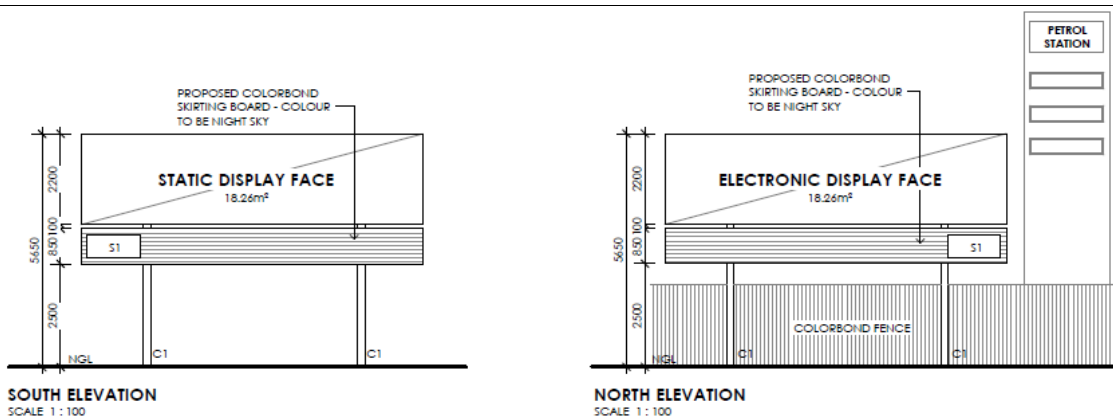
Proposal

Application proposes the erection and display of a major promotion sign.

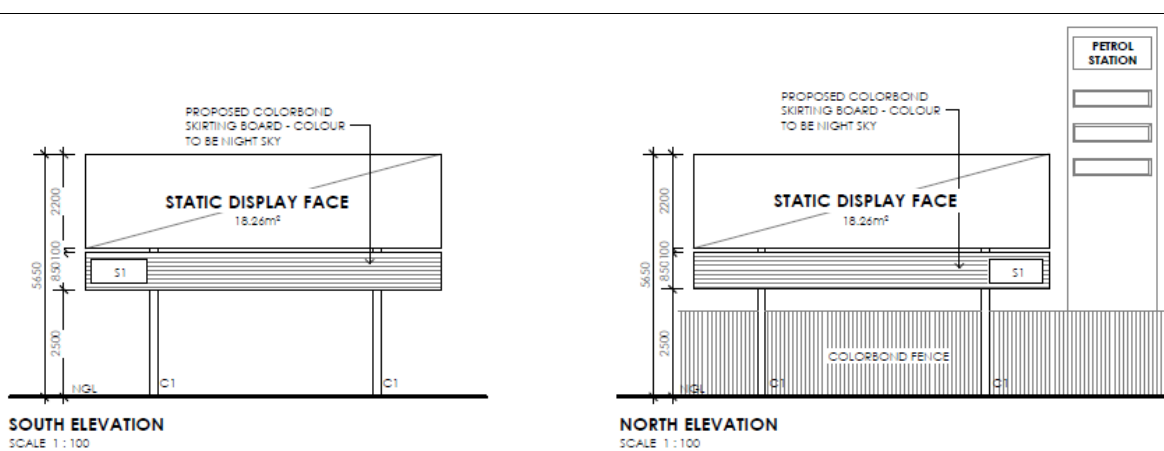
The sign face or display will be 8.3m wide and 2.2m high. The overall height of the sign is 5.65m. The sign will be supported by two poles. The proposed sign structure is to be dual fronted and constructed in a 'back to back' presentation. The static display panels will be illuminated by external lights.



Original Proposal



Amended Plan



Recommendation

Refusal to grant a Planning Permit

That the Council having caused notice of Planning Application No. 2022-59 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 159 Numurkah Road Shepparton Vic 3630 to erect and display a major promotion sign.

Recommendation

Refusal to grant a Planning Permit

That the Council having caused notice of Planning Application No. 2022-59 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 159 Numurkah Road Shepparton Vic 3630 to erect and display a major promotion sign.

Moved: **Braydon Aitken**

Second: Nilesh Singh

Carried

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 *Addendum to the Urban design Framework - Shepparton North and South Business Areas* (Planisphere, July 2017). The proposed major promotional sign is inconsistent with the objectives and requirements of the Addendum to the Urban Design Framework. Objectives of the Addendum to the Urban Design Framework include, specifically in regard to signage, ensure signage respects the preferred character of the area, to encourage business identification signage that is coordinated and effective, to ensure signage does not dominate the site, building on which it is located, streetscape, surrounding landscape and other signage, to avoid visual clutter on sites and in the public realm when viewed from the Highway, to discourage promotion and major promotion signs. 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 north. The nature, design and location of the sign proposal would contribute to visual clutter on site and in the public realm when viewed from the Highway.
4. The proposed major promotional sign does not produce an acceptable planning outcome.

Subject Site & Locality

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

Date: **12/07/2022**

Time: **1:10** pm

The site has a total area of **904** square metres and currently contains:

The main site/locality characteristics are:

- Single storey building
- Site used for sale of rural supplies
- The site is in a commercial area adjacent to the Goulburn Valley Highway.

The Photos below show the existing site:

Subject site





Surrounding area







Permit/Site History

The history of the site includes:

- 2017-63 Planning Permit issued for use of the land for motor vehicle sales and motor sales (Lapsed)

