

CONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 5/2023

HELD ON

Friday 28 July 2023

at 10am

(Boardroom & Via Teams)

CHAIR

Councillor Shane Sali

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 5 for 2023.

Any technical issues that may result in the Teams 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**
- Colin Kalms – Manager - Building, Planning & Compliance – Greater Shepparton City Council – **Boardroom**
- Nilesh Singh – Manager Development - Benalla Rural City Council – **Teams**
- Braydon Aitken – Manager Planning & Investment – Shire of Strathbogie - **Boardroom**

OFFICERS AND OTHERS PRESENT

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

- Andrew Dainton – **Boardroom**
- Elke Cummins – **Boardroom**
- Jonathon Griffin – **Boardroom (11 Hughes Street, Tatura 2023-45)**

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

APOLOGIES

Nil

DECLARATIONS OF CONFLICTS OF INTEREST

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

ORDER OF PROCEEDINGS

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

- The proceeding is being minuted and recorded.
- 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 submission in support of their objection (should they wish to)
 - The applicant or representatives on behalf of the applicant to present in support of the application
- For the purpose of today's hearing the officer, objectors and applicant will be limited to a maximum of 6 minutes per person with no extension.

MATTERS FOR CONSIDERATION

There are 5 items listed for consideration in this session of the DHP:

1. Planning Permit Application - **2023-45** – 11 Hughes Street, Tatura - Use and development of land in the General Residential Zone and Land Subject to Inundation Overlay for a child care centre.
2. Planning Permit Application - **2022-434** - 12-14 Leithen Street, Shepparton - 6 single storey dwellings in the General Residential Zone and waiver of visitor car parking space.
3. Planning Permit Application - **2022-270** - 1/540 Goulburn Valley Highway, Shepparton North - use and development for a childcare centre in the Low Density Residential Zone, removal of a restriction and alter access to a Transport Zone 2
4. Planning Permit Application - **2023-47** – 100 Laws Drive, Kialla - Two Lot Subdivision in the Farming Zone, Bushfire Management Overlay, Floodway Overlay and Land Subject to Inundation Overlay
5. Planning Permit Application - **2022-310** – 289 Dhurringile Road, Tatura – Two (2) Lot Subdivision in a Low Density Residential Zone

10. LATE REPORTS

None

11. NEXT MEETING

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2022-434	12-14 Leithen Street, Shepparton	6 single storey dwellings in the General Residential Zone and waiver of visitor car parking space.	41
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2023-47	100 Laws Drive, Kialla	Two Lot Subdivision in the Farming Zone, Bushfire Management Overlay, Floodway Overlay and Land Subject to Inundation Overlay	100
2022-310	289 Dhurringile Road, Tatura	Two (2) Lot Subdivision in a Low Density Residential Zone	132

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2023-45
Applicant Name:	Anm Business Services Pty Ltd
Owner Name:	GUY AVRAHAM LUPO
Cost of works:	\$700,000
Correct application fee paid?	Yes Development – \$1,597.80 Use – \$680.40 Total - \$2,278.20
Land/Address:	11 Hughes Street TATURA
Date Received:	10 February 2023
Statutory Days?	77 days
Zoning?	General Residential Zone – Schedule 1 (GRZ1)
Overlay(s)	Land Subject to Inundation Overlay (LSIO) Specific Controls Overlay – Schedule 3 (SCO3)
What is proposed?	88 place child care centre
Why is a permit required?	Use of land for a child care centre in the GRZ under 32.08-2 Buildings and works in the GRZ under 32.08-9 Buildings and works in the LSIO under 44.04-2 Display of business identification signage under 52.05-13
Are all plans provided?	Yes
MPS Provisions:	02.03-3 Environmental risks and amenity 02.03-5 Built form and heritage
PPF Provisions:	13.03-1S Floodplain management 13.07-1S Land use compatibility 13.07-1L-02 Land use compatibility 15.01-1L-01 Urban design 15.01-2S Building design 15.01-5S Neighbourhood character 19.02-2S Educational facilities
Any application history?	Nil
Date referred/notified:	14 March 2023
Further Information?	No
Lapse date?	NA
Notice/Referral?	Yes advertised and referrals to GBCMA, GVW.
Number of Notice Responses?	Three (3) objections received and 2 referral responses received.
Key Response Considerations?	GVW and GBCMA no objection subject to standard conditions.
Title details – any:	
o Restrictive Covenant?	No
o Section 173 agreement?	No
o Caveat?	No
o Easement?	No
o Building Envelope?	No
o Access restrictions?	No
Is a CHMP required?	No
Garden area provisions?	NA
Is the site contaminated?	No
Is the site in a BMO or BPA?	No
Is Cl. 13.01-2 Bushfire applicable:	No

Cl. 71.02-3 'Integrated Decision Making' assessment:	Amenity of neighbouring properties, traffic and parking, and flooding impacts.
Cl. 71.03-2 Acceptable Outcomes:	Officers have undertaken an assessment of the application and found that the proposal achieves acceptable planning outcomes.
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.
Key Planning Considerations:	Amenity of neighbouring properties, traffic and parking, and flooding impacts.
Recommendation:	Approval – Notice of Decision to Grant a Permit to issue

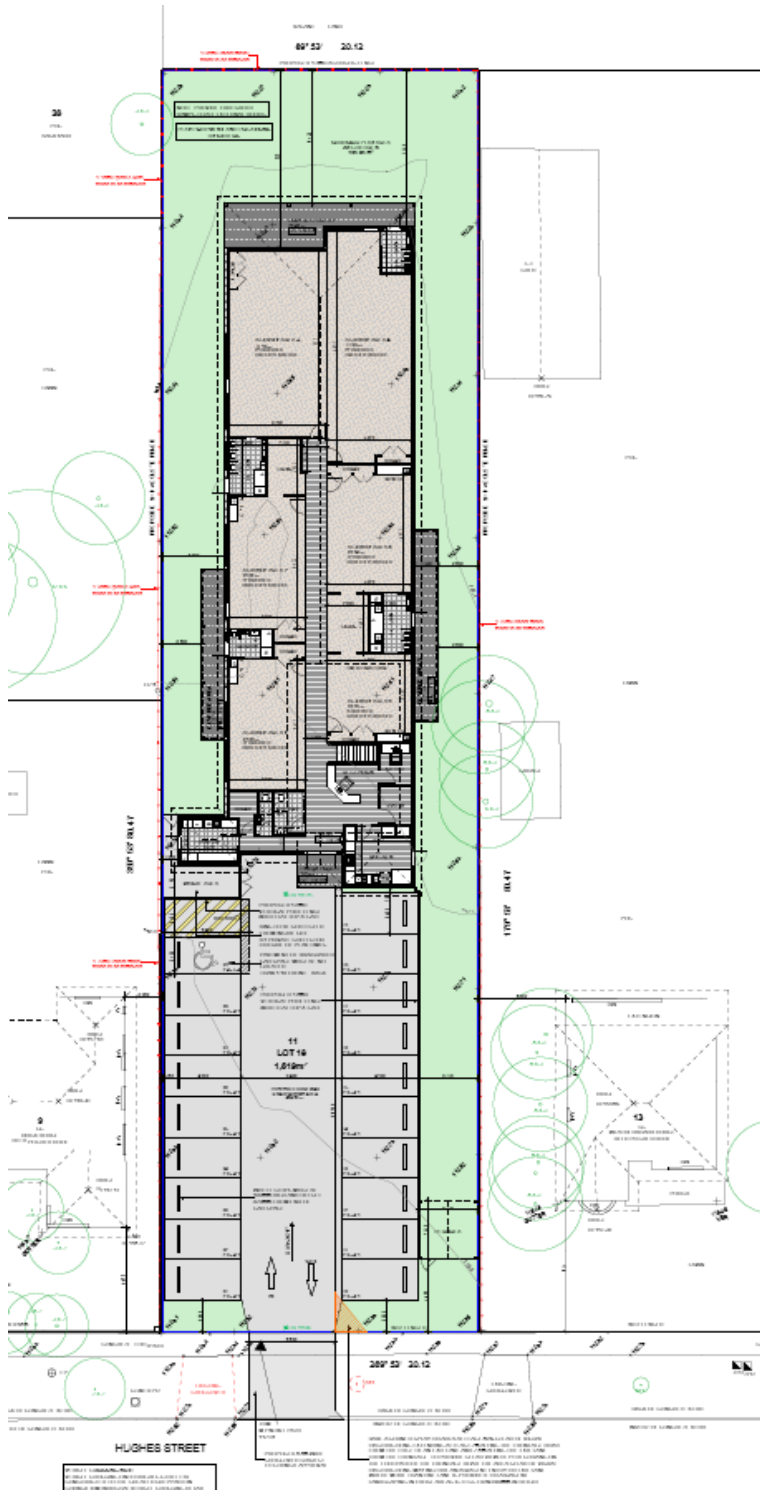
Proposal

The application seeks permission for an 88 place child care centre in the GRZ. Details are summarised below:

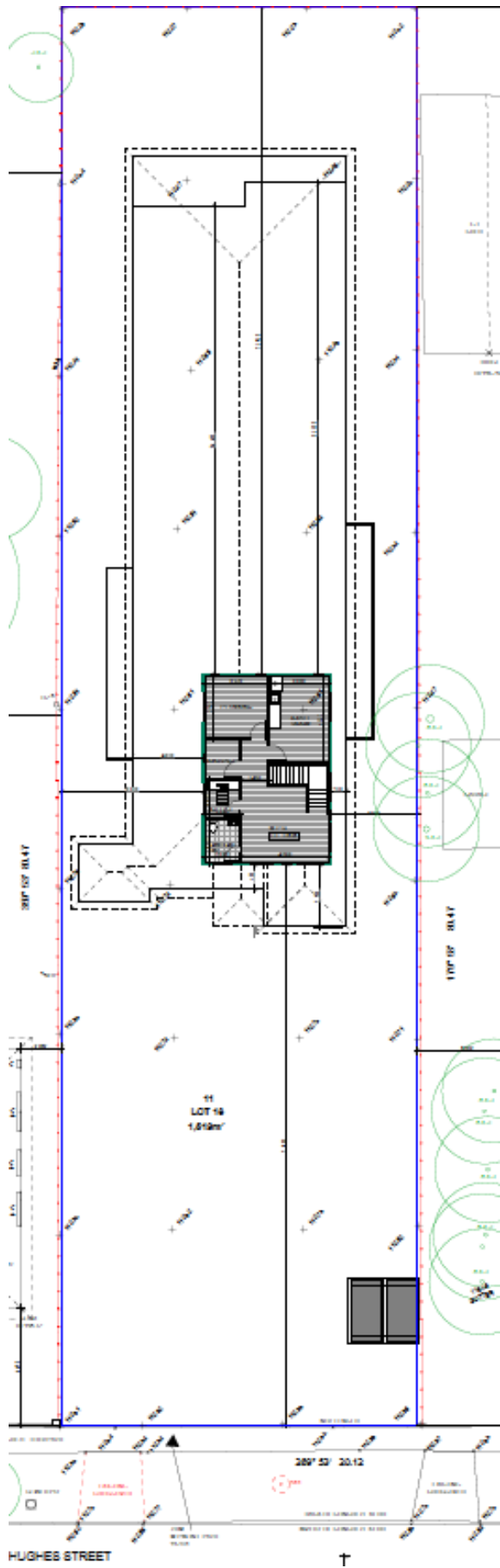
- Double storey brick/weatherboard/render building with post war styling located at the rear of the site with parking in front with access off Hughes Street. Upper floor footprint is significantly reduced and recessed from the ground floor.
- Development works are:
 - Site coverage of 35.78%.
 - 36.15% permeable area.
 - Maximum building height of 7.52m.
 - Minimum side and rear setbacks to the building include:
 - North = 9.97m.
 - East = 4m.
 - West = 4m.
 - South (street) = 28m.
- Building and child care facilities will include:
 - 6 internal children activity areas
 - Outdoor play area of 616.96 (partly covered) - Childrens outdoor play spaces are provided at the rear of the site and along part of the eastern boundary adjoining the building
 - Reception and office
 - Kitchen and laundry
 - Staff room, multipurpose and planning room on first floor
 - Amenity areas
 - Waste area for bin storage/collection
- Existing crossover removed and reinstated with new 5.5m wide double crossover located in centre of site.
- 2 metre wide landscape strip along Hughes Street frontage and 3.77 metre wide landscape strip/outdoor play space along eastern boundary.
- 1.8 metre high acoustic fence on rear and side boundaries.
- 18 staff.
- Under Clause 52.06 a childcare centre requires 0.22 car spaces to each child. Based on a capacity of 88 children, the statutory parking requirement is 19 spaces and 19 are

provided on-site (including one DDA compliant space). On this basis, no permission is required to reduce parking requirements.

- Building identification sign on front of building facing Hughes Street (no size and final details provided).
- The hours of operation will be from Monday to Friday 6.30am – 6.30pm.
- No bicycle spaces are provided.



Ground floor site plan



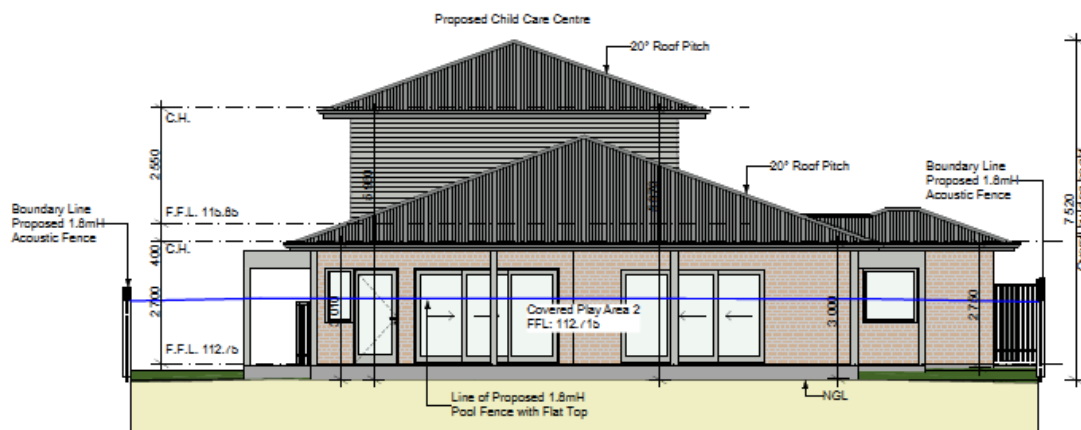
Upper level floor plan



Render of centre facing Hughes Street



STREETSCAPE ELEVATION
1:100



NORTH ELEVATION



Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2023-45 to be given under Section 52 or having referred the application under Section 55 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, 32.08-9, 44.04-2 and 52.05-13 of the Greater Shepparton Planning Scheme in respect of the land known and described as 11 Hughes Street, Tatura for the use and development of land in the General Residential Zone and Land Subject to Inundation Overlay for an 88 place child care centre and signage in accordance with the Notice of Decision and the submitted plans.

Notice of Decision to Grant a Permit

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Moved: Colin Kalms moved motion with the following changes:

- Cond 1
Addition of 1f – Line marking on the southern side of Hughes Street between Thomson St & Skilton Avneue
- Cond 5
Addition of 5j – detailed design plan of the line marking in Hughes Street
Paragraph change:
Before the development is occupied all civil works and **line marking** required by the endorsed plan must completed to the satisfaction of the responsible authority.
- New Cond 13
Post Occupancy Parking Assessment
Within 1 month of the occupation of the childcare centre a post occupancy assessment of on street parking assessment be undertaken to determine if the childcare centre triggers the need for the installation of no standing signs in Hughes Street.
All works associated with this condition must be funded by the permit holder and completed to the satisfaction of the responsible authority.
- Current Cond 13 to become Cond 14

Second: Braydon Aitken

CARRIED

Title Details

The title identifies that the site has legal access to a road.

The title does not contain a Restrictive Covenant

The title does not contain a Section 173 Agreement

The title does not contain an Easement, Caveat or Building Envelope

Pre-Application Meeting Details

Has there been a pre-application meeting? No

What is the application for?

The permit triggers in the planning scheme are.

- Use of land for a child care centre in the GRZ under 32.08-2
- Buildings and works in the GRZ under 32.08-9

- Buildings and works in the LSIO under 44.04-2
- Display of business identification signage under 52.05-13

Based on the permit triggers, specify the precise nature of the application which is to be used for all notices, referral, correspondence and decision making.