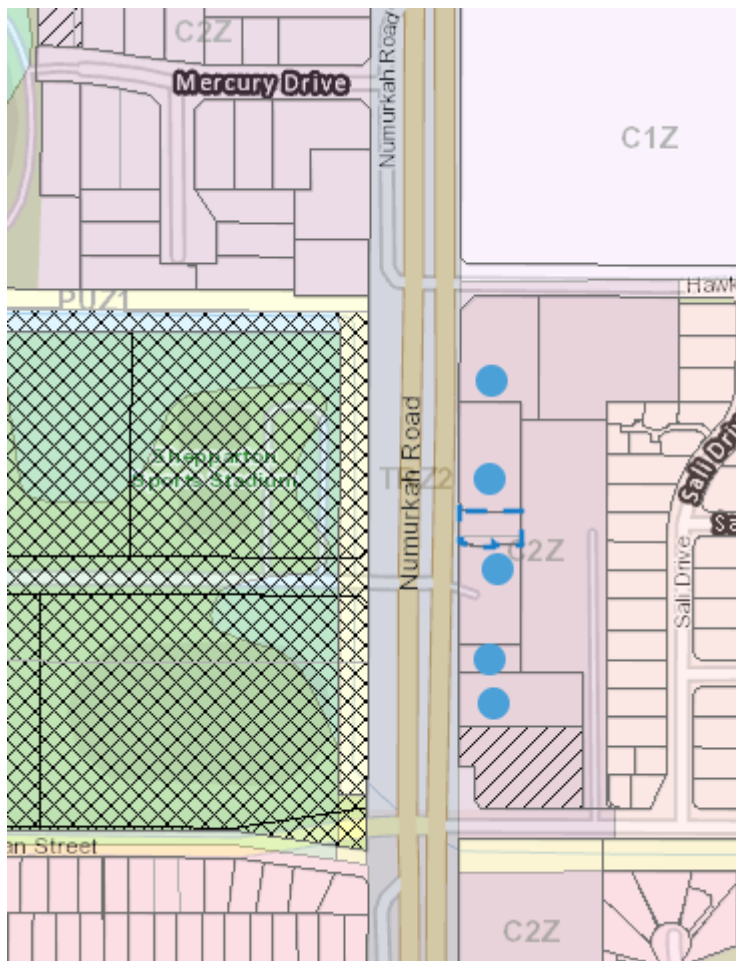
Further Information

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.
- Placing a sign on site.



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 09/05-23/05/2022

Objections

The Council has received **0** objections to date.

Title Details

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

Consultation

Consultation was not undertaken.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
VicRoads (DOT)	<p>Department notes that an amended referral was received on 2 June 2022 for static display promotional sign in lieu of the electronic sign.</p> <p>The Head, Transport for Victoria has considered this application and does not object if the permit is subject to the following conditions:</p> <ol style="list-style-type: none">1. The sign must be dimmable and have a suitable control system to enable maximum lighting levels to be set or adjusted if deemed necessary by the Responsible Authority and the Head, Transport for Victoria.2. The sign must not display content, images or text:<ol style="list-style-type: none">a) Capable of being mistaken for traffic signals or traffic control devices, including red, amber or green circles, octagons, crosses or triangles.b) Capable of being mistaken as an instruction to a road user, including the wording stop, give way, slow down, turn left or turn right.3. The sign must not dazzle or distract road users due to its colouring.4. Retro-reflective material or high glossy surfaces must not be used.5. Externally illuminated floodlit signage must be top mounted (facing down).

Internal Council Notices	Advice/Response/Conditions
Development Engineers	No response

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 DDO9, 52.05-8, 65 and the *Addendum to the Urban design Framework - Shepparton North and South Business Areas* (Planisphere, July 2017).

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)

43.02 Purpose

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

To identify areas which are affected by specific requirements relating to the design and built form of new development.

43.02-4 Signs

Sign requirements are at Clause 52.05 unless otherwise specified in a schedule to this overlay

Shepparton North Gateway Commercial Precinct

1.0 Design objectives

To encourage a vibrant commercial area supporting large scale, regionally significant service and retail activities that reflect the strategic importance of the area as a gateway location in Shepparton's north.

To ensure the design, quality and siting of buildings reflects and enhances the role of the area while making efficient use of the land. This includes at prominent corners and sites at the northern and southern extents of the precinct, where innovative, high quality design is particularly important to strengthen the gateway role of the area.

To ensure signage is appropriately designed, sited and scaled for the gateway corridor context and minimises visual clutter.

To maintain a sense of openness and views to the surrounding landscape corridor from the Goulburn Valley Highway, and integrate public realm planting and a high quality public that appropriately within the surrounding landscape.

To implement the design and development guidelines for the the Goulburn Valley Highway 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.

Signage

Panel, Promotion and Major promotion signs will only be considered acceptable on a temporary basis (e.g. a maximum of 15 years from the date of permit issue).

Free-standing signage (e.g. pole signs) must be set back a minimum distance of 1 metre from the front property boundary.

Signage, including painted signs, located on a side wall should not occupy more than 50 per cent of the area of the wall.

Freestanding business identification signs are to fit in an envelope that is a maximum height of 2 metres and maximum width of 1.5 metres. This envelope includes the height of any supporting structure. See Diagram 1.

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 facade. See Diagram 2.

4.0 Signs

Sign requirements are at Clause 52.05. All land located within the Shepparton North Gateway Commercial Area 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:

- Business identification signage should form an integral part of the front building façade, be appropriately proportioned to sit within the parapet or gable end, and not protrude above or beyond the building façade.
- Business identification information can be incorporated into one way-finding oriented sign at the entrance to each section of service road to reduce visual clutter.

- Major promotion signs should be attached to and integrated into the front building facade.
- High wall and sky signs are discouraged.
- Panel and Promotion signs that project outside the perimeter of the building, or are free-standing, are discouraged.
- 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.
- Bunting, animated and reflective signs, including sandwich boards and inflatable and temporary signs, are discouraged.
- 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 Transport Zone 2 (TRZ2) 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.

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:

- The design and development guidelines set out in the Addendum to the Urban Design Framework - Shepparton North & South Business Areas (Planisphere, 2017).

Building design and siting

- Whether the height of a proposed building accords with the scale of the local environment and type of surrounding buildings.
- The design and siting of existing development in the area.
- The interface with development on adjoining zones outside the Commercial 1 Zone or Commercial 2 Zone.
- Whether the proposed development appropriately responds to and enhances the character of the *Shepparton North Gateway Commercial Precinct* and its gateways.
- Whether the proposed front setbacks enable efficient use of the land.
- Whether opportunities for views between buildings to the surrounding area are available.
- Whether there is any potential for land use conflicts with adjoining zones as a result of the proposed building siting.
- Whether the development has been designed in a manner that is climatically appropriate for the local context.
- The potential for the proposed building to impact visual amenity of surrounding lots.
- Whether the proposed building incorporates active and attractive elements that interact with the streetscape.
- Whether, in seeking to vary any requirements in this Schedule, the proposed development:
 - Achieves innovative, high quality design and efficient use of the land.
 - Enhances the appearance and strengthens the identity of the commercial corridor.