- Use and development of land in the General Residential Zone and Land Subject to Inundation Overlay for a child care centre

Permit/Site History

The history of the site includes:

- Nil

Subject Site & Locality

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

The site has a total area of **1619** square metres and currently contains:

- Vacant site.
- Generally flat with a gradual rise to the rear.
- No vegetation.

The main site/locality characteristics are:

- The subject site is located within an established residential area. Housing stock within the area comprises predominately of single dwellings on allotments of varying size, including single and double storey housing stock. Medium density housing is evident nearby at 7, 15 and 17 Hughes Street.
- The site is well located in terms of proximity to existing services and infrastructure.
- Tatura township centre is approximately 250 metres to the south-west.
- To the north is a large parcel of land, that being Lots 1-24 Skilton Avenue, Tatura. This land is currently vacant, having been subdivided as part of the Skilton Avenue Central Estate development.
- To the south are several sites fronting Hughes Street, that being 10, 12 and 14 Hughes Street. These sites are comprised of single storey weatherboard dwellings. Front setbacks vary, and the dwellings generally contain landscaping within the front setback. Access is via concrete crossover and driveways.
- To the east is 13 Hughes Street. The site contains a single storey detached weatherboard dwelling with a pitched corrugated iron roof. The site is orientated and fronts to the east to Hughes Street and includes a minimum front setback of approx. 8.341 metres. Access is provided via a concrete crossover and driveway. The SPOS for the site is to the rear of the dwelling, and is comprised of open lawn, an outbuilding (garage) and canopy plantings.
- To the west, 9 Hughes Street, is inclusive of a single storey brick dwelling with a pitched tiled roof, setback 6.652m from the street. Access is provided via a concrete crossover



View of Hughes Street



View of the proposed development site



View of dwellings opposite the land

Further Information

Is further information required for the application? No

Public Notification

The application was exempt from being advertised in accordance with Clause 44.04-6 of the planning scheme.

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 child care centre, by:

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



The applicant provided a signed declaration stating that the sign on site was displayed on the land between **20 March 2023 and 2 April 2023**.

Objections

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

- Traffic impacts in Hughes Street, including additional traffic volumes, congestion, safety exiting properties, visibility in the street, narrow width of street and cars parked on nature strip.
- Support child care use but oppose:
 - Double storey building due to overlooking into neighbouring bedrooms and loss of privacy. Request frosted windows or privacy screening.
 - Fence height as it is too low and should be raised or additional screening provided to prevent privacy issues.
 - Raised play area of the side playground. Should be moved further away from fence to avoid noise, overlooking and general safety issues.

- Lack of parking for 18 staff which may create on-street parking.

Responses to objections are provided in the Officer Assessment section of this report.

Referrals to Authorities

External Referrals Required by the Planning Scheme:

Section 55 -Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
CMA	44.04-7	Recommending	<p>No objection subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The finished floor level of the proposed childcare centre must be constructed at least 300 millimetres above the highest existing ground level underneath the building footprint. In terms of the building footprint, it excludes all associated non-habitable areas such as the garage, carport, patio, verandah areas and the like. 2. The applicant must prepare a Flood Response Plan that allows for the evacuation of the childcare centre in the event of flooding in the Tatura region. This plan must be prepared by a suitably qualified consultant. 3. The Flood Response Plan must be submitted to the Goulburn Broken CMA for its consideration and approval prior to the issuing of the Occupancy Certificate. <p>Please note that the 1 in 100 AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1 in 100 AEP flood, may occur in the future.</p>

Notice to Authorities (including as required by GSPS)

External Notice to Authorities:

Section 52 - Notice Authority	List Planning clause triggering notice	Advice/Response/Conditions
GVW	NA	<p>No objection subject to the following conditions:</p> <ol style="list-style-type: none"> (a) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. <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>

		(b) Discharge of trade waste from the development may be subject to a Trade Waste Consent Agreement. Please call the Business Customer Solutions Team on 5832 4605 for clarification.
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Internal Notice

Internal Council Notices	Advice/Response/Conditions
Eng	Council's development engineers have consented to the application subject to standard drainage and access conditions.
EHO	No response received.

Consultation

Consultation was not undertaken.

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.

32.08-1 Neighbourhood character objectives

There are no objectives to be achieved pursuant to Schedule 1 to the General Residential Zone.

32.08-2 Table of uses

A Child Care Centre is not listed in any of the tables and therefore it is an innominate use requiring a planning permit pursuant to Section 2 of the table.

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 32.09-2.

There are no requirements specified in Schedule 1.

Relevant overlay provisions

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.

44.03-2 Buildings and works

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

45.12 SPECIFIC CONTROLS OVERLAY

A permit is not required under SCO3.

Relevant Particular Provisions

52.05 Signage

Purpose

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

52.05-4 Expiry of permits

A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.

52.05-9 Mandatory conditions

All signs

A permit for a sign that includes an expiry date must include a condition that provides that on expiry of the permit the sign and structures built specifically to support and illuminate it must be removed.

52.05-13

Category 3 – High amenity areas (Medium limitation)

Purpose

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

53.18 STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

Purpose

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

53.18-5 Stormwater management objectives for buildings and works

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

Does any Incorporated Document apply?

There is not an Incorporated Document which applies to this application.

The Municipal Planning Strategy (MPS) at Clause 02.

02.03 STRATEGIC DIRECTIONS

02.03-3 Environmental risks and amenity

Environmental risks

Environmental risks in Greater Shepparton are associated with the river, floodplain and wetland systems. The catchments of the various rivers and streams include areas of flood prone land where flooding has historically caused substantial damage to the natural and built environment.

Decades of open pasture farming and irrigated agriculture has also changed the natural hydrological balance. Drainage management attempts to reduce the direct costs in terms of loss of stock and damage to property and the indirect costs of reduced productivity, road rebuilding and inconvenience. The key issue relating to drainage management is the provision of efficient drainage of land without causing other environmental impacts.

Amenity

Council acknowledges that a range of non-residential uses in residential areas provide services to the local community including places of worship, schools, medical centres, display homes, child care centres, cafes and restaurants. However, it is important to ensure that these uses do not have a negative impact on residential amenity through inappropriate location, unsympathetic design and traffic impacts.

Council is committed to:

- Managing the constraints of the floodplain on the use and development of land.
- Preserving the inherent functions of the floodplains.
- Reducing impacts on water quality caused by water logging, salinity and the downstream impacts of nutrients.
- Protecting natural ecosystems via management of drainage and use and development in floodplain, river and wetland systems.

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.

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.

The Planning Policy Framework (PPF)

13.03-1S Floodplain management

Objective

To assist the protection of:

- Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.
- 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, wetland or coastal health.

Strategies

- Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) 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, child care centres and schools) outside the 1 in 100 year (1 per cent Annual Exceedance Probability) floodplain and, where possible, at levels above the height of the probable maximum flood.
- Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.
- Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.

13.04-1S

Contaminated and potentially contaminated land

Objective

To ensure that contaminated and potentially contaminated land is used and developed safely.

Strategies

Ensure contaminated or potentially contaminated land is or will be suitable for the proposed use, prior to the commencement of any use or development.

Protect a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school from the effects of contamination.

Facilitate the remediation of contaminated land to make the land suitable for future intended use or development.

13.07-1S Land use compatibility

Objective

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

Strategies

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

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.

15.01-2S Building design

Objective

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance 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.
- Improve the energy performance of buildings through siting and design measures that encourage:
 - Passive design responses that minimise the need for heating, cooling and lighting.
 - On-site renewable energy generation and storage technology.
 - Use of low embodied energy materials.
- Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
- Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.
- Encourage water efficiency and the use of rainwater, stormwater and recycled water.
- Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.
- 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 considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.
- Encourage development to retain existing vegetation.
- Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

15.01-2L Signage

Objective

To manage the number, appearance, size, illumination and location of signs.

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, verandahs, roof lines or building fascias.
- Discourage 'V' board signs.
- Discourage internally illuminated promotional signs.

Policy guidelines

Consider as relevant:

- Limiting suspended under-verandah signs to one per shopfront, except on premises with shop fronts larger than 10 metres, where the limit should be one per ten metres of shop front.
- Providing for above-verandah signs where they:
 - Are attached to the upper facade or parapet of a host building.
 - Are parallel/horizontal to the road.
 - Have a minimal projection.
- Limiting freestanding signs to one sign per premises with multiple occupancies encouraged to share sign space.
- Encouraging signs on buildings that are set back from the street to be:
 - Located within the boundary.
 - Orientated to be parallel or at right angles to the street.
- Locating signs on a building wherever possible.
- Limiting pole signs to one per frontage and no higher than the surrounding buildings.
- Discouraging permanent bunting, streamers, banner, balloons, animated, reflective signs or similar devices.
- Allowing temporary (3 month maximum) bunting, streamers, banner, balloons, animated, reflective signs or similar devices for promotions only.
- 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.

Policy documents

Consider as relevant:

- *Addendum to the Urban design Framework: Shepparton North and South Business Areas* (Planisphere, July 2017)
- *Urban Design Framework, City of Greater Shepparton* (Collie Landscapes and Designs Pty Ltd, March 1999)
- *Urban Design Framework – Shepparton North and South Business Areas* (Coomes Consulting, July 2006)

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.

19.02-2S Education facilities

Objective

To assist the integration of education and early childhood facilities with local and regional communities.

Strategies

- Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.
- Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.
- Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.
- Facilitate the establishment and expansion of primary and secondary education facilities to meet the existing and future education needs of communities.
- Recognise that primary and secondary education facilities are different to dwellings in their purpose and function and can have different built form (including height, scale and mass).
- Locate secondary school and tertiary education facilities in designated education precincts and areas that are highly accessible to public transport.
- Locate tertiary education facilities within or adjacent to activity centres.
- Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.
- Consider the existing and future transport network and transport connectivity.
- Develop libraries as community based learning centres.
- Co-locate a kindergarten facility with all new Victorian Government primary schools.

Structure Plans/Development Plans

There are no relevant Structure Plans or Development Plans.

Relevant Background documents

There are no relevant background documents.

The decision guidelines of Clause 65.01 and 65.02

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

65.01 Approval of an application or plan

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

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

The application meets the decision guidelines of Clause 65.01.

The decision guidelines of the zone

GRZ1 – Clause 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.

Non-residential use and development

- 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.

The decision guidelines of the overlay(s) (and schedule to the overlays)

44.04-8 - LSIO 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.

The decision guidelines of the particular provisions

52.05 - 8 Signage

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

All signs

- The character of the area including:
 - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
 - The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
 - 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.
- Impacts on views and vistas:
 - The potential to obscure or compromise important views from the public realm.
 - The potential to dominate the skyline.
 - The potential to impact on the quality of significant public views.
 - The potential to impede views to existing signs.
- The relationship to the streetscape, setting or landscape:
 - 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 ability to screen unsightly built or other elements.

- The ability to reduce the number of signs by rationalising or simplifying signs.
- The ability to include landscaping to reduce the visual impact of parts of the sign structure.
- The relationship to the site and building:
 - The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
 - The extent to which the sign displays innovation relative to the host site and host building.
 - The extent to which the sign requires the removal of vegetation or includes new landscaping.
- The impact of structures associated with the sign:
 - The extent to which associated structures integrate with the sign.
 - The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.
- The impact of any illumination:
 - The impact of glare and illumination on the safety of pedestrians and vehicles.
 - The impact of illumination on the amenity of nearby residents and the amenity of the area.
 - The potential to control illumination temporally or in terms of intensity.
- The impact of any logo box associated with the sign:
 - The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
 - The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
- The need for identification and the opportunities for adequate identification on the site or locality.
- The impact on road safety. A sign is a safety hazard if the sign:
 - Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.
 - Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
 - Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
 - –s at a location where particular concentration is required, such as a high pedestrian volume intersection.
 - Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
 - Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
 - Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
 - Is within 100 metres of a rural railway crossing.
 - Has insufficient clearance from vehicles on the carriageway.
 - Could mislead drivers or be mistaken as an instruction to drivers.

Stormwater management - Decision Guidelines at 53.18-7

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

- Any relevant water and stormwater management objective, policy or statement set out in this planning scheme.

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

OFFICER ASSESSMENT

Consideration of objections

The application was advertised and three (3) objections were received which were summarised earlier in this report but included concerns regarding traffic and privacy issues. In response to issues raised the following comments are made.

- Traffic impacts:
 - The proposal meets the statutory requirements of Clause 52.06 in terms of car parking numbers, access and design and does not rely on on-street car parking to meet projected demand.
 - Hughes Street is a local residential collector road and traffic volumes generated will not impact the safety and functionality of the road.
 - Existing parking on nature strips can be controlled through Council Local Laws and the width of the eastern end of Hughes Street is usual for residential streets and can operate both safely and functionally.
- Privacy issues:
 - The double storey windows facing east would comply with ResCode requirements (if applicable) and could overlook the SPOS of the adjoining dwelling. The windows will not look directly into adjoining habitable bedroom windows and therefore the request for frosted windows or privacy screening cannot be justified.
 - The proposal increases the fence height from 1.7m to 1.8m and will be an acoustic fence. The proposed fence height and acoustic construction is considered sufficient to reduce any noise and overlooking/privacy issues.
 - The 'raised' play area of the side playground (covered play area 3) is at finished floor level and marginally above natural ground level. The play area is setback 2.5 metres from the boundary and is not proximate to the existing dwelling to the east. On this basis the location and use of the play area is considered acceptable and will not create any noise, overlooking, safety or amenity issues.

Having regard to all of the above, the proposed development is considered to be generally in accordance with the MPS and Planning Policy Framework and zone and overlay purpose and decision guidelines as outlined below.

Policy considerations

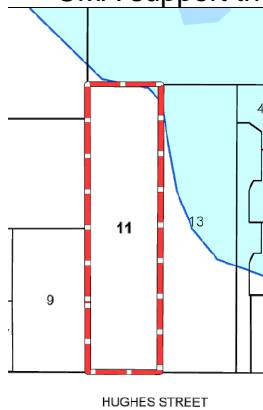
- The proposal is supported by the directions, objectives and policy in the MPS and PPF, as the proposal:
 - Manages the constraints of the floodplain.
 - Provides a high standard of architectural and urban design built form.
 - Is compatible with the adjoining and nearby land uses and will have minimal adverse impact on amenity of the surrounding neighbourhood given hours of operation, siting and design, access and car parking.
 - Being in excess of 40 child places, the PPF (Clause 13.07-1L-02 Land use compatibility) encourages these larger child care centres to locate along major roads. Whilst Hughes Street is technically not a major road it is considered to be capable of support from a policy perspective given its existing role as a collector residential road.
 - Policy guidelines in Clause 13.07-1L-02 (Land use compatibility) requires consideration of the provision of 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. This would equate to 18 staff spaces and 9 for the child spaces, totalling 27 spaces. The proposal provides 19 spaces which whilst not consistent with policy it complies with Clause 52.06 and is therefore appropriate.
 - The policy guideline at Clause 15.01-1L-01 (Urban design) requires consideration of a 2 metre wide strip of landscaping along the street frontage for childcare centres in residential areas. The proposal includes a 2 metre landscaping strip however a condition of permit will require submission of a detailed planting schedule.
 - Clause 15.01-2L encourages signs to be primarily for business identification and encouraging signs on buildings that are set back from the street. The proposal fully meets the policy.
 - Clause 19.02-2S (Education facilities) encourages the location of child care centres that are accessible and safe. The site being close to Tatura town centre is accessible by a variety of transport modes and it is considered that safe parking and access is provided to the site.

Use

- The purpose of the GRZ1 supports non-residential uses such as a child care centre to service community needs in appropriate locations.
- The site is well located within 200 metres of Tatura town centre and will not impact on nearby residential land and abutting residences.
- There will no overshadowing impacts to adjoining properties.
- 1.8 metre high acoustic fences are provided adjacent to rear and side adjoining residences.
- Hours of operation will be 6.30am to 6.30pm (Monday to Friday) which will be controlled by an amenity condition and hours of operation condition in the permit.
- There is no significant vegetation on site and landscaping can be provided along the site frontage, however a condition of permit will require the submission of a detailed landscape plan and planting schedule.
- A Waste Management Plan was not submitted with the application and compliance with bin collection arrangements will be included as a condition of the planning permit.

Flooding

- The site is only partially affected by the LSIO, with a portion in the north-east corner of the site being within this overlay (as per figure below).
- CMA support the proposal subject to conditions.



Car and Bicycle Parking and Traffic

- The proposal provides 19 spaces which complies with Clause 52.06 and is therefore appropriate.
- No bicycle parking has been provided on site and Clause 52.34-1 does not require bicycle facilities for child care centres. Notwithstanding, given the central location of the centre to Tatura town centre it is recommended that an area be set aside for bicycle parking to encourage staff, in particular, to use bicycles rather than cars. A condition of permit will require an area to be set aside for bicycle parking.
- The applicant did not submit a Traffic Impact Assessment however it is considered that the proposal is appropriate from a traffic and parking context as the expected traffic generation will have no adverse impact on the adjacent road network.
- Council's traffic engineer undertook an assessment of the proposal particularly the car park design and impact of the centre on Hughes Street. The below assessment plan demonstrates that vehicle movements within the car park and Hughes Street can operate safely at low speeds.

Any other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

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

Are there any significant environment, social & economic effects?

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

Any other relevant Acts that relate to the application?

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

The Aboriginal Heritage Act 2006

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

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

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

The relevant provisions of the GSPS including Clause 13.02 (Bushfire)

N/A

Charter of Human Rights and Responsibilities

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

Summary of Key Issues

The key issues relate to compliance with policy, flooding traffic and parking impacts. Assessments have found that the application is supported by objectives, strategies, particular requirements and decision guidelines and CMA, GVW and Council's Engineers support the application.

Conclusion

Officers have undertaken an assessment of the application and found that the proposed use and buildings and works for an 88 place child care centre achieve acceptable planning outcomes. It is recommended that a NOD issue.

Draft Notice Of Decision

APPLICATION NO: 2023-45
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: 11 HUGHES STREET TATURA VIC 3616

WHAT THE PERMIT WILL ALLOW: USE AND DEVELOPMENT OF LAND IN THE GENERAL RESIDENTIAL ZONE AND LAND SUBJECT TO INUNDATION OVERLAY FOR A 88 PLACE CHILD CARE CENTRE

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

- a) Obscure glazing on the first floor level window on the east elevation
- b) Increase height of the side boundary acoustic fencing to 2 metres
- c) Increased width of the crossover to be the same width as the car park aisle and inclusion of an outward splay from the crossover to the road
- d) Two street trees, one on either side of the crossover
- e) Provision of onsite bicycle parking

2. 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.

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

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

4. Assessment of Potentially Contaminated Land

Before the development starts, a site assessment as required by clause 13.04-1S must be prepared to determine if the site is suitable for the proposed child care centre use. The report must be submitted to the responsible authority for approval.

5. Civil Works Plan

Before the development starts, a civil works 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) details of how the works on the land are to be retarded and drained
- b) underground pipe drains conveying stormwater to legal point of discharge
- c) maximum discharge rate shall be restricted to the peak pre-development rate with on-site detention capacity for the 10% AEP storm event (or as agreed in writing by the responsible authority);
- d) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements, unless otherwise agreed to in writing by the responsible authority
- e) the incorporation of water sensitive urban design, designed in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999
- f) details to demonstrate that the development will not impact on the drainage of abutting lots
- g) detailed construction plans of the crossover including its gradient and removal of the redundant vehicle crossing
- h) car park plan as required under clause 52.06-8
- i) lighting plan of the car park area which avoids light spill to abutting properties

Before the development is occupied all civil works required by the endorsed plan must be completed to the satisfaction of the responsible authority.

Within one month of the development being occupied, an as constructed drainage plan must be provided to the responsible authority.

6. Landscape Plan

Before the development starts a landscape plan prepared by a suitably qualified landscape designer must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The

plan must be drawn to scale with dimensions and two copies must be provided to show:

- a) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- b) two street trees abutting the land.

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

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

All trees planted as part of the landscape works must be a minimum height of 1.2 metres at the time of planting.

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.

Once planted the landscaping including the replacement of any dead plants must be maintained to the satisfaction of the responsible authority.

7. Electricity Connection

Before the development is occupied the electricity connection to the land must be undergrounded.

8. 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.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

Noise Control

Noise levels emanating from the premises must not exceed those required to be met under the relevant noise guidelines for child care centres.

In the event of complaints of noise, within two months of a request by the responsible authority, an acoustic report must be submitted to the responsible authority giving details of noise measurements to achieve compliance with the relevant noise

guidelines, and if necessary, to recommend measures (physical construction and/or operation modifications) required to ensure compliance. Such measures must then be implemented as soon as practical to the satisfaction of the responsible authority.

9. Hours of Operation

The use of the childcare centre may operate only between the hours of 6.30am and 6.00pm Monday to Friday to the satisfaction of the responsible authority.

10. Health Requirements

- a) The applicant shall lodge with Council's Environmental Health Department detailed kitchen fit-out plans demonstrating that the area of the building proposed to be used for storage, preparation and sale of food are adequate for the type of food to be sold at the premises and that the structure and fittings installed complies with the requirements of Food Standards Australia and New Zealand Food Safety Standards 3.2.3 – Food Premises and Equipment, this includes any kitchenette or bottle preparation area.
- b) Prior to commencing construction of any food preparation area, the owner must seek the advice of the Council's Environmental Health Officer.
- c) Prior to commencing the business the applicant shall make application to the Council Environmental Health Department for the registration of the premises under the Food Act 1984.
- d) At the time of making application for registration under the Food Act 1984, the applicant shall lodge a copy of their food safety program as required by the Act and the name and accreditation details of their nominated Food Safety Supervisor.

11. Goulburn Valley Region Water Corporation Requirements

- a) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;
- b) Discharge of trade waste from the development may be subject to a Trade Waste Consent Agreement. Please call the Business Customer Solutions Team on 5832 4605 for clarification.

12. Goulburn Broken Catchment Management Authority Requirements

- a) The finished floor level of the proposed childcare centre must be constructed at least 300 millimetres above the highest existing ground level underneath the building footprint. In terms of the building footprint, it excludes all associated non-habitable areas such as the garage, carport, patio, verandah areas and the like.

- b) The applicant must prepare a Flood Response Plan that allows for the evacuation of the childcare centre in the event of flooding in the Tatura region. This plan must be prepared by a suitably qualified consultant.
- c) The Flood Response Plan must be submitted to the Goulburn Broken CMA for its consideration and approval prior to the issuing of the Occupancy Certificate.

13. Time for Starting and Completion

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

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

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2022-434
Applicant Name:	Bruce Mactier Building Designers
Owner Name:	PRIYANK BHARGAVA
Cost of works:	\$990,000
Correct application fee paid?	Yes \$1597.80 – Development \$680.40 – Parking \$70.70 – Title search Total - \$2,348.90
Land/Address:	12-14 Leithen Street, Shepparton
Date Received:	16 December 2022
Statutory Days?	202
Zoning?	GRZ
Overlay(s)	Nil
What is proposed?	6 single storey dwellings
Why is a permit required?	More than 1 dwelling on a lot in the GRZ under 32.08-6 Waiver of visitor parking space under 52.06-3
Are all plans provided?	Yes
Date referred/notified:	17 January 2023
Further Information?	No
Lapse date?	NA
Notice/Referral?	Yes to neighbours and GVW
Number of Notice Responses?	Consent from GVW 1 neighbour objection relating to traffic and car parking
Title details – any:	
o Restrictive Covenant?	No
o Section 173 agreement?	No
o Caveat?	No
o Easement?	No
o Building Envelope?	No
o Access restrictions?	No
Is a CHMP required?	No
Garden area provisions?	Yes – Met, garden area is at 35%
Is the site contaminated?	No
Is the site in a BMO or BPA?	No
Is Cl. 13.01-2 Bushfire applicable:	No
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.
Key Planning Considerations:	Is the proposal consistent with the provisions and requirements of the General Residential Zone? Is the proposal consistent with the requirements of Clause 55 (ResCode) under the Scheme? Is the proposal consistent with the relevant provisions of the Planning Policy Framework and Municipal Planning Strategy under the Scheme?

	<p>Is compliance with the garden area requirements achieved?</p> <p>Has adequate car parking been provided?</p> <p>What impact will the development have on waste collection?</p>
Recommendation:	Approval

Proposal

The application proposes buildings and works for a six dwelling development. The site is located in the General Residential Zone. No Overlays apply to the site.

The application includes six single storey dwellings (three per lot). Both lots will contain one three-bedroom dwelling and two bedroom dwellings, with attached carports. Access is via shared driveway in the middle of the two lots with a single shared crossover from Leithen Street. The dwellings are constructed from face brickwork with a Colorbond pitched roof.

A planning permit is required for two or more dwellings on a lot in the General Residential Zone pursuant to Clause 32.08-6. A Clause 55 assessment has been undertaken as part of the report.

The application includes a reduction in car parking requirements for one visitor car park pursuant to Clause 52.06-3. The application provides a single car park for each of the four two bedroom dwellings and two spaces for the three bedroom dwellings, in accordance with the car parking requirements. However, the application does not include a visitor car park as required for a development of five or more dwellings. Therefore, the application proposes to reduce the number of car parks by one space.

The subject site is located in an established residential area in south Shepparton shown as an area of incremental change in the Greater Shepparton Housing Strategy 2011, in close proximity to amenities such as St Georges Road Primary School, Victory Park, the edge of Shepparton CDB (600m) and the Shepparton railway Station.

There is an existing bus stop at St Georges Road (approx. 300m). The two sites are current developed with a single storey dwelling with individual access from Leithen Street.

Clause 32.08-4 requires an application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area. Where the application is for a multi-unit development without subdivision, the minimum garden area applies to the entire lot. In this case, as a lot of greater than 650sqm (1422sqm), a minimum garden area of 35% is required. A total of exactly 497.7sqm has been provided for garden area (35%), complying with this requirement.

Plans of the proposed unit development are below:

DESIGN SOLUTIONS - PART B

DESIGN RESPONSE PLAN

SITE COVERAGE

Block Site - 1422m²
 Maximum site coverage (80% max) - 569 m²
 Total Building Area/Dwelling - 552.36
 * Carport 129.55 + sheds 22.26
 Actual Site Coverage - 47.92%

PERMEABILITY

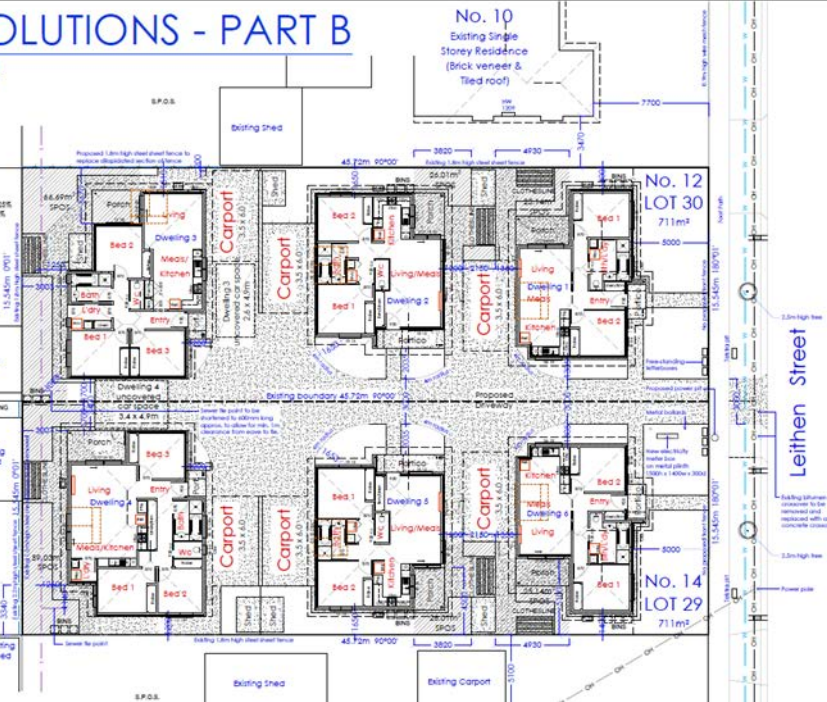
Minimum site permeability (20%) - 284.40m²
 Total Building Area - 704.15m²
 Concrete Area - 594.25m²
 Actual permeable coverage - 1,029.05m² or 77.23%
 Actual permeable coverage - 523.02m² or 32.73%

HAZARD SURFACE AREAS

Pavement - 21.32m²
 Porch - 29.89m²
 Driveway - 221.46m²
 Carports - 129.55m²
 Road Pavement & Coloured Paved - 122.25m²
 Garden shed pads - 22.25m²
 Concrete - 7.46m²
 Total Concrete Area - 615.74m²

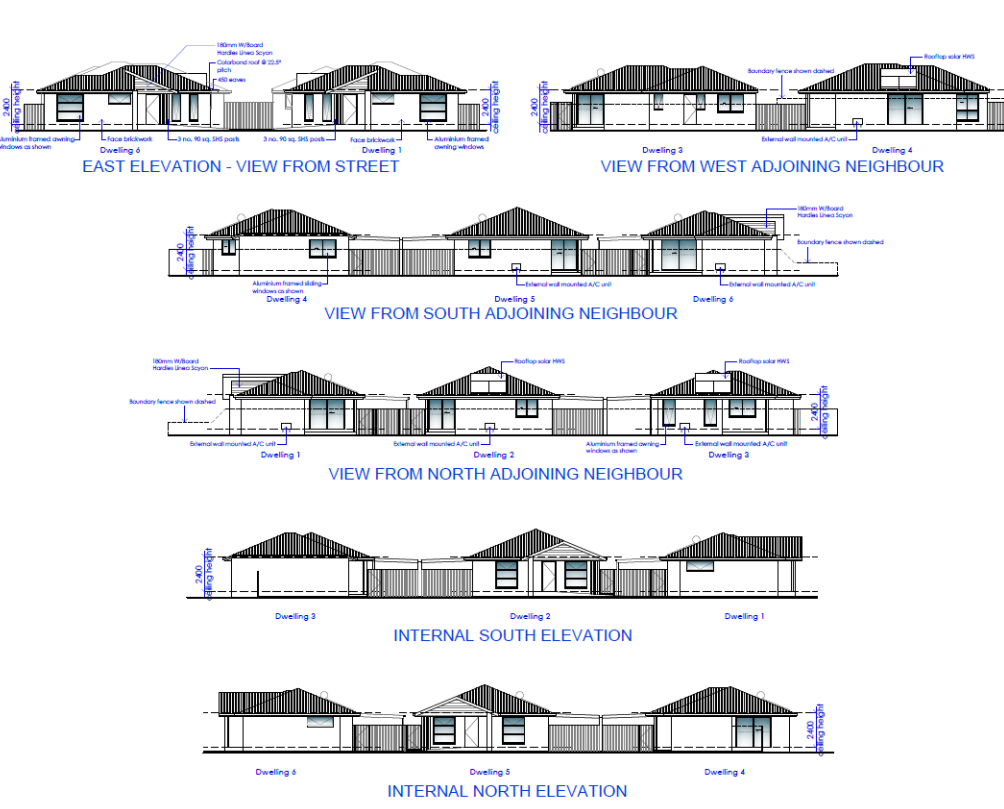
LEGEND

- PROPOSED 1.8m INTERNAL COLLAPSED FENCING
 - HW - HABITABLE ROOM WINDOW
 - HSD - HABITABLE ROOM SLIDING DOOR
 - SPOS - SECLUDED PRIVATE OPEN SPACE
 - SEWER PIPES
 - OVERHEAD POWERLINE
 - WATER PIPES
 - TREE
 - STORMWATER CONNECTION
 - POWER POLE
 - TELEGRAPH
- PRIVATE OPEN SPACE**
- DWELLING 1 Approx. Area of Private Open Space - 45.82m²
 Area of Secluded Private Open Space (Within Private Open Space) - 25.14m²
 - DWELLING 2 Approx. Area of Private Open Space - 49.13m²
 Area of Secluded Private Open Space (Within Private Open Space) - 26.01m²
 - DWELLING 3 Approx. Area of Private Open Space - 75.49m²
 Area of Secluded Private Open Space (Within Private Open Space) - 56.69m²
 - DWELLING 4



Issue Date: Version 2 - 17/11/2022
 Drawing Status: Preliminary Only - Not For Construction

CDP: Priyank Bhargava
 Project: Proposed Multi-Dwelling Development
 No. 12-14 Leithen Street, Shepparton Vic 3630
 Date: December 2022
 Issues: S. Saunders
 Design Client: S. Mactier
 Scale: 1:200 @ A3 Sheet
 Point in Colour
 Information required: VIC CDP-AD 56576
 Approved by: Design Response Plan
 Date: 15 of 20
 Job Number: 24218



Summary of Key Issues

The application proposes buildings and works for six dwelling development. The site is within the General Residential Zone with no Overlays.