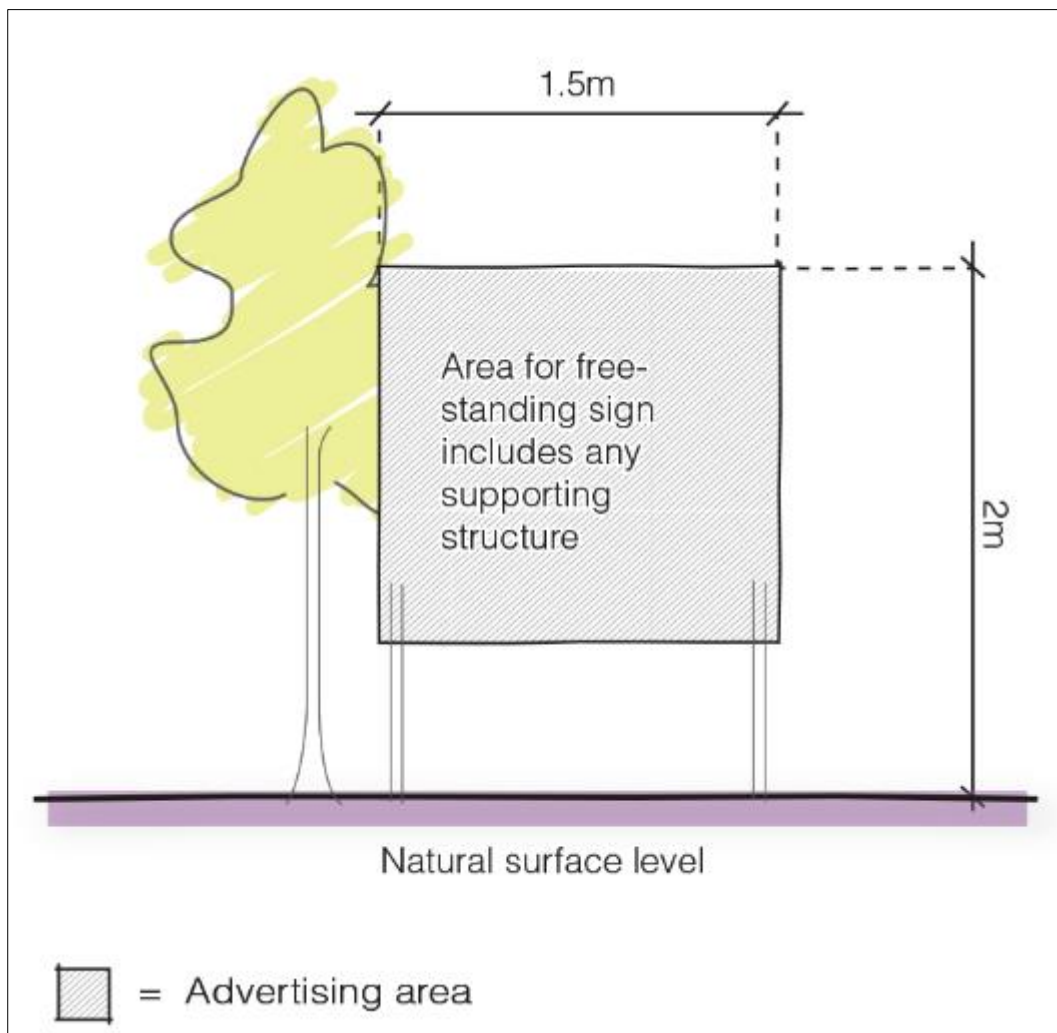
Landscaping

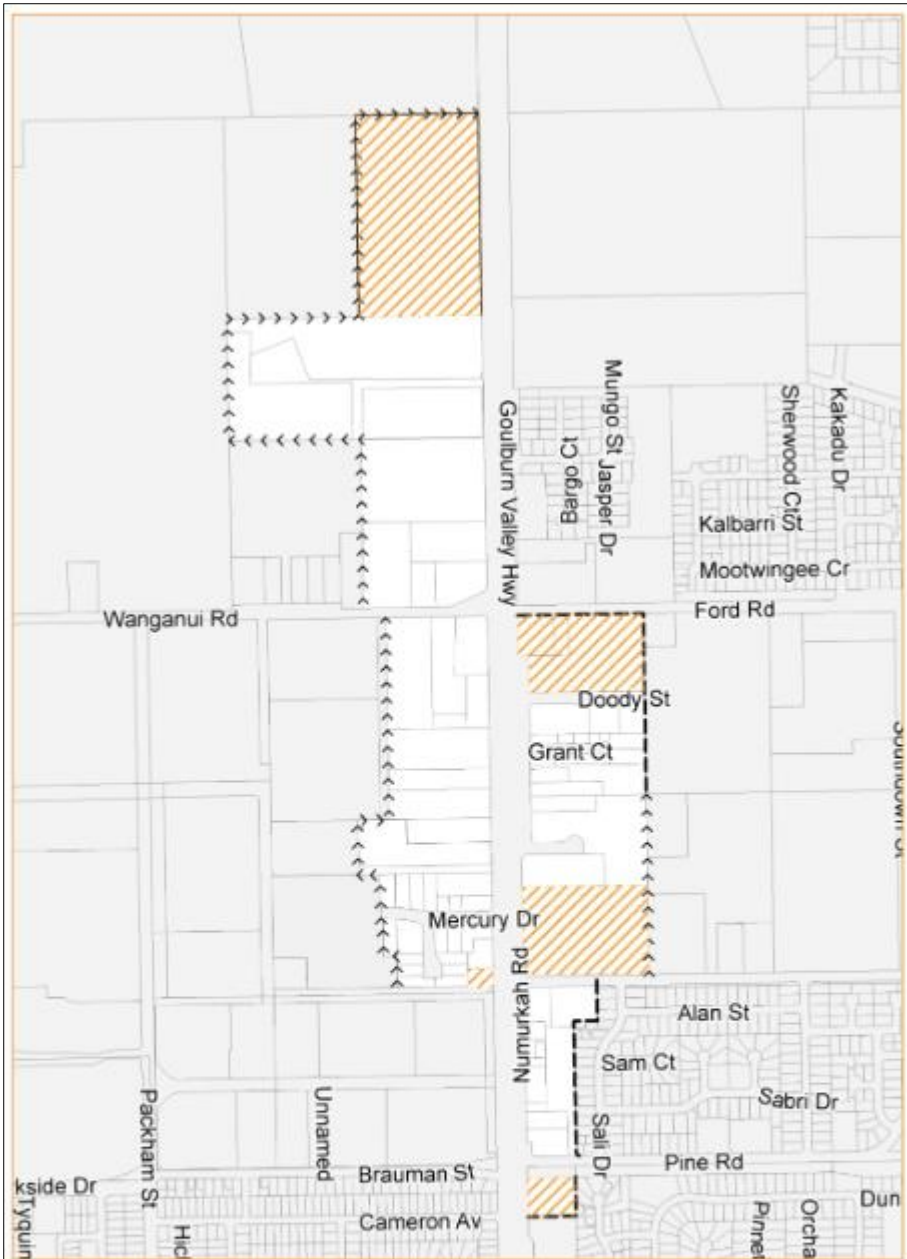
- Whether adequate space has been provided for landscaping within the front setback.
- Whether plant choice is sustainable and suitable within the local environment.
- Where front fencing is proposed, whether the proposed fence enhances the street appearance and maintains view to, between, and around sites.
- Whether the proposed landscape concept plan responds to Council's *Landscape Plan Guide* (Spiire, 2017) and any relevant planting schedule.