A planning permit is required for two or more dwellings on a lot within the General Residential Zone pursuant to Clause 32.08-6. A Clause 55 assessment has been undertaken as part of the report.

The site is approximately 1422sqm, which requires 35% of the site to be left for garden area. The plans indicate that exactly 497.7sqm has been provided for garden area, which complies with the requirement exactly.

The application also includes a waiver in car parking requirements for one visitor car park pursuant to Clause 52.06-3.

Officers placed the application on public notice and one objection was received by a nearby property.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2022-392 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 Clause 32.08 of the Greater Shepparton Planning Scheme in respect of the land known and described as 12-14 Leithen Street SHEPPARTON, for the Development of 6 Dwellings in the General Residential Zone and waiver of one Visitor Car Parking Space 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. 2022-392 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 Clause 32.08 of the Greater Shepparton Planning Scheme in respect of the land known and described as 12-14 Leithen Street SHEPPARTON, for the Development of 6 Dwellings in the General Residential Zone and waiver of one Visitor Car Parking Space in accordance with the Notice of Decision and the endorsed plans.

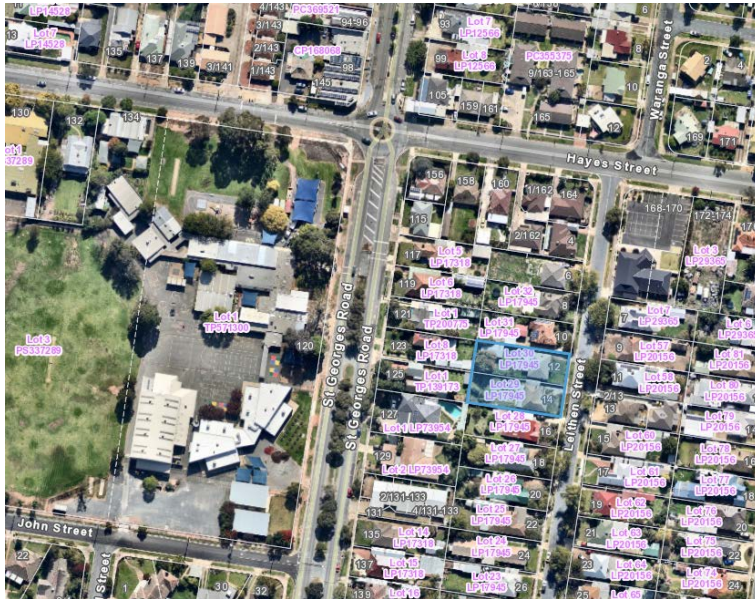
Moved: Braydon Aitken

Second: Colin Kalms

CARRIED

Subject Site & Locality

The below aerial photo shows the land and surrounds.



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

Date: 19 July 2023

The site has a total area of 1422 square metres and currently contains:

- Two separate lots with individual access from Leithen Street (along northern boundary of both properties).
- Each lot contains a single storey, weatherboard dwelling with pitched roof.
- Limited landscaping (14 Leithen has a hedge forming the front boundary fence)
- 12 Leithen has an open metal front fence.

The main site/locality characteristics are:

- Within a medium density area with dwellings located adjacent to the property
- Single storey dwellings with spacious front setbacks and modest landscaping
- Modest density development in close proximity.
- Access to St Georges Road and arterial roads
- Shepparton Railway station to the west and Shepparton Activity Centre (approx. 600m)





Permit/Site History

The history of the site includes:

- A search of Council's electronic records shows no relevant planning history for either site.

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 each site.

The applicant provided a signed statutory declaration on 2 February 2023 confirming that the Public Notice was erected in a position that was clearly visible from the frontage of the site and maintained in good condition for 14 days from 18 January 2023 to 1 February 2023.

Objections

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

- Proposal will lead to traffic congestion and parking issues

Title Details

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

Consultation

The applicant provided a written response to the objection. This was provided to the objector who has not responded to date and did not withdraw their objection.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	Goulburn Valley Water - consented to the application with conditions.

Internal Council Notices	Advice/Response/Conditions
Engineering	No objection subject to conditions in relation to access and drainage and requiring a waste management plan as part of any approval for the proposal.

Assessment

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.*

32.08-6 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 two or more dwellings on a lot.

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 facilities 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 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.

Relevant overlay provisions

There are no relevant Overlays.

The Planning Policy Framework (PPF)

Clause 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.

Clause 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.

Clause 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.

Clause 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.

Local Planning Policy Framework

Clause 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.

Clause 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.

Municipal Planning Strategy

Clause 02.03-1 Settlement

Identifies that Shepparton will need growth to accommodate a population that is forecast to grow 59,202 in 2006 to 71,509 by 2026. 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.

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.

Relevant Particular Provisions

Clause 55 Assessment – Six dwellings on a lot

Clause 55 (ResCode – Two or More Dwellings on a Lot) applies to the development. An assessment of the proposal against the relevant objectives and standards of Clause 55 is provided as follows:

Objectives	Standards	Complies/ does not comply/ variation required
<p>Clause 55.02-1</p> <p>Neighbourhood Character Objectives</p> <p>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)</p> <p>The design response must be appropriate to the neighbourhood and the site.</p> <p>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 subject sites are two larger rectangular lots in a typical residential block layout. The surrounding land comprises of similar lots oriented towards the street, with generous front setbacks of between 7 and 10m.</p> <p>The surrounding development pattern is primarily single unattached dwellings on a lot fronted to the street, with habitable windows facing the street. Secluded private open space is typically provided to the rear of the dwellings. There is some two lot subdivision and development throughout and a place of worship.</p> <p>The proposed development introduces an increased scale and pattern of development into the neighbourhood, proposing six dwellings on the lot.</p> <p>Council supports housing diversity and medium density development within infill areas, where the development respects the character of the neighbourhood and complies with relevant provisions. The proposal will allow for infill development of an unused</p>

Objectives	Standards	Complies/ does not comply/ variation required
		<p>site which will have benefit for the community.</p> <p>The predominant streetscape is largely modestly vegetated gardens with low front fences and dwellings oriented towards the street. Opposite the site there are more landscaped front gardens, with some street trees along Leithen Street.</p> <p>No front fence is proposed and only one crossover will be constructed from Leithen Street.</p> <p>The dwellings will be constructed from Brick with pitched Colorbond roofing. Dwelling 1 and 6 will have habitable rooms facing the street.</p> <p>The proposed development provides housing diversity in an established area of Shepparton, within close proximity to amenities and shops.</p>
<p>Clause 55.02-2</p> <p>Residential Policy Objectives</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the MPS and PPF.</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)</p> <p>An application must be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in the MPS and PPF</p>	<p>Complies</p> <p>The application proposes to provide additional housing variety within the municipality.</p> <p>The proposal is located in an area identified for incremental change in the <i>Greater Shepparton Housing Strategy 2011</i>, with any new development to include low rise medium density housing that respects the character of the neighbourhood.</p> <p>Guidance for incremental change areas within the Planning Scheme indicates it is expected these areas will evolve as new types and</p>

Objectives	Standards	Complies/ does not comply/ variation required
		<p>more intense development is accommodated.</p> <p>The development of six, single storey dwellings is considered a simple, medium density development that has responded to the existing character of the area while thoughtfully introducing new elements into the streetscape, in particular a reduced front setback.</p>
<p>Clause 55.02-3</p> <p>Dwelling Diversity Objective</p> <p>To encourage a range of dwelling sizes and types in development of ten or more dwellings</p>	<p>Standard B3 (Can be varied)</p> <p>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>Not applicable as the development is for less than 10 dwellings.</p>
<p>Clause 55.02-4</p> <p>Infrastructure Objectives</p> <p>To ensure development is provided with appropriate utility services and infrastructure;</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure</p>	<p>Standard B4 (Can be varied)</p> <p>Development should be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available.</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>Complies</p> <p>The proposal is not expected to overload the capacity of utility services and infrastructure. All services can be provided subject to the requirements and standards of the relevant servicing providers. No objections from the servicing authorities have been received.</p> <p>The proposal includes replacing the two separate accesses via a central access to the site.</p> <p>It is not anticipated the additional dwellings will significantly impact the existing road network.</p>
<p>Clause 55.02-5</p>	<p>Standard B5 (Can be varied)</p>	<p>Complies</p>

Objectives	Standards	Complies/ does not comply/ variation required
<p>Integration with the Street Objective</p> <p>To integrate the layout of development with the street</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>The proposed driveway connects all dwellings to the street via the proposed crossover in the centre of the site.</p> <p>Dwelling 1 and 6 are orientated to the front street, with no front fence and open garden area in the front setback. No landscaping has been shown, however this will be required via a condition on any planning permit issued.</p>
<p>Clause 55.03-1</p> <p>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>Varied (meets objective)</p> <p>The proposal includes a 5m setback from Leithen Street.</p> <p>ResCode requires that the development is setback 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).</p> <p>The dwelling to the north is setback 7.7m, while the dwelling to the south is setback 9.5m, which makes the average 8.6m.</p> <p>Both dwellings are proposed to be setback 5m from the frontage. This setback is a departure from the general development pattern of the street.</p> <p>However, the proposed dwellings will have a landscaped, open frontage, with clear delineations of the separate dwellings. The setback of 5m continues to provide a noticeable front garden area that can be landscaped to provide a garden setting typical to the existing character of the street.</p>

Objectives	Standards	Complies/ does not comply/ variation required
		There is no preferred neighbourhood character guidance for the street.
<p>Clause 55.03-2 Building Height Objective</p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Standard B7 (Can be varied)</p> <p>The max building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the max building height should not exceed 10m.</p> <p>Change of building height between existing buildings and new buildings should be graduated.</p>	<p>Complies</p> <p>Buildings will not exceed 9 metres, satisfying Standard B7.</p>
<p>Clause 55.03-3 Site Coverage Objective</p> <p>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)</p> <p>The site area covered by buildings should not exceed 60%.</p>	<p>Complies</p> <p>The overall site area is 1422sqm.</p> <p>The site area covered by buildings is 704.18sqm</p> <p>The site area covered by buildings is 49.52% of the site area in compliance with the Standard.</p>
<p>Clause 55.03-4</p> <p>Permeability Objectives</p> <p>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)</p> <p>At least 20% of the site should not be covered by impervious surfaces.</p>	<p>Complies</p> <p>The area of the site covered by pervious surface is 323.50sqm. The total permeability of the site is 22.75% of the site, meeting the minimum requirement of 20% under Standard B9.</p>
<p>Clause 55.03-5</p> <p>Energy Efficiency Objectives</p>	<p>Standard B10 (Can be varied)</p> <p>Buildings should be:</p> <ul style="list-style-type: none"> • Orientated to make appropriate use of solar energy. 	<p>Varied</p> <p>Generally, most dwellings in the proposed development respond sufficiently to the orientation of the site.</p>

Objectives	Standards	Complies/ does not comply/ variation required
<p>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>	<ul style="list-style-type: none"> 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>Living areas and SPOS areas for Dwellings 1-4 are located on northern/ north west side of the buildings.</p> <p>Effort has been made to ensure living areas for Dwellings 5 and 6 also locate on the north side of the buildings. The SPOS for both of these buildings is directly south of the Dwellings.</p> <p>Any overshadowing is contained on site and will not impact dwellings on adjoining lots.</p> <p>The development does not reduce the performance of rooftop solar energy facilities on adjoining lots.</p>
<p>Clause 55.03-6</p> <p>Open Space Objective</p> <p>To integrate the layout of the development with any public or communal open space provided in or adjacent to the development</p>	<p>Standard B11 (Can be varied)</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>N/A</p> <p>There is to be no communal open space as part of this development.</p>
<p>Clause 55.03-7</p> <p>Safety Objective</p> <p>To ensure the layout of development provides for the safety and security of residents and property</p>	<p>Standard B12 (Can be varied)</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>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>Complies</p> <p>The entrance to Dwelling 1 and 6 is visible and accessible from Leithen Street.</p> <p>The remaining dwellings have their main entrances open and visible to the internal access way and they are easily identifiable through the articulation of the entry porch.</p> <p>Each entry porch will be externally lit which will also adequately light the access way.</p>

Objectives	Standards	Complies/ does not comply/ variation required
	Private spaces within developments should be protected from inappropriate use as public thoroughfares.	No private spaces will be useable as public thoroughfares.
<p>Clause 55.03-8</p> <p>Landscaping Objectives</p> <p>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>To encourage the retention of mature vegetation on the site</p>	<p>Standard B13 (Can be varied)</p> <p>Landscape layout and design.</p>	<p>Complies - condition</p> <p>While no landscaping plan has been submitted in support of the proposal, adequate space has been provided within the development, particularly in the property frontage, to provide appropriate landscaping within the front setback and throughout the site. This will be required via a condition on any planning permit issued.</p>
<p>Clause 55.03-9</p> <p>Access Objectives</p> <p>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)</p> <p>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 	<p>Complies</p> <p>The access for the property is 3m wide.</p> <p>There is 4m radius for internal movement. The design allows for vehicles to exit in a forwards direction. The design has been reviewed by Council's Engineering Department who have no objections.</p> <p>Total driveway access along Leithen Street is 9.6% of the total width (31.08m).</p>

Objectives	Standards	Complies/ does not comply/ variation required
	<p>connects to a road in a road zone.</p> <p>6. The width of accessways or car spaces should not exceed:</p> <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>Clause 55.03-10</p> <p>Parking Location Objectives</p> <p>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>To protect residents from vehicular noise within developments</p>	<p>Summary of Standard B15 (Can be varied)</p> <p>Car parking facilities should:</p> <p>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. • 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>Complies</p> <p>The proposal is for four two-bedroom dwellings and two three bedroom dwellings with one carport per site. Dwellings 3 and 4 will also have an open car space associated with each dwelling.</p> <p>All dwellings have car park spaces within carports and provide convenient access to the dwellings front and rear entrances.</p> <p>The carports are roofed, creating a partial sense of enclosure and delineation whilst allowing ventilation.</p> <p>In all cases, no habitable room windows are proposed within 1.5 m from shared access ways in accordance with the standard to protect residents from vehicular noise.</p>
<p>Clause 55.04-1</p> <p>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</p>	<p>Summary of Standard B17 (variable)</p> <p>New building not on, or within 150 mm 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 	<p>Complies</p> <p>Dwellings are setback at least 1.4m metres from the northern boundary and are single storey. The dwellings are setback a minimum 1.2, from the southern boundary and 3m from the western (rear boundary), in accordance with the Standard.</p>

Objectives	Standards	Complies/ does not comply/ variation required
on the amenity of existing dwellings	<p>to 6.9m, plus 1m for every metre height over 6.9m.</p> <ul style="list-style-type: none"> • Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard. 	
<p>Clause 55.04-2</p> <p>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 150mm from a boundary. • New walls on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m • of a side or rear boundary should not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall. 	<p>Complies</p> <p>There are no walls along the boundary. Closest wall is 1.2m off the boundary (Dwelling 1 and Dwelling 4).</p>
<p>Clause 55.04-3</p>	<p>Standard B19 (Can be varied)</p>	<p>Complies</p>

Objectives	Standards	Complies/ does not comply/ variation required
<p>Daylight to existing windows objective</p> <p>To allow adequate daylight into existing habitable room windows.</p>	<p>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>All existing habitable room windows are more 3 metres from the proposed buildings.</p> <p>The nearest habitable rooms to the development are located to the north of the site, being part of the Dwelling at 10 Leithen Street. This dwellings is setback 3.47m from the common boundary.</p> <p>To the south habitable room windows at 16 Leithen are approximately 5.1m from the common boundary.</p>
<p>Clause 55.04-4</p> <p>North-facing windows objective</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20 (Can be varied)</p> <p>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</p> <p>Overshadowing diagrams submitted which identify that the proposal will not impact the adjoining properties to the north or south greater than the existing fencing on the boundary (1.8m)</p>
<p>Clause 55.04-5</p> <p>Overshadowing open space objective</p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Standard B21 (Can be varied)</p> <p>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>Complies</p> <p>The existing dwelling to the south of the site is offset more than 5m from the boundary between the two sites. As a result, the proposal will not affect daylight to this adjoining property.</p> <p>The proposed development does not reduce sunlight any further than the existing</p>

Objectives	Standards	Complies/ does not comply/ variation required
	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.	boundary fencing between the properties to the south and west, which is considered acceptable. Both sites have sufficient POS outside of this already impacted area.
<p>Clause 55.04-6</p> <p>Overlooking objective</p> <p>To limit views into existing secluded private open space and habitable room windows.</p>	<p>Standard B22 (Can be varied)</p> <p>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</p> <p>All proposed dwellings are single storey and all boundary fences are 1.8m high, to further mitigate any potential for overlooking.</p>
<p>Clause 55.04-7</p> <p>Internal Views Objective</p> <p>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)</p> <p>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</p> <p>All dwellings are single storey.</p> <p>Internal fencing to 1.8 m high as shown on the application plans will prevent overlooking.</p>
<p>Clause 55.04-8</p> <p>Noise Impacts</p> <p>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Standard B24</p> <p>Noise sources should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and private open space should consider noise sources on immediately adjacent properties.</p> <p>Noise levels should be limited in habitable rooms in dwellings and residential buildings. Dwellings and residential buildings should be designed to limit noise levels in habitable rooms close to busy roads, railway lines or industry.</p>	<p>Complies</p> <p>The plans show mechanical equipment associated with the development to the north and south of the dwelling (north on dwellings 1 – 3, south of dwellings 4 – 6). The locations are significant setback from adjoining existing dwellings and not expected to cause any detriment to amenity.</p>
<p>Clause 55.05-1</p> <p>Accessibility</p>	<p>Standard B25</p> <p>Dwelling entries of the ground floor of buildings should be</p>	<p>Complies</p>

Objectives	Standards	Complies/ does not comply/ variation required
Consider people with limited mobility in the design of developments.	accessible or able to be easily made accessible to people with limited mobility.	All dwellings provided with an accessible entry and facilities on the ground floor.
<p>Clause 55.05-2</p> <p>Dwelling Entry</p> <p>Provide a sense of identity to each dwelling/residential building</p>	<p>Standard B26</p> <p>Entries are to be visible and easily identifiable from streets and other public areas.</p> <p>The entries should provide shelter, a sense of personal address and a transitional space.</p>	<p>Complies</p> <p>All dwelling entries have an easily identifiable entry and porches are used to provide shelter and a sense of personal address.</p>
<p>Clause 55.05-3</p> <p>Daylight to New Windows</p> <p>Allow adequate daylight into new habitable room windows.</p>	<p>Standard B27</p> <p>Habitable room windows to face: Outdoor space open to the sky or light court with minimum area of 3sqm and a min. dimension of 1m clear to the sky or;</p> <p>Verandah, provided it is open for at least one third of its perimeter or;</p> <p>A carport provided it has two or more open sides and is open for at least one third of its perimeter.</p>	<p>Complies</p> <p>All dwellings contain windows to each habitable room.</p>
<p>Clause 55.05-4</p> <p>Private Open Space</p> <p>Provide reasonable recreation and service needs of residents by adequate private open space</p>	<p>Standard B28</p> <p>Unless specified in the schedule to the zone, a dwelling should have private open space consisting of: 40sqm with one part at the side or rear of the dwelling/residential building with a minimum dimension of 3m, a minimum area of 25sqm and convenient access from a living room or;</p> <p>Balcony - minimum 8sqm, minimum width 1.6m and accessed from living room or;</p> <p>Roof-top – minimum 10sqm, minimum width 2m and</p>	<p>Complies</p> <p>All units have a minimum area of 25sqm private open space with appropriate dimensions to the rear or side of the dwelling and accessible via a living room.</p> <p>Dwelling 1 – 40.82sqm</p> <p>Dwelling 2 – 49.13sqm</p> <p>Dwelling 3 – 76.49sqm</p> <p>Dwelling 4 – 79.82sqm</p>

Objectives	Standards	Complies/ does not comply/ variation required
	convenient access from living room	Dwelling 5 – 47.86sqm Dwelling 6 – 40.82sqm Each SPOS has a minimum dimension of 3m and is sited to the rear or side of the dwelling.
<p>Clause 55.05-5</p> <p>Solar Access to Open Space</p> <p>Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Standard B29</p> <p>The private open space should be located on the north side of the dwelling if appropriate.</p> <p>Southern boundary of open space should be setback from any wall on the north of the space at least $(2+0.9h) h=$ height of wall.</p>	<p>Varied</p> <p>The SPOS for most dwellings is generally acceptable and will achieve good solar access.</p> <p>Secluded Private Open space is located on the North side for Dwellings 1 – 4.</p> <p>The SPOS is located to the south and south east for Dwelling 5 and 6.</p> <p>Both areas are setback 4.5m or 5.1m from the northern wall of the space, however this is taken to include the porch.</p> <p>Regardless, both areas have a side portion of SPOS with no northern wall impacting access to this solar and therefore they are considered to comply with the objective.</p>
<p>Clause 55.05-6</p> <p>Storage</p> <p>Provide adequate storage facilities for each dwelling.</p>	<p>Standard B30</p> <p>Each dwelling should have access to a minimum 6m³ of externally accessible, secure storage space.</p>	<p>Complies</p> <p>A shed with an area of approx. 6.6m³ has been provided for all dwellings.</p> <p>The construction of the shed is included in garden area requirements, which is allowable under the provision.</p>
<p>Clause 55.06-1</p> <p>Design Detail</p> <p>Encourage design detail that respects the existing or</p>	<p>Standard B31 (Can be varied)</p> <p>Design of buildings should respect the existing or preferred neighbourhood character and address: Façade articulation & detailing.</p>	<p>Complies</p> <p>The surrounding neighbourhood comprises of varying building designs and materials, however most buildings are single storey</p>

Objectives	Standards	Complies/ does not comply/ variation required
preferred neighbourhood character.	<p>Window and door proportions.</p> <p>Roof form.</p> <p>Verandahs, eaves and parapets.</p> <p>Garages and carports should be visually compatible with the development and neighbourhood character.</p>	<p>and detached, set within a modest garden landscape.</p> <p>The design of the development includes a pitched Colorbond roof and small eaves, with detail to the front of the dwellings that is respectful of the general character of the area.</p>
<p>Clause 55.06-2</p> <p>Front Fences</p> <p>Encourage front fence design that respects the existing or preferred neighbourhood character</p>	<p>Standard B32 (Can be varied)</p> <p>The front fence should complement the design of the dwelling or any front fences on adjoining properties.</p> <p>A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone or if no max. specified, the front fence should not exceed:</p> <p>2m if abutting a Road Zone, Category 1.</p> <p>1.5m in any other streets</p>	<p>Complies</p> <p>No front fence is proposed.</p>
<p>Clause 55.06-3</p> <p>Common Property Objectives</p> <p>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 areas of common ownership</p>	<p>Standard B33 (Can be varied)</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property where provided, should be functional and capable of efficient management.</p>	<p>Complies</p> <p>The private parking spaces and SPOS clearly adjoin the corresponding dwellings and are separated by 1.8m high fencing.</p> <p>The communal driveway/access way is clearly delineated.</p>
<p>Clause 55.06-4</p> <p>Site Services Objectives</p>	<p>Standard B34 (Can be varied)</p> <p>The design and layout of dwellings and residential buildings should provide</p>	<p>Complies</p> <p>The proposed dwellings are appropriately located to allow for the provision of connection to</p>

Objectives	Standards	Complies/ does not comply/ variation required
<p>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>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>services and the location of mailboxes to the front of the site.</p> <p>Areas for the storage of bins are provided to the north (Dwellings 1 -2) or south (Dwellings 3-6)</p>

The decision guidelines of Clause 65

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

65.01 Approval of an application or plan

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

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

- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Officer Assessment:

The site is shown as an area of incremental change in the *Greater Shepparton Housing Strategy 2011*, referenced in the Greater Shepparton Planning Scheme. The site is in close location to the shops and business of Shepparton CBD, the Shepparton Railway Station and a number of schools and parks. The nearest bus stop is in St Georges Street, which is approximately 350m away from the site.

Officers placed the application on public notice and one objection was received from a neighbouring property.

The grounds for the objection centred on the following:

- The proposal will lead to an increase in on street car parking and congestion of the street.

The application also seeks a reduction in car parking requirements. The application includes six car parks – one for each two bedroom dwelling (4) and two for each three bedroom dwelling (2), in accordance with Clause 52.06-5. An additional car park is required for developments of five or more dwellings as a designated visitor car park. The application seeks a reduction to waive this car-parking requirement and proposes to rely on on-street car parking for the visitor car park.

The main considerations for this application are as follows:

1. Is the proposal consistent with the provisions and requirements of the General Residential Zone?
2. Is the proposal consistent with the requirements of Clause 55 (ResCode) under the Scheme?
3. Is the proposal consistent with the relevant provisions of the Planning Policy Framework and Municipal Planning Strategy under the Scheme?
4. Is compliance with the garden area requirements achieved?
5. Has adequate car parking been provided?
6. What impact will the development have on waste collection?

Officers support the provision of medium to higher density development in locations close to amenities, neighbour conveniences, schools and open space, and consider the site is an appropriate location for such a development.

Neighbourhood Character

The Scheme emphasises that new developments should respect the existing character of an area while contributing to the preferred character (if applicable). Furthermore, emphasis is placed on striking an appropriate balance between the amenities offered to proposed dwellings and mitigating negative amenity impacts on adjoining/nearby properties.

There are no specific overlays or provisions describing the existing or preferred character of Leithen Street and surrounds. The surrounding development pattern is generally larger lots containing a single storey standalone dwelling, most constructed between 1940 – 1990.

There is no particular vegetation or planting character to the area, with most properties containing modest gardens and low scale front fencing, the occasional dwelling exhibiting higher front fencing and more landscaped gardens.

The prevailing character of the street therefore, is the front setbacks along Leithen Street, being on average greater than 7m. While consideration is to be given the character of the neighbourhood, the expectation of the area is of incremental change, and the character is expected to evolve over time. The question here is whether the proposed reduced setback of 5m responds within the streetscape in a manner that will reflect the future neighbourhood character.

It is considered that 5m remains a substantial setback in a multi dwelling setting, and the open nature of the frontage will allow for landscaping opportunities and planting providing a spacious feel to the street face. The single cross over a layout of the remaining dwellings will ensure plenty of visual spaces between the built form in the skyline, retaining the detached dwelling pattern of the street.

Secluded private open space for all dwellings is provided to the north where possible of each dwelling and is of an appropriate size and accessible from living areas. The SPOS for Dwelling 5 and 6 is to the south of the dwelling however is also open to the side of the dwellings and is considered an appropriate response.

The General Residential Zone, ResCode and Garden Area requirements

A planning permit is required for two or more dwellings on a lot pursuant to Clause 32.08-6 of the Scheme. The proposal supports the purpose of the General Residential Zone, providing infill housing diversity in close proximity to services, open space and major transport routes.

The application must also provide a minimum garden area of 35% of the total site in accordance with Clause 32.08-3 (as a lot of greater than 650sqm.). Given the site is 1422sqm; a garden area of 497.7sqm is required. The development plans show a garden area of exactly this, in accordance with the policy.

Officers have provided a Clause 55 assessment of the proposal earlier in the Report. The application complies with the Standards of ResCode and provides an appropriate design response.

State Planning Policy

The application complies with the relevant state policy provisions as the proposal is for development within an established urban area located appropriately for jobs, services and public transportation and is redirecting development to an urban area rather than greenfield development. The proposal allows for a mix in housing types and improves housing choice for Shepparton to allow for a range of income groups to choose housing in a well-serviced location.

Local Planning Policy Provisions

The subject site is identified as an area of Incremental Change in the *Greater Shepparton Housing Strategy 2011*, referenced at Clause 21.04-2 of the Scheme. The Clause provides the following guidance in relation to infill development in these areas:

- *Low-scale, medium density dwellings that respect existing neighbourhood character, particularly in areas that are in close proximity to shops, facilities, services and amenities shall be encouraged.*
- *New development that increases residential densities and is sensitively designed to respond to the existing neighbourhood character shall be supported.*

Additional strategies that are relevant to development proposals in incremental changes areas:

- *Ensure that new development does not cause significant new overlooking, overshadowing, and excess visual bulk impacts on adjacent housing.*
- *Encourage a high standard of design for new development and major renovations.*
- *Support and encourage environmentally friendly technologies for new development and major renovations.*

The proposal allows for low rise, medium density redevelopment of two sites and will provide housing diversity within close proximity to services and employment areas. The development offers a range of dwelling types and layouts that will increase housing choice in the area and contribute to the evolving character of the area towards a higher density, walkable neighbourhood.

The incremental change area expects the character of these areas to evolve over time. It has been ten years since the designation of the area as incremental change, and although the existing character of the area is predominantly one or two dwellings on a lot, the proposal responds to a trend for medium density and low rise dwelling options in existing urban areas.

Clause 52.06 Car Parking

The proposal provides for off street car parking for all dwellings and relies on on street parking for one visitor space. The waiver of the visitor car parking space is considered appropriate given the design and layout of Leithen Street.

Leithen Street is subject to unrestricted kerbside parking and the Street and surrounding network is not expected to be significantly impacted by the additional traffic generated by the proposal.

Plans submitted with the application show all dwellings can be exited in a forward fashion to safely exit the site and Council's Engineers are satisfied with the proposal.

Conclusion

Officers have assessed the application against the relevant policy of the Scheme and consider that the application complies. Officers recommend that a NOD be issued subject to conditions.

Draft Notice Of Decision

APPLICATION NO: 2022-434

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: 12-14 LEITHEN STREET SHEPPARTON VIC 3630

WHAT THE PERMIT WILL ALLOW: 6 SINGLE STOREY DWELLINGS IN THE GENERAL RESIDENTIAL ZONE AND WAIVER OF VISITOR CAR PARKING SPACE

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 be submitted electronically. Such plans must be generally in accordance with the advertised plan but modified to show:

- a) Removal of the redundant vehicle crossings
- b) Size of sheds

2. Layout Not Altered

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

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

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

4. Consolidation

Before the dwellings are occupied all lots comprising the land must be consolidated into one lot.

5. 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 (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.

Before the dwelling is occupied all drainage works required by the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

6. Landscape Plan

Before the development starts a landscape plan prepared by a suitably qualified landscape designer must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions must be provided and show:

- a) street trees
- b) low lying planting in front of dwellings
- c) a schedule of all proposed trees, shrubs and ground cover, including the location
- d) 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
- e) the method of preparing, draining, watering and maintaining the landscaped area
- f) details of surface finishes of pathways and driveways

- g) landscaping and planting within all open areas of the site

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

All trees planted as part of the landscape works must be a minimum height of 1.2 metres at the time of planting.

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.

7. Waste Management Plan

Before the development starts, a waste management plan must be submitted for approval to the responsible authority. The waste management plan must detail the waste disposal arrangements by private contractor or Council for the development.

The provisions and requirements of the endorsed waste management plan must be implemented and complied with at all times to the satisfaction of the responsible authority.

8. Urban Vehicle Crossing Requirements

Before the dwellings are occupied vehicle crossings shall be constructed in accordance with the endorsed plans and constructed to Councils IDM standard drawing SD235, and must:

- a) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);
- b) be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree unless otherwise agreed in writing by the responsible authority;
- c) the redundant vehicle crossing on the lands northern side be removed and replaced by concrete kerb and channel.

A Works within Road Reserves permit must be obtained from the responsible authority prior to carrying out of any vehicle crossing works.

9. Underground Connection

Before the dwellings are occupied, the electricity connection to the land must be undergrounded.

10. Goulburn Valley Region Water Corporation Requirements

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

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. 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.