Signage






- Whether the proposal is appropriately designed, sited and scaled for the Goulburn Valley Highway corridor without detracting from the public realm or competing with way-finding and road signage.
- Whether colours and materials proposed might interfere with the safety or efficiency of the Goulburn Valley Highway as a Transport Zone 2 (TRZ2).

Diagram 1: Freestanding business identification sign envelope





Legend

-  Land outside subject area
-  Prominent sites (including gateways)
-  Property boundaries
-  Interface with adjoining residential zoned land
-  >>>> Interface with other non-commercially-zoned land



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 an Ampol service station and a complex of food businesses, with the Public Park and Recreation Zone across the highway.

The proposal would also contribute to excessive visual clutter and disorder, particularly as the proposed sign is to be greater than 18m², externally illuminated and would stand in isolation on the site. With the existing building on the site being set well back from the road the sign would become the major visual feature of the 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 there are number of signs within the vicinity of the proposal, these signs are predominantly for business identification. The adjacent site to the north and south both have multiple illuminated signs including business identification signs and a large panel sign for petrol prices. The proposed sign is significantly larger than any of the business identification signs in the vicinity. The proposal is foreseen to negatively contribute to visual clutter in the area. The sign is not proposed to be used for identification at the site.

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 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.

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 Shepparton North Gateway Commercial Precinct referenced in the *Addendum to the Urban design Framework - Shepparton North and South Business Areas* (Planisphere, July 2017) document (AUDF). The AUDF outlines a vision as follows:

Encourage a vibrant commercial area supporting large scale, regionally significant service and retail activities, within a high quality public realm that reflects the strategic importance of the area as a gateway location.

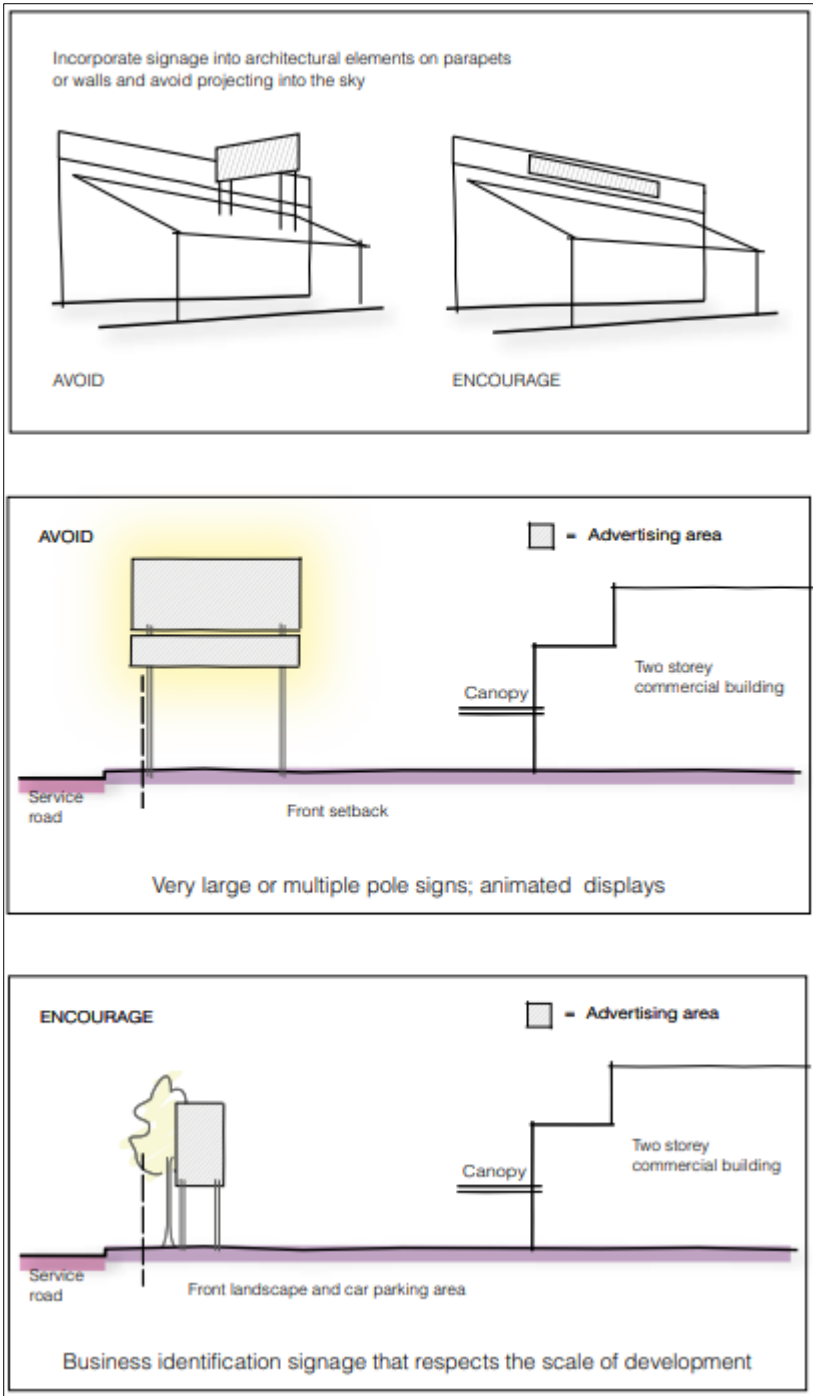
- Ensure the design, quality and siting of buildings reflects the gateway role of the area.
- Encourage innovative, high quality design and efficient use of land, while enhancing the appearance and strengthening the identity of the commercial corridor. This includes gateway sites, prominent corners, and sites at the northern and southern extents of the precinct.
- Ensure signage is appropriately designed, sited and scaled for the highway corridor context and minimises visual clutter.
- Maintain a sense of openness and views to the surrounding landscape corridor from the Goulburn Valley Highway.
- Integrate public realm planting and building design with the surrounding landscape.
- Ensure proposed landscaping and plant selection complies with Council's Landscape Plan Guide (Spiire, 2017) and any relevant planting schedule.

AUDF Signage Objectives

- To ensure signage respects the preferred character of the area.
- To encourage business identification signage that is coordinated and effective.
- To ensure signage does not dominate the site, building on which it is located, streetscape, surrounding landscape and other signage.
- To ensure all way-finding and directional signage is clearly visible and the safe operation of the Highway is prioritised.
- To avoid visual clutter on sites and in the public realm when viewed from the Highway.
- To discourage promotion and major promotion signs.
- To discourage animated and visually distracting signage.

AUDF Signage Design Requirements

- Business identification signage should form an integral part of the building facade, appropriately proportioned to sit within the parapet or gable end, and not protrude above or beyond the building façade.
- Business identification information can be incorporated into one wayfinding oriented sign at the entrance to each section of service road to reduce visual clutter.
- High wall, panel and sky signs are discouraged.
- Promotion signs that project outside the perimeter of the building, or are free-standing, are discouraged.
- Major promotion signs will only be considered acceptable on a temporary basis (e.g. a maximum of 15 years from the date of permit issue).
- Major promotion signs should be attached to and integrated into the front building facade.
- Free-standing signage (e.g. pole signs) must be set back a minimum distance of 1m from the front property boundary.
- Signage, including painted signs, located on a side wall should not occupy more than 50% of the area of the wall.
- Bunting, animated and reflective signs, including sandwich boards and inflatable and temporary signs, are discouraged.
- 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 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.



The AUDF 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 illuminated externally would not complement the existing Goulburn Valley Highway landscape and is contrary to the AUDF vision. The proposal will unreasonably contribute to visual clutter in the vicinity, in an area where signage is predominantly for business identification. The proposal will also be in direct contravention of the AUDF signage design requirement that free-standing promotion signs are discouraged.

The required view line for a major promotion sign is also incompatible with the enhanced landscape street edges contemplated by the AUDF.

The applicant references in their provided information O.S.O International Pty Ltd vs Greater Shepparton City Council [2016 – VCAT 1709]. The Tribunal set aside the Council decision in O.S.O noting the site was not within a DDO and had not been identified as being in a gateway location.

By contrast, the Tribunal upheld the Council decision in Popelier based on (among other things) it being contrary to the preferred signage provisions specified in DDO3.

Partly as a response to these decisions, Planisphere Pty Ltd was engaged in 2017 to review the 2006 UDF. (Addendum to the Urban Design Framework: Shepparton North and South Business Areas July 2017).

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: 2022-59

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 159 Numurkah Road SHEPPARTON VIC 3630

WHAT HAS BEEN REFUSED: Erection and display of a major promotion sign

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 Addendum to the Urban design Framework - Shepparton North and South Business Areas (Planisphere, July 2017). The proposed major promotional sign is inconsistent with the objectives and requirements of the Addendum to the Urban Design Framework. Objectives of the Addendum to the Urban Design Framework include, specifically in regard to signage, ensure signage respects the preferred character of the area, to encourage business identification signage that is coordinated and effective, to ensure signage does not dominate the site, building on which it is located, streetscape, surrounding landscape and other signage, to avoid visual clutter on sites and in the public realm when viewed from the Highway, to discourage promotion and major promotion signs. 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 north. The nature, design and location of the sign proposal would contribute to visual clutter on site and in the public realm when viewed from the Highway.
4. The proposed major promotional sign does not produce an acceptable planning outcome.

Application Details:

Responsible Officer:	Quinn Maguire
Application Number:	2021-413
Applicants Name:	Bruce Mactier Building Designers
Date Application Received:	15 October 2021
Statutory Days:	153
Land/Address:	88 Corio Street SHEPPARTON VIC 3630
Zoning and Overlays:	Neighbourhood Residential Zone Heritage Overlay Parking Overlay - Precinct 1 Schedule
Why is a permit required (include Permit Triggers):	32.09-2 – Use of land for a medical centre in the NRZ 32.09-9 – Buildings and works in the NRZ 43.01-1 – Buildings and works in the HO
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

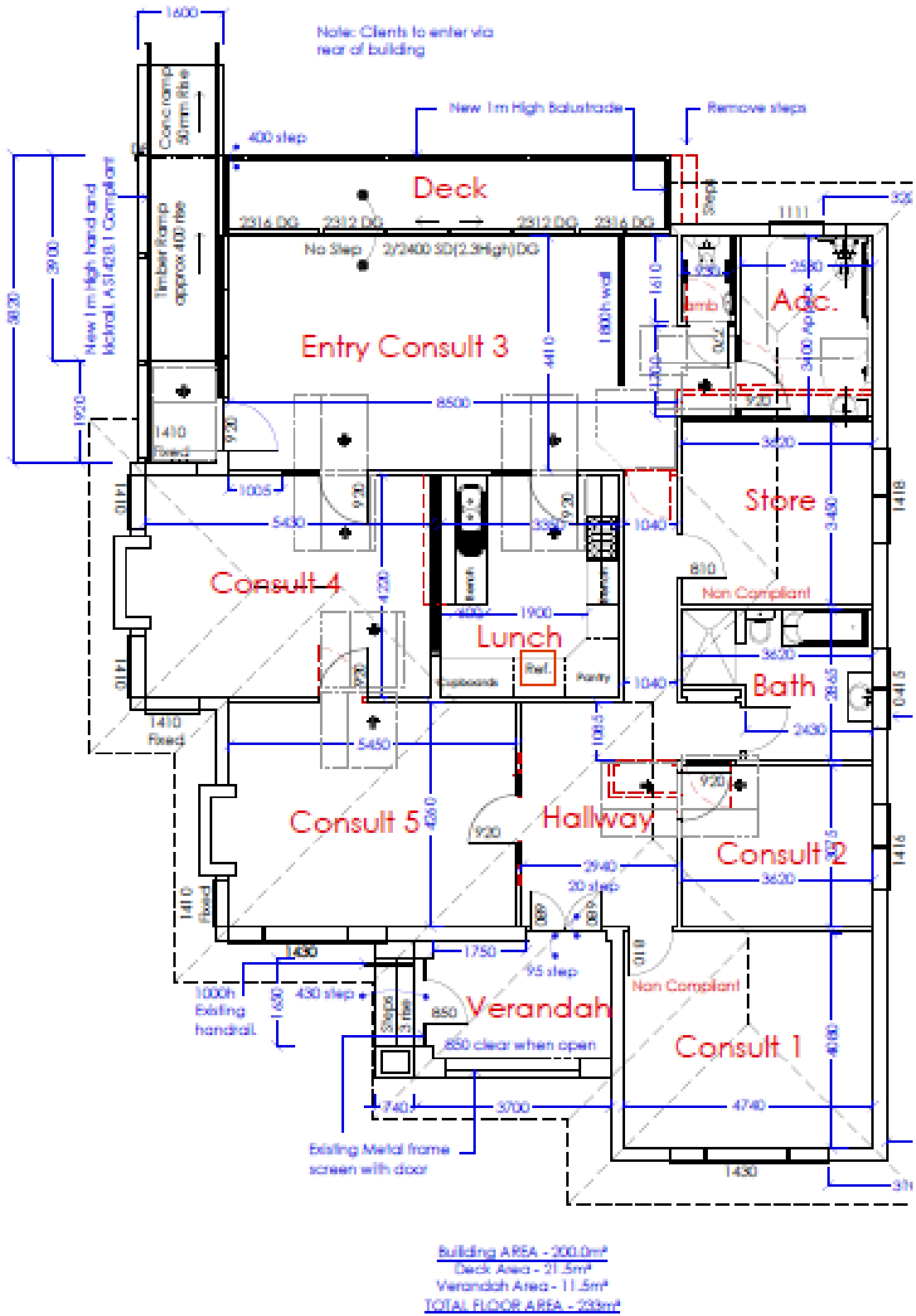
Application proposes to use land in the NRZ for a medical centre for an occupational therapy business.