11. Time for Starting and Completion

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

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

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2022-270
Applicant Name:	Human Habitats
Owner Name:	GOULBURN VALLEY HIGHWAY PROPERTY PTY LTD
Cost of works:	\$1.7M
Correct application fee paid?	Yes \$3,524.30 – Development \$680.40 – Use \$680.40 – Restriction Total - \$4,885.10
Land/Address:	1/540 Goulburn Valley Highway SHEPPARTON NORTH VIC 3631
Date Received:	21-Jul-2022
Statutory Days?	52
Zoning?	Low Density Residential Zone Abuts land in the Transport Zone 2
Overlay(s)	Specific Controls Overlay 3
What is proposed?	Development for a childcare centre
Why is a permit required?	32.03-1 Section 2 use in LDRZ 32.03-4 Buildings and works in LDRZ 52.02 Removal of Restriction (Building Envelope) 52.29-2 Create or Alter access to TR2Z
Are all plans provided?	Yes
Any application history?	Yes – 4 lot subdivision of the land under 2005-537
Date referred/notified:	Referred – 25 August 2022 Public notice – 28 November 2022
Further Information?	Yes
Lapse date?	7 February 2023 – Information submitted on 2 February 2023
Notice/Referral?	Yes
Number of Objections?	4
Title details – any:	
o Restrictive Covenant?	Yes - COVENANT PS602380G
o Section 173 agreement?	Yes
o Caveat?	No
o Easement?	Yes – drainage and water supply
o Building Envelope?	Yes
o Access restrictions?	No
Is a CHMP required?	Yes – issued on 13 April 2023
Garden area provisions?	No
Is the site contaminated?	No
Is the site in a BMO or BPA?	No
Is Cl. 13.01-2 Bushfire applicable:	No
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.
Recommendation:	Refusal

Proposal

Application proposes development for a 108 place childcare centre on a vacant lot at 1/540 Goulburn Valley Highway, Shepparton North.



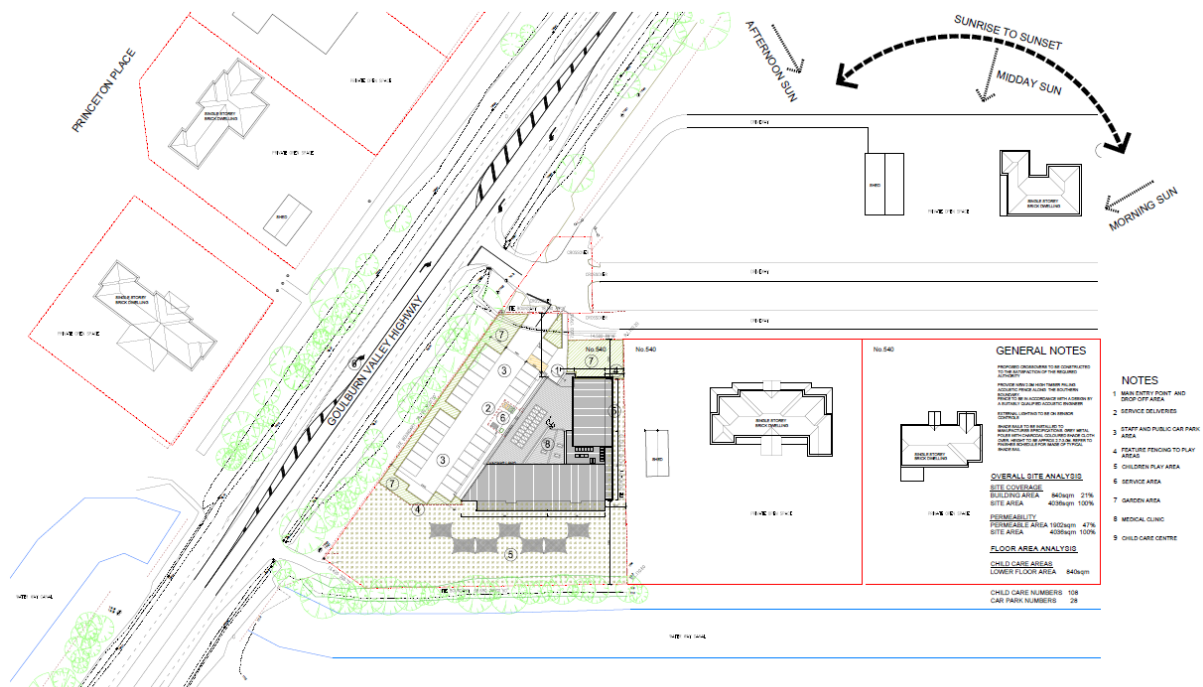
An application is required for the use of the land for a childcare centre under Clause 32.03-1 (Low Density Residential Zone). A planning permit is also required for buildings and works associated with a Section 2 Use.

The proposal comprises of:

- Single storey building containing staff facilities, kitchen, laundry, meeting room, wash facilities, office and reception.
- 108 places
- 28 on site car parks
- Ancillary indoor swimming pool
- Car parking along front (western) boundary
- Outdoor play area to the south of the site
- Access via an existing shared driveway from Goulburn Valley Highway with entrance to the site from the north west corner
- Right and left turn lanes to access the land from Goulburn Valley Highway
- Connection to sewerage

The proposal will alter access from road in a Principal road network, and therefore requires a planning permit under Clause 59.29-2.

The application will impact existing restrictions on the title (building and effluent envelopes) and will require their removal. Further, the application proposes to provide reticulated sewer to the site and in doing so will allow for the cancellation of the existing Section 173 Agreement on title.



Summary of Key Issues

The application proposes the use and development of the land for a 108 place childcare centre. The site is within the Low Density Residential Zone with access via road in a Transport Zone 2 (Goulburn Valley Highway). A Specific Controls Overlay – 3 applies to the site.

A planning permit is required for a childcare centre within the Low Density Residential Zone pursuant to Clause 32.03-1. Because a planning permit is required for the use, a planning permit is also required for the buildings and works, pursuant to Clause 32.03-4.

The site proposes to alter the existing access off Goulburn Valley Highway, which requires a planning permit pursuant to Clause 52.29-2. The site will also utilise a shared driveway and carrageway easement for access.

There are two envelopes shown on the plan of subdivision for the site, an effluent envelope and a building envelope. There is also a Section 173 Agreement registered on the title, relating to the treatment of effluent for any dwelling on the site. The S173 Agreement allows for its cancellation in the event reticulated sewer is provided to the site.

The application proposes to provide reticulated sewer to the site and therefore seeks to remove the effluent envelope from the plan of subdivision and cancel the S173 Agreement. It is considered the application will also provide for buildings and works outside the building envelope.

Officers placed the application on public notice and four objections were received. All of the objections were lodged by nearby neighbouring properties.

Recommendation

Refusal to Grant a Permit

That Council having caused notice of Planning Application No. 2022-270 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 Refuse to Grant a Permit under the provisions of the Greater Shepparton Planning Scheme in respect of the land known and described as 1/540 Goulburn Valley Highway Shepparton North, for the use and development of childcare centre in the Low Density Residential Zone, alteration of access of road in a Principal Road Network and removal of a restriction on title for the following reasons.

1. The proposal is inconsistent with the strategic direction at Clause 02.03-1 Settlement as it does not contribute to urban consolidation and does not promote walking, the use of bicycles or a reduction in car use.
2. The proposal is contrary to Clause 13.07-1S and Clause 13.07-1L-02 Land use compatibility as it will provide a commercial use and intensity that will detrimentally impact the existing residential land use via traffic and access arrangements.
3. The proposal is contrary to Clause 15.01-5S Neighbourhood character as it provides a use and development on the land that does not reflect the open, low density residential style development landscape of the area or the design and layout of this subdivision, particularly in relation to access.
4. The proposal is contrary to Clause 19.02-2S Education facilities as it fails to co locate or appropriately connect with existing education facilities in a designated education precinct to the north.
5. The proposal is contrary to the decision guidelines of Clause 32.03, as it does not have support from the Municipal Planning Strategy and Planning Policy Framework. When the proposal is assessed against the planning policy, it is considered to provide an intensification of use and built form not reflective of the more open, residential character of the area. The proposal does not co locate or provide connectivity with the existing education area to the north or any other facilities or services, or surrounding residential development. Access to the site via a carriageway easement implemented for a seven lot residential subdivision is not appropriate.

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Moved: Colin Kalms

Second: Nilesh Singh

CARRIED

Subject Site & Locality

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

Date: 13 December 2022

Time: 1.20pm

The site has a total area of 4036 square metres and is currently vacant.

The lot is irregular shaped and is the western most lot of a previous subdivision of four lots at 540 Goulburn Valley Highway. The remaining three lots to the east are all developed with a single residence on large lots. The land to the north of the site is also developed with dwellings on low density zoned land, while directly adjacent to the site to the south is a Goulburn Murray Water channel.

The site has a frontage of 78.73m to Goulburn Valley Highway (west), however access is off a common property shared driveway along the north of the land. Access to this driveway is from a wider carriageway easement to the north from the GVH.

Land south of the channel is denser, general residential zoned land while land to the west of GVH comprises low density residential zoned land, with approximately 2000sqm lot sizes.

There is a Special Use Zone approximately 450m north of the site containing a number of non-government school campuses.

The Photos below show the existing site:



Subject site off GV Highway



Grammar Park Estate in background of subject site



Vegetation on western boundary



Access off GV Highway (Providence Estate in background)



Shared access to six other properties from entrance – photo shows 558 GV Highway



Driveway of 550 GV Highway



View from GV Highway



Aerial showing subject site

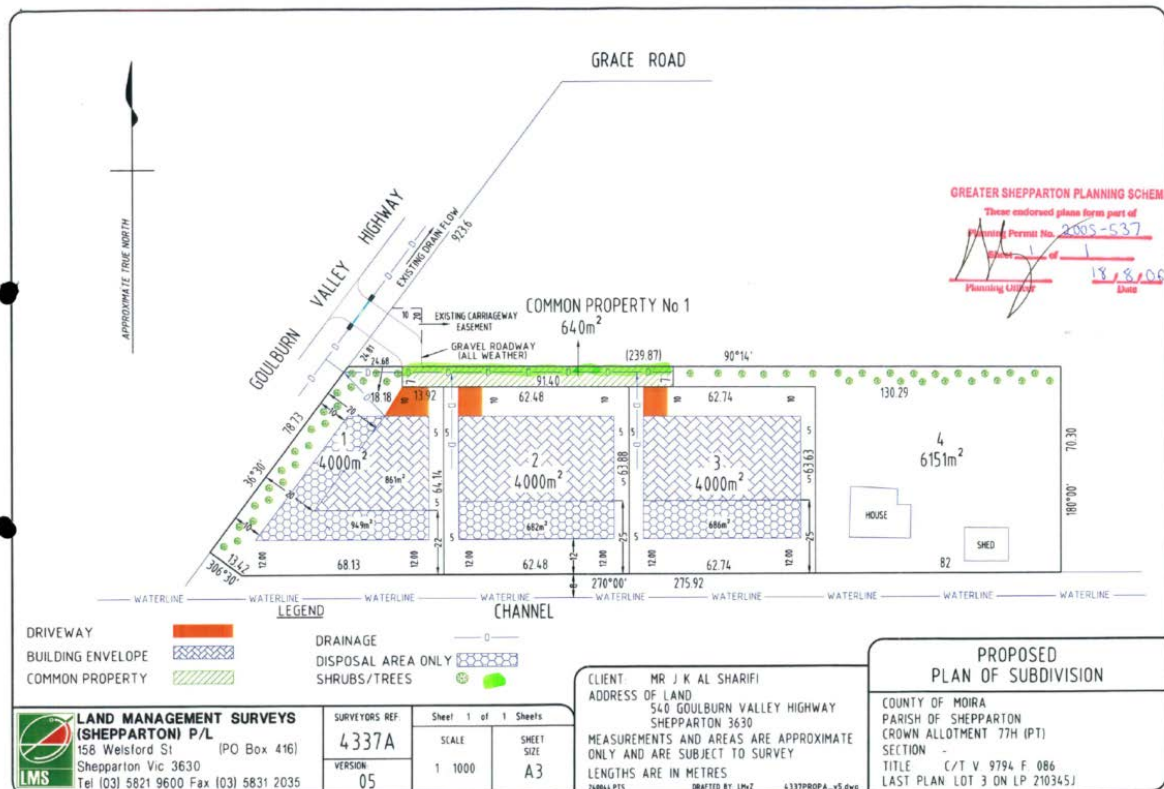
Permit/Site History

The history of the site includes:

- 2005-537 allowed a four-lot subdivision of the land.

PLANNING PERMIT

PERMIT NO:	2005-537
PLANNING SCHEME:	GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY:	GREATER SHEPPARTON CITY COUNCIL
ADDRESS OF THE LAND:	540 Goulburn Valley Highway SHEPPARTON NORTH VIC 3631
THE PERMIT ALLOWS:	A four (4) lot subdivision and the alteration of a vehicle access to a Road Zone Category 1 in accordance with the endorsed Plans forming part of this Permit.



Further Information

Is further information required for the application? Yes

What additional information is required?

- A Cultural Heritage Management Plan
- A Plan which clearly identifies the restrictions which are proposed to be removed.
- If the building envelope is proposed to be removed please provide additional information addressing whether any benefiting landowner could suffer material detriment, including financial loss or loss of amenity as a result of the removal of the restriction.

What date was the information requested? 12 August 2022

What is the lapse date? Original lapse date was 11 October 2022. This was extended twice to 7 February 2023, via written agreement with the applicant.

What date was the information received? 2 February 2023

Public Notification

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

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description use and development for a childcare centre (108 children) and removal of a restriction, by:

- Sending notices to the owners and occupiers of adjoining land
- Placing a sign on site
- Notice in Shepparton News



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 29 November 2022 and 12 December 2022.

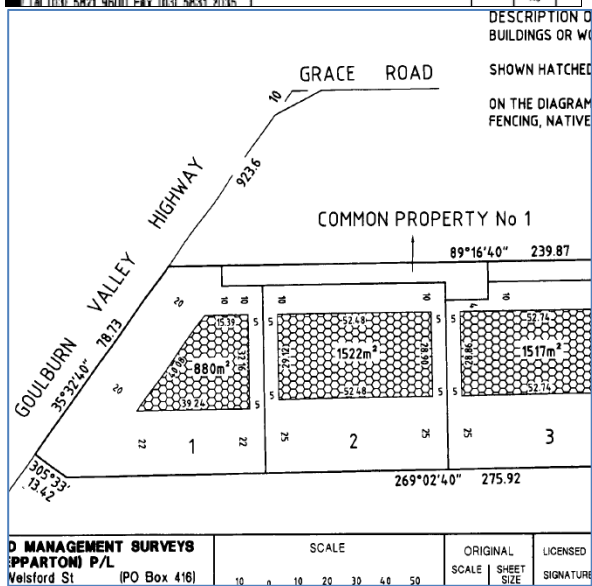
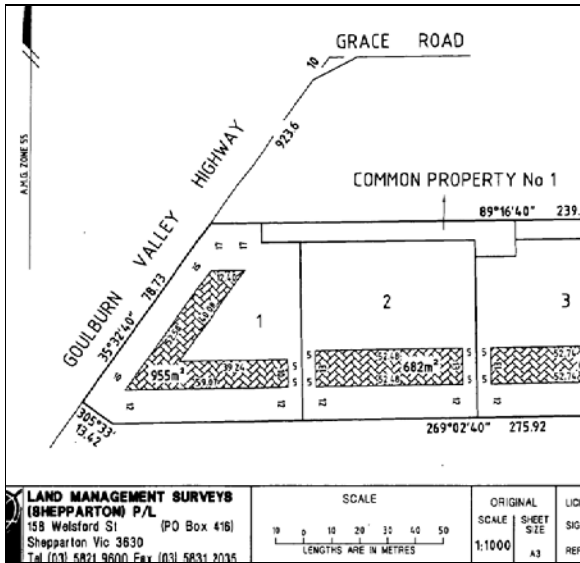
Title Details

The title identifies that the site has legal access to a road and carriageway easement.

The title does contain a Section 173 Agreement - AF190779X

The Agreement relates to any dwelling erected on the site and includes requirements relating to effluent treatment and disposal as per Goulburn Murray Water conditions. Once the site is connected to reticulated sewer this Agreement in relation to waste water disposal is to be cancelled. The application proposes to connect to sewer and the Agreement will therefore be cancelled.

The title does contain an Easement and Building Envelope – PS602380G



The proposal will be connected to reticulated sewer, making the effluent envelope restriction redundant.

The site also contains a restrictive envelope noting that 'buildings and works shall not be built outside of that part of the lot. The applicant suggests that the childcare centre is to be built within the building envelope and only car parking is to be located outside, thereby complying with the restriction.