The applicant proposes the medical centre will have one Occupational Therapist and an office manager, in addition to this there will also be allied health workers who visit client's homes using the site as an office.

The business is to have 7 staff members in total, with 2-4 staff in the office at any one time.

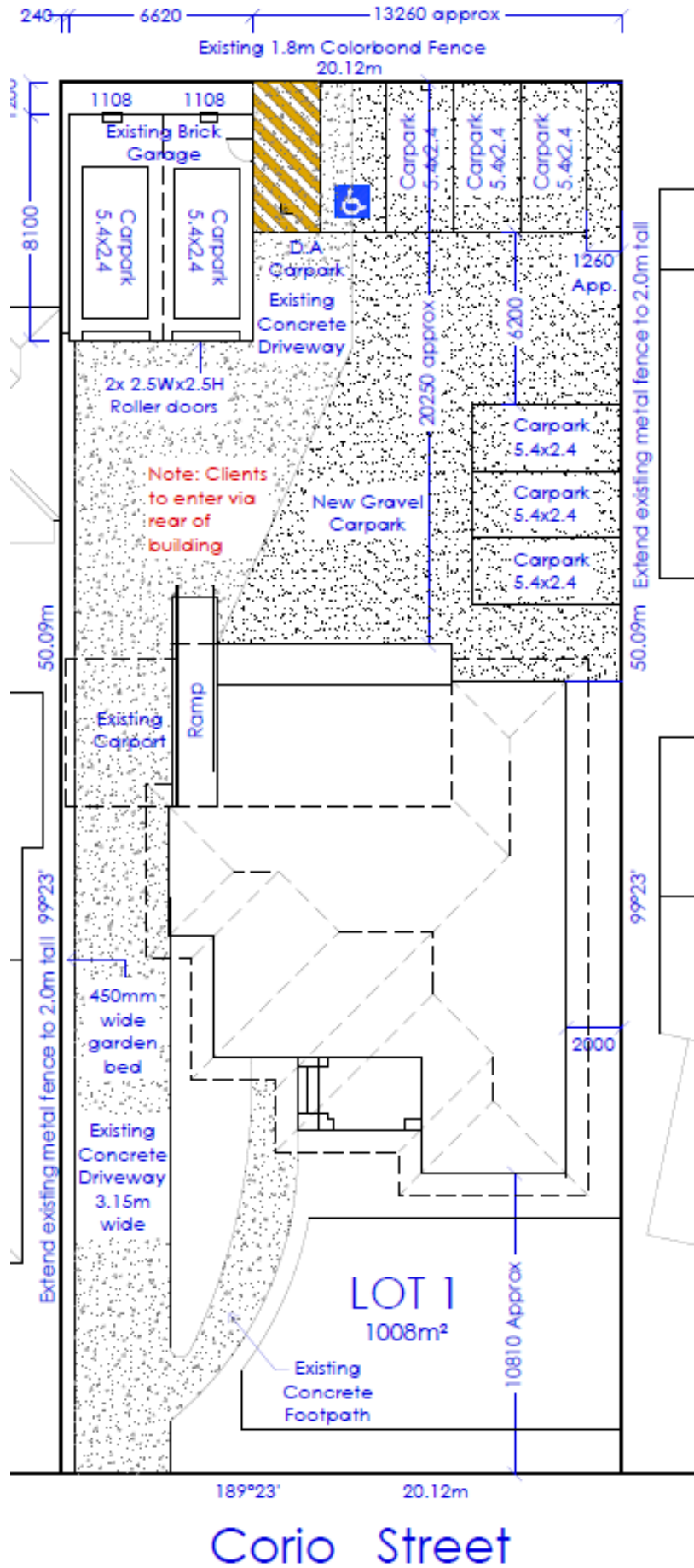
The provided information states that the occupational therapist working at the business will predominately provide treatments to clients in their own homes, as such they will generally not have clients coming to the medical centre for treatment. Staff also conduct equipment trials off site at various medical equipment providers stores.

The application proposes buildings and works for a new balustrade on the existing deck and the construction of a gravel carpark at the rear of the site. A permit is required for these works under the provisions of the NRZ and HO.



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Proposed Floor Plan



Summary of Key Issues

- Whether the proposal is consistent with the purposes of the Neighbourhood Residential Zone
- Whether the proposal meets the objectives of the Heritage Overlay
- Whether the proposal meets the relevant objectives of the Planning Policies.
- Whether the proposal will result in any unacceptable offsite amenity impacts on adjoining or nearby properties.
- Whether the proposal will achieve an acceptable planning outcome.

Recommendation

That the Development Hearing Panel establish Council's recommendation on the application to VCAT as refusal per below.

Refusal

That the Council having caused notice of Planning Application No. 2021-413 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 32.09-2, 32.09-9 and 43.01-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 88 Corio Street Shepparton, for the use and development of a medical centre in the Neighbourhood Residential Zone and Heritage Overlay.

Recommendation

Refusal to grant a Planning Permit

That the Council having caused notice of Planning Application No. 2021-413 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 32.09-2, 32.09-9 and 43.01-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 88 Corio Street Shepparton, for the use and development of a medical centre in the Neighbourhood Residential Zone and Heritage Overlay.

~~That the Council having caused notice of Planning Application No. 2022-59 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 159 Numurkah Road Shepparton Vic 3630 to erect and display a major promotion sign.~~

Moved: Braydon Aitken

Second: Nilesh Singh

Carried:

For the following reasons:

1. The proposed medical centre fails to achieve acceptable planning outcomes under policy including clause 11.03-1 and the purposes and decision guidelines of the Neighbourhood Residential Zone, by:
 - The application is not in accordance with the objective of Clause 11.03-1 – Activity Centre. It is considered that development will undermine the Planning Policy provisions supporting the Activity Centre Zone by allowing for commercial development to be established in areas close to but not within the Activity Centre Zone. This will undermine the Activity Centre Zone provisions.
2. The application is not in accordance with the objective of Clause 13.07-1L-02 Land Use Compatibility as the proposed use, being a commercial use, is in an established residential area and is isolated from other community based uses.
3. The application is not in accordance with the objective of Clause 16.01-1S Housing supply as the proposed use will result in a reduction of well-located housing
4. The application is not in accordance with the purpose of Clause 32.09 as:
 - the use of the site for a medical centre is not considered to be consistent with the established neighbourhood character, being that of a predominantly residential area comprised of predominantly single dwellings
 - the proximity of the site to the Activity Centre Zone is not considered to be an appropriate location for a medical centre. The proposal is considered to weaken the distinction between the Neighbourhood Residential Zone and Activity Centre Zone, which may incentivise further commercial development in the vicinity and as a result discourage residential uses.

Subject Site & Locality

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

Date: **24/01/2022**

Time: **11:00** am

The site has a total area of **990** square metres and currently contains:

- A single storey brick dwelling
- Brick garage

The main site/locality characteristics are:

- Site within an established residential area
- Surrounding development predominantly single dwellings

The Photos below show the existing site:



Permit/Site History

The history of the site includes:

- 2018-133 Planning permit issued for external works to building (painting and rendering)

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 Change of use to a medical centre, 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 29/11 to 13/12/2021



Objections

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

Ground of objection	Officers Response
Amenity impacts to residential dwellings	It is considered unlikely that the proposed medical centre will have significant amenity impacts. Based on the information provided, the use of the site will be similar to an office space and all work will be undertaken within the building, no significant noise or visual impacts are foreseen because of this. Limited patient visits to the site will reduce potential land use conflicts associated with traffic and privacy.

Parking impacts	<p>The applicant proposes 9 parking spaces at the rear of the site, including 2 covered spaces and one disabled space.</p> <p>The provisions of the Parking Overlay specify a parking rate of 5 spaces to each practitioner, as the proposal specifies only one practitioner will provide services from the site at any one time 9 spaces is considered suitable to provide for both potential patients and any workers using the other four consult rooms as office space.</p> <p>It is considered unlikely that the development as proposed will have any significant impacts on parking in the vicinity.</p>
Impacts to neighbourhood character	<p>The proposal is foreseen to have impacts on the neighbourhood character of the area. The site is within an established area of predominantly residential uses. The introduction of a commercial use (medical centre) is considered to be a significant change in the established use pattern in the area. It is considered that if commercial uses are permitted to permeate this area the role of the CBD would be undermined.</p>
Impacts of potential growth/intensification of the use	<p>It is considered that there is limited scope for any potential growth on the site. Any additional intensification would require an application for waiver of parking and may result in additional amenity impacts to neighbours.</p>
An approval will incentivise in more commercial development in the vicinity	<p>It is considered that the proposal could result in more commercial development being attracted to the vicinity. The site is within an area in close proximity to the CBD and Activity Centre Zone, the site has convenient access to public transport, because of this the area is considered to be susceptible to the further encroachment of businesses such as medical centres and offices.</p>

Title Details

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

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

Meeting onsite 24/01/2022 at 11:00am

Attended by Assessing Officer, Property Owner and Objectors

- Objectors provided additional clarification on their concerns, their predominant concern being the suitability of the use within the context of the established neighbourhood
- The property owner provided additional information on operations of the proposed medical centre

As a result of this meeting additional information was provided by the property owner on the 31/01/22. This information was provided to the objector, their objection still stands.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	Nil

Internal Council Notices	Advice/Response/Conditions
Development Engineering	<p><u>Car Park Construction Requirements</u></p> <p>Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions.</p> <p>Before the use or occupation of the development starts, the areas set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:</p> <ol style="list-style-type: none"> surfaced with an all-weather seal coat; constructed and completed to the satisfaction of the Responsible Authority; line-marked to indicate each car space and all access lanes; measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing; Provision of traffic control signage and or structures as required; Provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. This sign must not exceed 0.3 square metres. <p>to the satisfaction of the responsibility authority.</p> <p>The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.</p> <p>Car spaces, access lanes and driveways must be kept available for these purposes at all times.</p> <p><u>NOTATIONS</u></p> <p><u>Works within Road Reserves Permit Required</u></p> <p>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></p> <p>Prior to the commencement of works approved by this permit, building approvals must be obtained.</p>
Heritage Advisor	No objections to proposal

Assessment

The zoning of the land

32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Purpose

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

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

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

32.09-13 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 the schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Non-residential use and development

In the local neighbourhood context:

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

Relevant overlay provisions

43.01 HERITAGE OVERLAY

Purpose

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

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Scope

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

43.01-8 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.

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.

11.03-1S Activity centres

Objective

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

13.07-1L-02 Land use compatibility

Strategies

Encourage non-residential uses in residential zones where the proposed activity will have minimal adverse impact on the surrounding neighbourhood, including through:

- The intensity of hours and operation.
- The siting and design of the proposal.
- And the location of the access to the site.

Discourage service stations and car washes in residential areas.

Locate major facilities serving catchments beyond the local level in commercial areas or on roads that avoid generating additional through traffic on residential streets.

Encourage larger child care centres in excess of 40 children to locate along major roads.

Locate medical centres and veterinary clinics on a through road and adjacent to other community based uses.