Council officers consider car parking to fall under the definition of works and therefore do not agree that the development is within the building envelope. This will be discussed further in the report.

Objections

The Council has received four objections. The below plan shows the location of objectors by blue dot.



The key issues that were raised in the objections are.

- Drainage impacts to neighbouring properties
- Accessibility and safety of the carriageway
- Insufficient information provided in relation to access to the TRZ2
- Traffic impacts through increased vehicle use (TIA is incorrect in relation to development in the vicinity)
- Car parking is insufficient
- Maintenance of landscaping
- Applicant should be made to connect to sewer
- Impact on neighbourhood character
- Location of car parking
- Impact on amenity (including for occupants)
- Inappropriate location not accessible by public transport
- Not appropriate in the rural residential area

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Meeting on site between Council and objectors on 20 April 2023. During the meeting, the objectors reiterated a number of concerns and provided suggestions for how these may be alleviated.
- No objections have been withdrawn to date.

Referrals to Authorities

External Referrals Required by the Planning Scheme:

Section 55 -Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Vic Roads	52.29-4	Determining	No objection subject to conditions in relation to the design and access from Goulburn Valley Highway

Notice to Authorities (including as required by GSPS)

External Notice to Authorities:

Section 52 - Notice Authority	List Planning clause triggering notice	Advice/Response/Conditions
GVW	NA	No objection subject to conditions in relation to reticulated services.
GMW	NA	No objection subject to conditions in relation to connecting to reticulated sewer. GMW notes they are not a signatory of the existing S173 Agreement however notes that the building envelope restriction remains envelope restriction still exists on title, which must be adhered to.
CMA	N/A	No objection subject to conditions in relation to finished floor levels for the site.

Internal Notice

Internal Council Notices	Advice/Response/Conditions
Eng	No objections subject to conditions in relation to drainage, access, car parking and waste management.
EHO	No objections subject to conditions in relation to connection to reticulated sewer and food preparation and management for the centre.

Assessment

The zoning of the land

Clause 32.03 Low Density Residential Zone

The purpose of the LDRZ is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

Pursuant to Clause 32.03-1 a planning permit is required for the use of the land for a Childcare centre.

Pursuant to Clause 32.02-4 buildings and works associated with a Section 2 uses require a planning permit.

Officer's assessment

A childcare centre is a discretionary use in the Low Density Residential Zone.

In determining whether the use is appropriate, the decision guidelines seek compliance with state and local policy and the Municipal Planning Strategy.

The proposal will provide an important community need in Shepparton North however, it is considered the location is in appropriate.

The proposal does not achieve connectivity with surrounding development and does not co-locate with existing education facilities to the north.

The proposal is located within a small residential subdivision with access design and implemented to reflect this modest use, contrary to the intensification of vehicles and frequency that will follow the childcare centre.

The design of the building and site layout introduces a built form reflective of an educational facility into the low-density streetscape, including fencing more appropriate to a more urban residential setting.

Car and Bicycle Parking and Traffic

The proposal provides sufficient car parking to comply with Clause 52.06, although no additional information is provided in relation to staff members, which is applicable to the local policy.

Bicycle parking has been provided.

The applicant submitted a Traffic Impact Assessment, which concluded the proposal is appropriate from a traffic and parking context. Council consider that the current road network, including a shared driveway and carriage easement, has not been designed or implemented to consider the expected traffic generation of the childcare use and is not appropriate.

Legal advice provided with the application states that additional management of the carriageway easement is likely; outside of any planning permit conditions, should approval be given.

Relevant overlay provisions

Specific Controls Overlay – Schedule 3 Clause 45.12

This Clause provides planning permit exemptions for development undertaken in association with the Goulburn-Murray Water Connections Project. As this application is not prepared by G-MW, the provisions of the SCO3 are not applicable to this application.

Relevant Particular Provisions

Clause 52.02 Easements restrictions and reserves

The provision enables the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

Officer's assessment

There is an effluent envelope and a building envelope registered on the Plan of Subdivision.

The applicant has advised that the effluent envelope have been placed on the title to ensure all effluent treatment is contained within the effluent boundary. Given the site is to be connected to reticulated sewer, there will be no effluent on site and therefore the proposal complies with this requirement.

The building envelope is located to the rear of the title, setback 5m from the eastern boundary. The applicant has advised that the childcare centre is located within the building envelope and therefore complies with the restriction. It is noted that the restriction state that all buildings and works are to be within the building envelope. The application includes car parking and the children's outdoor area outside of the building envelope. This is considered works, and therefore the proposal does not comply with this restriction.

Clause 52.06 Car Parking

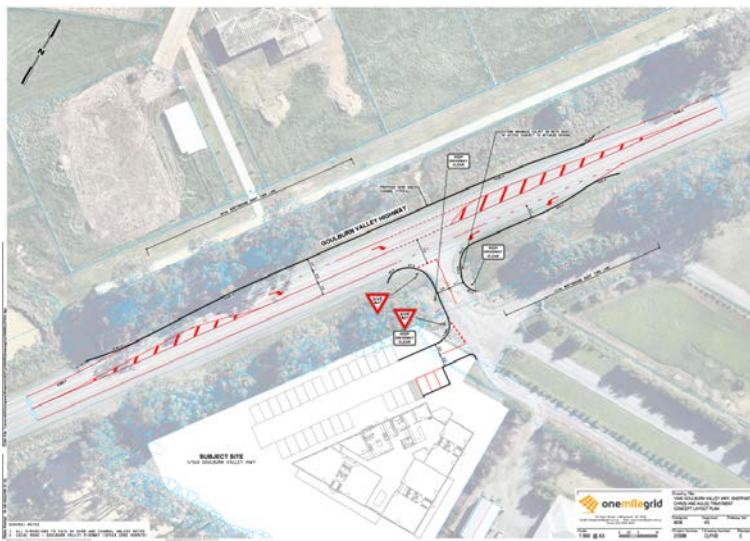
The proposal includes 28 car parking spaces. The Table at Clause 52.06-5 requires 0.22 of a car space for every child at the centre. Given the centre proposes a maximum of 108 children, 23.76 car spaces are required.

The proposal therefore includes sufficient spaces pursuant to Clause 52.06, however additional car parking requirements are included in local policy which is discussed further below.

Clause 52.29 Land adjacent to the principal road network

The provision seeks to ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.

Pursuant to Clause 52.29-2, a planning permit is required to create or alter access to a road in a Transport Zone 2.



The decision guidelines are located at Clause 52.29-6 and require that 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.

The application was referred to the Department of Transport who advised they have no objections to the proposal subject to seeking conditions in relation to the detailed design and safety audit for the proposal.

Department of Transport require by condition the following road works be completed:

- d. The following roadworks must be completed on Goulburn Valley Highway at the access driveway to the satisfaction of and at no cost to the Head, Transport for Victoria:
 - i. Rural Channelised Right-Turn treatment (CHR).
 - ii. Rural Auxiliary Left-Turn treatment (AUL).
 - iii. Suitable Safety Barrier
 - iv. Any other works required.

Does any Incorporated Document apply?

No

The Municipal Planning Strategy (MPS) at Clause 02.

Clause 02.03-1 Settlement states that 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.

The application is located in a relatively newly developed residential area in Shepparton North. Access is off Goulburn Valley Highway. The subject site is not co located with any other non-residential uses to allow for multipurpose car trips and it is not readily accessible via walking paths.

It is not considered the location promotes walking, the use of bicycles or reduces the dependence on car use.

Officers acknowledge that Council have plans to extend the GVH shared path from the residential estate to the south to the Goulburn Valley Grammar School. Currently, however, the shared path design is not complete nor is the project in Council's short-term construction program. Council have obtained a CHMP for the shared path extension.

The Planning Policy Framework (PPF)

Clause 13.07-1S Land use compatibility seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Clause 13.07-1L-02 includes additional local strategies in relation to non-residential uses in residential zones:

- 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.

- 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.

The Clause also includes the following policy guideline:

- 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.

Officer's assessment

The proposal locates the childcare centre at the entrance of a lot low-density residential subdivision, surrounding by large dwellings relatively setback within blocks.

The design of the childcare centre will provide for a commercial style development, with car parking along the entire frontage of the site.

28 car parking spaces are provided, in accordance with the requirements of Clause 52.06. The proposal does not include staff numbers, and therefore it is not clear whether it satisfies the local policy in relation to car parking. It does not include a drive through drop off bay.

While the proposal has access to a major road, the driveway to the site forms part of a much smaller access to six residential lots (refer to below plan). These lots currently share a common property driveway. The application notes it has sited the access to the childcare centre to avoid the common property, however it is noted that traffic generated to the site is significantly higher in volume than the existing traffic and is likely to impact the vehicle movements of existing residents in the low density residential area.



Clause 15.01-1S and 15.01-1L-01 Urban design seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Officer's assessment

The proposal uses design elements and a variety of materials to create articulation and visual interest from the street frontage and adjacent properties. Landscaping is proposed to mitigate the impact of the building and includes indigenous species that are low maintenance, in accordance with the local policy.

Clause 15.01-2S Building design seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Officer's assessment

The building is generally located within the building envelope boundary that is registered on title. This ensures a 5m setback from the property boundary to the east, while the property will also have acoustic fencing and other measures to mitigate any noise impacts from the siting of the building.

The building is typical of a childcare centre, with a large built form to accommodate a variety of rooms, and large building height with skillion roofs and substantial fenestration for occupants to access light.

A waste management plan would be required as part of any planning permit issued.

The development is located on a front corner allotment, and will be partially obscured from the Goulburn Valley Highway via vegetation along the road reserve to the west. Landscaping proposed on the site, including within setbacks from property boundaries, will further incorporate the design into the streetscape.

The proposal includes timber solid fencing and steel picket fencing along the majority of the boundary of the site.

Clause 15.01-5S Neighbourhood character seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Officer's assessment

The proposal will allow for an intensification of the land.

Where the surrounding land, and in particular land within the immediate subdivision, comprises of single dwellings on larger lots, the proposal will introduce a large single building and associated hard areas for car parking and playground, that is not in keeping with the open landscape of the street or the design and layout of this particular subdivision.

Clause 19.02-2S Education facilities seeks to assist the integration of education and early childhood facilities with local and regional communities.

Officer's assessment

The site is located in the northernmost portion of growth land in Shepparton North, which is already transitioning to Low Density Residential Zone in recognition of its location and access to services. There are no commercial facilities or services in the immediate vicinity that prompt trips in this direction, with the exception of three schools (one primary and two secondary).

The proposal is not co located with the schools and there is no existing footpath connecting the uses. The schools themselves are located within the Special Use Zone as an education precinct. It is considered approval of an education centre, outside of the Zone is not in accordance with state policy.

While the childcare provides for sufficient car parking off street, there are no drop off zones. Cycling spaces have been provided on site.

Structure Plans/Development Plans

N/A

Relevant Background documents

N/A

The decision guidelines of Clause 65.01 and 65.02

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.

The application is located in a developing greenfield area, within a small low density residential subdivision. There is no existing services or facilities co located with the proposal, nor is it likely that this can happen in the future given the location, access, lot layout and subdivision pattern.

The site does not encourage walking or cycling and the proposed access arrangement is not appropriate for the use as described.

The proposal introduces a large educational building to a residential area, with areas of car parking within the front setback and significant solid acoustic fencing around the perimeter, contrary to the character of the area.

The application proposes to connect the site to reticulated sewer.

On balance, the proposal does not satisfy the decision guidelines of Clause 65.01 and should not be approved.

Consideration of objections

The application was advertised and four objections were received which were summarised earlier in this report but included concerns regarding traffic, drainage, neighbourhood character, access and design issues. In response to issues raised, the following comments are made.

- *Drainage impacts to neighbouring properties*

The proposal is not located within an area of flood inundation. The application does not include a stormwater assessment or plan in the application documentation. The land is largely flat and adjacent to the Goulburn Murray Water Irrigation Channel 14. The application was reviewed by Council's engineer who provided conditions to be placed on any planning permit issued. These conditions would require a drainage plan to be submitted to demonstrate the appropriate treatment of stormwater and could include potential mitigating works such as upgrades to culverts and underground drainage.

- *Accessibility and safety of the carriageway*
- *Insufficient information provided in relation to access to the TRZ2*
- *Traffic impacts through increased vehicle use (TIA is incorrect in relation to development in the vicinity)*

The proposal will use an existing carriageway easement to gain entry from the Goulburn Valley Highway. The carriageway easement allows for the passage of vehicles on the land, however it is considered the access via an easement has been allowed in response to the relatively low use of the driveway, to service a residential development of seven lots, not a childcare centre as is proposed.

The use will significantly increase vehicle movement in and out of 1/540 Goulburn Valley Highway and while the design of the access can likely be achieved to mitigate risk, it is considered the increase in traffic is inappropriate for the location.

- *Car parking is insufficient*

The proposal includes 28 car parking spaces in accordance with the requirements of Clause 52.06. If the additional local policy requirements are applied, 10 car parking spaces would be required, plus three drop off bays and one car parking space per staff member. While staff numbers have not been provided as part of the proposal, it is likely the proposed 28 car parking spaces would respond to this assessment. It is noted that a drop off bay for three vehicles spaces has not been included as part of the proposal.

- *Maintenance of landscaping*

Landscaping plan has been provided and could be ensured via a planning permit on any planning permit issued.

- *Applicant should be made to connect to sewer*

The applicant has indicated they will connect to sewer.

- *Impact on neighbourhood character and the rural residential area*

The proposal includes elements reflective of a childcare centre, with a large educational building, significant area of car parking and high fencing around the property, the eastern fence to be a specifically constructed solid acoustic fence. While the land to the south and

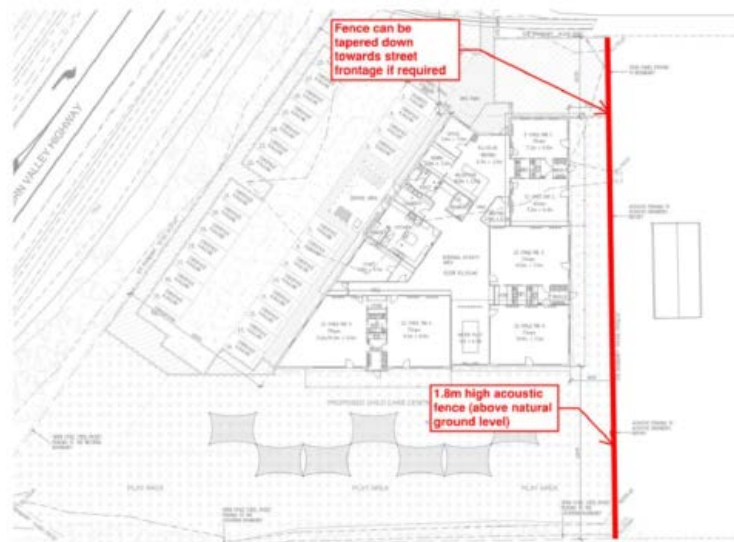
west consists of more built up residential properties, the land within this subdivision reflect the low density zoning, with larger lots containing and dwelling and associated outbuildings, large open areas of grass and access via gravel driveways. There is some solid fencing between properties, however front and boundary fencing is predominately open rural style fencing.

The proposal will provide formal landscaping and built form throughout the lot and create a commercial style development facing Goulburn Valley Highway, not in keeping with the character of the small subdivision.

- *Impact on amenity (including for occupants)*

The application includes measures for acoustic amelioration that could be included in any planning permit issued. The building and outside areas are well setback from the dwellings on the property to the east and north and it is not considered the proposal will unduly impact residents in terms of noise emissions from the children and operation of the centre.

The below plan shows the proposed 1.8m high acoustic fence on the lands eastern boundary.



Traffic impacts have been discussed previously.

- *Inappropriate location not accessible by public transport*

Any approval of the application would include a requirement for shared path access to the proposal from the south and along the property frontage. Regardless, the land is located to the north of most residential development in Shepparton North, and not located with any other facilities or services that might prompt a multipurpose trip.

All trips to the childcare centre are likely to be with the express purpose of dropping children to the centre. In addition, existing educational facilities exist further north in designated Special Use Zones, which are utilised to encourage co location of mutually beneficial uses.

Any other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

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

Are there any significant environment, social & economic effects?

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

Any other relevant Acts that relate to the application?