Policy guidelines

Consider as relevant:

- Providing car parking for child care centres at the rate of one space per staff member with a drive through drop-off bay for at least three vehicles and one space per 10 children.
- Hours of operation for a medical centres or veterinary clinics to be 8.00am to 9.00pm Monday to Saturday and 9.00am to 1.00pm Sunday.

15.01-1L-01 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.

Policy guideline

Consider as relevant:

- A 2 metre wide strip of landscaping along the street frontage for childcare centres, medical centres and veterinary clinics in residential areas.

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.

16.01-2S Housing affordability

Objective

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

Relevant Particular Provisions

52.06 CAR PARKING

Purpose

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

To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

To support sustainable transport alternatives to the motor car.

To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

To ensure that car parking does not adversely affect the amenity of the locality.

To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

52.06-5 Number of car parking spaces required under Table 1

Medical centre:

- 5 To the first person providing health services plus
- 3 To every other person providing health services

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 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

This application seeks permission to use an existing dwelling for a medical centre for an occupational therapy business including the development of land to the rear of the site for car parking and works for a safety handrail.

The site is in the Neighborhood Residential Zone and affected by the Heritage Overlay and Parking Overlay.

The land contains a single-storey brick dwelling with associated outbuildings to the rear.

The proposal will see the existing dwelling on the site altered to provide four consulting rooms, store room, reception/waiting room/consulting room, a kitchen and bathroom facilities.

The applicant has provided additional information stating that the medical centre will only have a single practitioner providing services to patients' onsite, all other practitioners will provide off site services like home consultations.

The site is within the Parking Overlay, nine car spaces are proposed to the rear of the building. The car parking requirement under Clause 52.06-5 for five spaces per practitioner, as only one practitioner will be providing services to patients it is considered that the proposal only requires five spaces.

As such the application is considered to have adequate parking with five spaces to the practitioner providing consultations from the site and one space for each of the four medical practitioners operating offsite.

There is no proposed physical alteration to the facade of the property.

No signage is proposed as part of the development. As such there are no significant concerns regarding the Heritage Overlay provisions. The application was referred to Council's Heritage Advisor who did not raise any concerns or objection regarding the works proposed to the balustrade at the rear of the building.

The proposal was notified to adjoining neighbours and a sign was placed on site, one objection was received. The grounds for objection can be summarised as follows:

- increased demand on limited on-street parking;

- the impacts of a commercial use in a residential area – loss of residential neighbourhood character and amenity impacts;
- potential for expansion of the practice to more than one practitioner as five consulting rooms are proposed to be established

It is considered unlikely that the development would have any significant impacts on residents in the area:

- the medical centre will have adequate parking onsite for practitioners and patients as proposed
- all onsite work will be undertaken within the building, no significant noise or visual impacts are foreseen because of this
- limited patient visits to the site will reduce potential land use conflicts associated with traffic and privacy

The site is within an area in close proximity to the CBD and Activity Centre Zone, the site has convenient access to public transport, because of this the area is considered to be susceptible to the further encroachment of businesses such as medical centers and offices.

It is considered that if commercial uses are permitted to permeate the area that the price of property within this area could increase further and disincentivise use of properties in the vicinity for residential use and will gradually also adversely affect the amenity and neighborhood character. As such, it is considered that the proposed development will not support the objectives of the Neighborhood Residential Zone or the planning policy provisions for settlement.

Clause 13.07-1L-02 sets out aims and objectives for non-residential uses in residential areas. The use of the existing building with minimal changes is considered to result in a development which is appropriately integrated with and responds to the surrounding housing and streetscape. However, the proposed use, being a commercial use in an established residential area isolated from other community based uses is not considered appropriately located.

The site is within 180m of the edge of the Activity Centre Zone, Precinct 3 to the west and Precinct 5 to the south. The objectives of both Precinct 3 and 5 prioritise office development, as such offices, and by association medical centers, are a Section 1 use in these precincts. The proposal is foreseen to contribute to a dilution of the distinction between of the Activity Centre Zone and Neighborhood Residential Zone by allowing a medical centre.



It is considered that the proposed development would be better suited within the Activity Centre Zone where commercial uses are supported by the zoning provisions and planning policy. If Council were to support the proposed use on the current site it would result in an undermining of the provisions which support the Activity Centre Zone including 11.03-1S by:

- Allowing for commercial development in a residential zone with limited policy support
- By promoting commercial development outside the areas identified as preferred locations for investment
- Allowing for commercial development outside of the CBD potentially increasing the number of private motorised trips
- The proposal will not support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.

Relevant incorporated or reference documents

CBD Strategy

IDM

Other relevant adopted State policies or strategies policies

No relevant policies

Relevant Planning Scheme amendments

No relevant amendments

Are there any significant social & economic effects?

The proposal may result in negative social or economic effects as it may incentivise additional commercial investment in a residential area by diluting the Activity Centre Zone.

Discuss any other relevant Acts that relate to the application?

No other relevant acts

Conclusion

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

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2021-413

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 88 Corio Street SHEPPARTON VIC 3630

WHAT HAS BEEN REFUSED: use and development for a medical centre in the Neighbourhood Residential Zone and Heritage Overlay

WHAT ARE THE REASONS FOR THE REFUSAL?

1. The proposed medical centre fails to achieve acceptable planning outcomes under policy including clause 11.03-1 and the purposes and decision guidelines of the Neighbourhood Residential Zone, by:
 - The application is not in accordance with the objective of Clause 11.03-1 – Activity Centre. It is considered that development will undermine the Planning Policy provisions supporting the Activity Centre Zone by allowing for commercial development to be established in areas close to but not within the Activity Centre Zone. This will undermine the Activity Centre Zone provisions.
2. The application is not in accordance with the objective of 13.07-1L-02 Land Use Compatibility as the proposed use, being a commercial use is in an established residential area and is isolated from other community based uses.
3. The application is not in accordance with the objective of 16.01-1S Housing supply as the proposed use will result in a reduction of well-located housing
4. The application is not in accordance with the purpose of Clause 32.09 as:
 - the use of the site for a medical centre is not considered to be consistent with the established neighbourhood character, being that of a predominantly residential area comprised of predominantly single dwellings
 - the proximity of the site to the Activity Centre Zone is not considered to be an appropriate location for a medical centre. The proposal is considered to weaken the distinction between the Neighbourhood Residential Zone and Activity Centre Zone, which may incentivise further commercial development in the vicinity and as a result discourage residential uses.