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

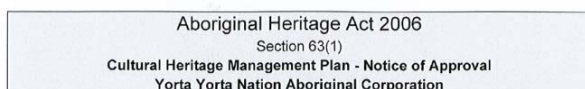
The Aboriginal Heritage Act 2006

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

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

The applicant has provided a CHMP in accordance with the requirements of the Aboriginal Heritage Act. Notice of approval No. 18805 has been provided.

YORTA YORTA NATION ABORIGINAL CORPORATION
ABN: 55 942 996 311 - ICH: 3279 - RTO: 20994



Cultural Heritage Management Plan number: 18805
Title: 1/540 Goulburn Valley Highway, Shepparton North: Childcare Centre

Cover Date: 16/02/2023 Pages: 88

Sponsor: Goulburn Valley Highway Property Pty Ltd

ACN/ABN: 91 650 735 550

Heritage Advisor(s): Keith Patton

Author(s): Dr. Andrew Ball and Keith Patton

I have considered the Evaluation Report for this CHMP.

I am satisfied that the CHMP has been prepared in accordance with the standards prescribed for the purposes of section 53 and adequately addresses the matters set out in section 61 of the *Aboriginal Heritage Act 2006*.

I, Lance James, Member, Board of Directors, Yorta Yorta Nation Aboriginal Corporation, hereby give notice to the Sponsor of the decision to approve the Cultural Heritage Management plan referred to above.

Signed:

Lance James
Board Member, Board of Directors
Date: 13/04/2023

Conclusion

Officers have undertaken an assessment of the application and found that the proposed use, buildings, and works for a 108-place childcare centre is contrary to the objectives, strategies and requirements of the Greater Shepparton Planning Scheme.

When the proposal is assessed against the planning policy, it is considered to provide an intensification of use and built form not reflective of the more open, residential character of the area.

The proposal does not co locate or provide connectivity with the existing education area to the north or any other facilities or services, or surrounding residential development to the north, west and east of the site. Access to the site via a carriageway easement implemented for a seven lot residential subdivision is not appropriate.

It is recommended that a refusal be issued.

REFUSAL TO GRANT A PERMIT

APPLICATION NO:	2022-270
PLANNING SCHEME:	GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY:	GREATER SHEPPARTON CITY COUNCIL
ADDRESS OF THE LAND:	1/540 Goulburn Valley Highway SHEPPARTON NORTH VIC 3631
WHAT HAS BEEN REFUSED:	Use and development for a childcare centre in the Low Density Residential Zone, removal of a restriction and alter access to a Transport Zone 2

WHAT ARE THE REASONS FOR THE REFUSAL?

1. The proposal is inconsistent with the strategic direction at Clause 02.03-1 Settlement as it does not contribute to urban consolidation and does not promote walking, the use of bicycles or a reduction in car use.
2. The proposal is contrary to Clause 13.07-1S and Clause 13.07-1L-02 Land use compatibility as it will provide a commercial use and intensity that will detrimentally impact the existing residential land use via traffic and access arrangements.
3. The proposal is contrary to Clause 15.01-5S Neighbourhood character as it provides a use and development on the land that does not reflect the open, low density residential style development landscape of the area or the design and layout of this subdivision, particularly in relation to access.
4. The proposal is contrary to Clause 19.02-2S Education facilities as it fails to co locate or appropriately connect with existing education facilities in a designated education precinct to the north.
5. The proposal is contrary to the decision guidelines of Clause 32.03 as it does not have support from the Municipal Planning Strategy and Planning Policy Framework. When the proposal is assessed against the planning policy, it is considered to provide an intensification of use and built form not reflective of the more open, residential character of the area. The proposal does not co locate or provide connectivity with the existing education area to the north or any other facilities or services, or surrounding residential development. Access to the site via a carriageway easement implemented for a seven lot residential subdivision is not appropriate.

Application Details:

Responsible Officer:	Tracey Mercuri
Application Number:	2023-47
Applicant Name:	Kylie Cherry and Danny Stephens c/- Council Approval Group
Owner Name:	Danny T Stephens and Kylie Cherry
Cost of works:	Nil
Correct application fee paid?	\$1360.80 paid (class 18)
Land/Address:	100 Laws Drive KIALLA VIC 3631
Date Received:	13 February 2023
Statutory Days?	142
Zoning?	Farming Zone 1 (FZ1) Public Conservation and Resource Zone (PCRZ)
Overlay(s)	Bushfire Management Overlay (BMO) Floodway Overlay (FO) Land Subject to Inundation Overlay (LSIO) Specific Controls Overlay – Schedule 3 (SCO3)
What is proposed?	2 lot subdivision
Why is a permit required?	Subdivision under the FZ – 35.07-3 Subdivision under the BMO – 44.06-2 Subdivision under the FO – 44.03-3 Subdivision under the LSIO – 44.04-3
Are all plans provided?	Yes
MPS Provisions:	02-03-3 Environmental risks and amenity 02.03-4 Natural resource management
PPF Provisions:	11.01-1S Settlement 13.02-1S Bushfire planning 13.03-1S Floodplain management 14.01-1S Protection of agricultural land 14.01-1L Protection of agricultural land
Any application history?	No
Date referred/notified:	15 March 2023
Further Information?	Not required
Lapse date?	N/A
Notice/Referral?	Yes, advertised and referral/notice to CFA, GBCMA, GVW, Powercor & Environmental Health
Number of Notice Responses?	5 responses from referral authorities and 1 objection from neighbouring property owner
Key Response Considerations?	No objection from CFA & GBCMA. No objection subject to standard conditions from GVW, Powercor and Environmental Health
Title details – any:	
o Restrictive Covenant?	No
o Section 173 agreement?	No
o Caveat?	No
o Easement?	Yes – E-1 & E-2 Drainage Easement, E-2, E-3 & E-4 Electricity Supply, E-3 & E-5 Water Supply

o Building Envelope?	No
o Access restrictions?	No
Is a CHMP required?	No
Garden area provisions?	N/A
Is the site contaminated?	N/A
Is the site in a BMO or BPA?	Yes – BMO & BPA
Is Cl. 13.01-2 Bushfire applicable:	Yes
Cl. 71.02-3 'Integrated Decision Making' assessment:	Does the subdivision remove productive land from agriculture, flooding and bushfire impacts
Cl. 71.03-2 Acceptable Outcomes:	Officers have undertaken an assessment of the application and found that the proposal achieves acceptable planning outcomes.
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.
Key Planning Considerations:	Does the subdivision remove productive land from agriculture, flooding and bushfire impacts
Recommendation:	Approval – Notice of Decision to Grant a Permit to issue

Proposal

The application is for a two lot subdivision of land at 100 Laws Drive, Kialla. Details are as follows:

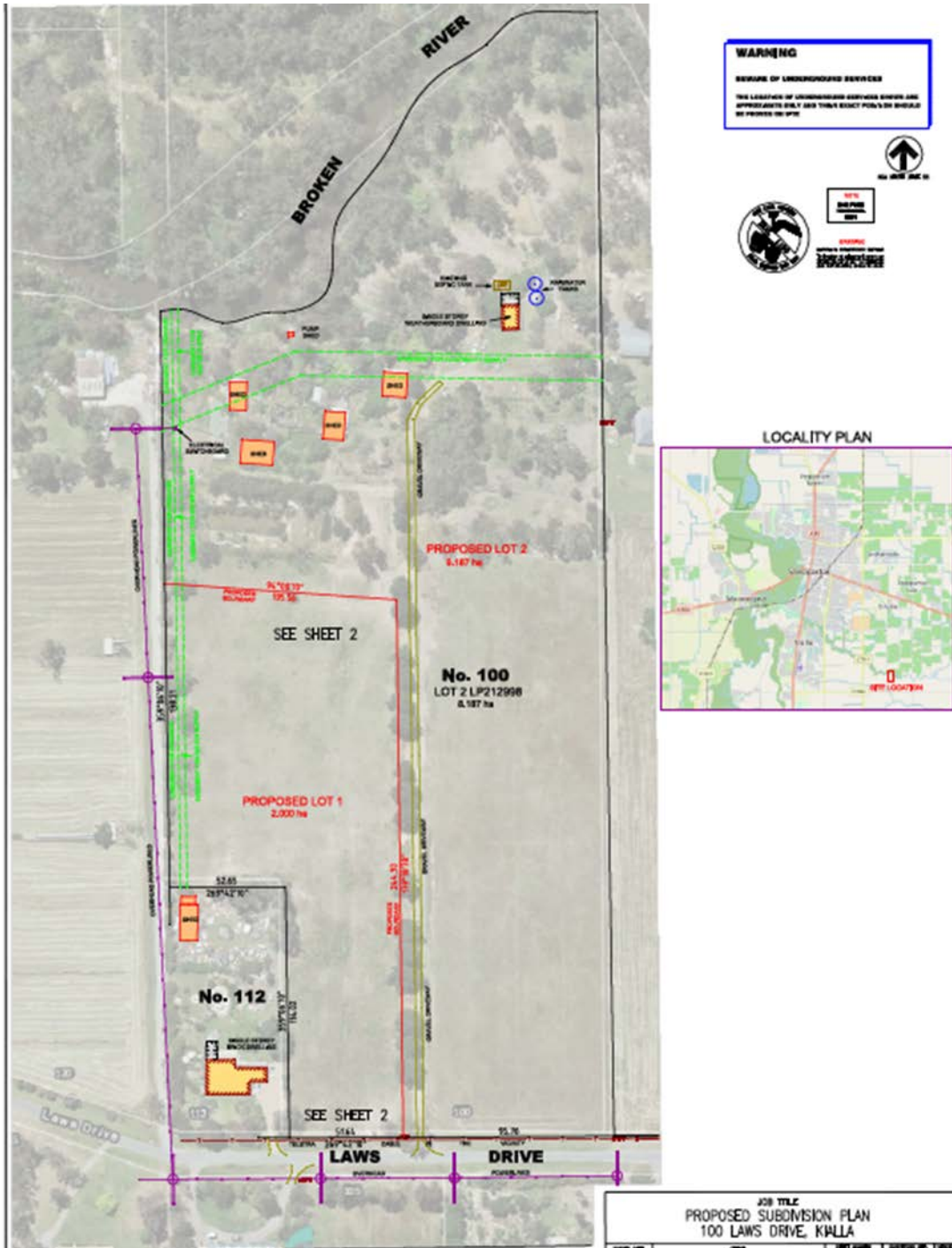
Lot 1

- 2ha frontage (south) to Laws Drive of 51.64m. No access proposed.
- 'L' shaped, abutting Lot 2 to the north and 112 Laws / 120 Laws to the west.
- Comprise of vacant paddock with limited vegetation along the western boundary.
- Eastern boundary follows existing fence in the middle of the lot.

Lot 2

- 6.187ha frontage (south) to Laws Drive of 95.76m.
- 'L' shaped and abuts Broken River (north). Western lot boundary follows existing fence line in middle of the site.
- Comprise of existing dwelling, septic and outbuildings within the northern portion of the lot.
- Access via the existing crossover and driveway from Laws Drive.

No native vegetation to be removed.



Proposed subdivision layout

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2023-47** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clauses 35.07, 44.03, 44.04 and 44.06 of the Greater Shepparton

Planning Scheme in respect of the land known and described as 100 Laws Drive KIALLA VIC 3631, for the Two Lot Subdivision in the Farming Zone, Bushfire Management Overlay, Floodway Overlay and Land Subject to Inundation Overlay in accordance with the Notice of Decision and the endorsed plans.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2023-47** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clauses 35.07, 44.03, 44.04 and 44.06 of the Greater Shepparton Planning Scheme in respect of the land known and described as 100 Laws Drive KIALLA VIC 3631, for the Two Lot Subdivision in the Farming Zone, Bushfire Management Overlay, Floodway Overlay and Land Subject to Inundation Overlay in accordance with the Notice of Decision and the endorsed plans.

Moved: Colin Kalms

Second: Braydon Aitken

CARRIED

Title Details

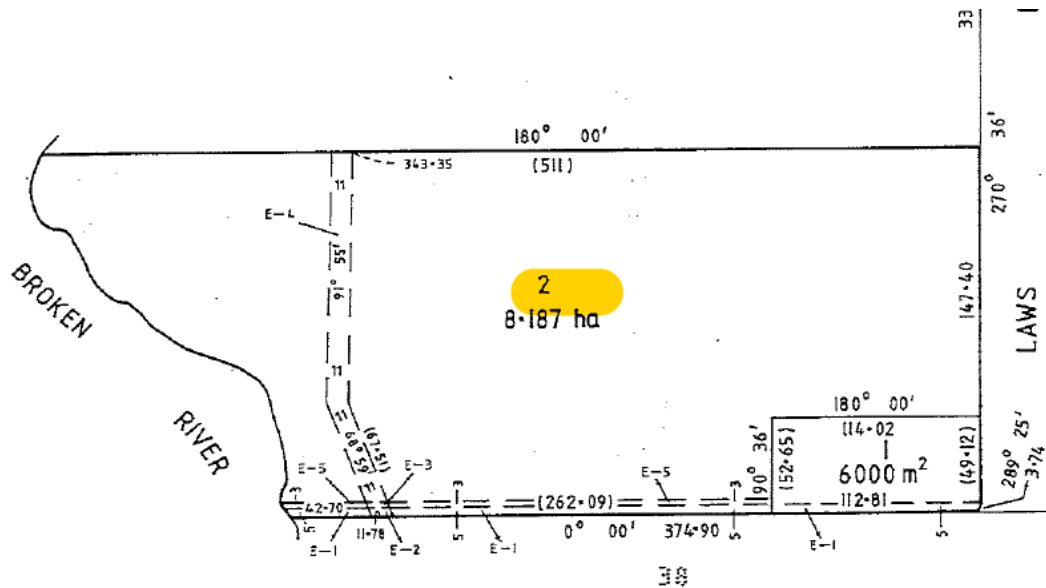
The title identifies that the site has legal access to a road.

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

The title does not contain a Caveat or Building Envelope.

The title plan shows five easements on the site - see below extract:

NOTATIONS
LAND SUBJECT TO EASEMENT
E-1, E-2 DRAINAGE EASEMENT VIDE L.P.122991
E-2, E-3, E-4 ELECTRICITY SUPPLY VIDE L.P.122991
LAND APPROPRIATED OR SET APART
E-3, E-5 WATER SUPPLY
OTHER NOTATIONS
THIS PLAN ACCORDS WITH CERTIFICATES OF TITLE VOL.9298 FOL.272 AND VOL.9298 FOL.273 AND IS NOT BASED ON SURVEY.
PART OF LOT 2 IS LIABLE TO FLOODING.



Pre-Application Meeting Details

Has there been a pre-application meeting? Yes – CRM 303620 – Quinn Maguire provided pre-purchase information regarding possible subdivision on 14 June 2022. The customer was informed of the zoning and overlays and that Council could consider a two lot subdivision but recommended they discuss the proposal with GBCMA.

What is the application for?

The permit triggers in the planning scheme are.

- Subdivision under the FZ – 35.07-3
- Subdivision under the BMO – 44.06-2
- Subdivision under the FO – 44.03-3
- Subdivision under the LSIO – 44.04-3

Based on the permit triggers, specify the precise nature of the application, which is to be used for all notices, referral, correspondence and decision making.

- Two lot subdivision in the Farming Zone, Bushfire Management Overlay, Floodway Overlay and Land Subject to Inundation Overlay

Permit/Site History

- A search of Council records indicates there is no recent history of the site.

Subject Site & Locality

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

- Existing dwelling with associated outbuildings
- Largest lot in Laws Drive / River Road
- Access via an existing unsealed crossover from Laws Drive and long gravel driveway to the middle of the site.

- Broken River to the north of the site
- The land is zoned farming, is not used for intensive agricultural uses and is considered a rural lifestyle use.
- Laws Drive is a no through sealed road.

The main site/locality characteristics are:

- Properties north and south of Laws Drive and to an extent south of River Road are predominately Farming Zone however they are all well below the minimum lot size (vary less than 1ha to approximately 5ha).
- Most lots contain a single dwelling and associated outbuildings with small passive farming uses such as animal keeping or grazing as per rural lifestyle properties.
- Land further west zoned Rural Living Zone with lot size and layout similar to the subject site and area

The Photos below show the existing site:



Subject site – showing access



Proposed lot 1 fronting Laws Drive



Subject site – east side of driveway



Adjacent dwelling to the west



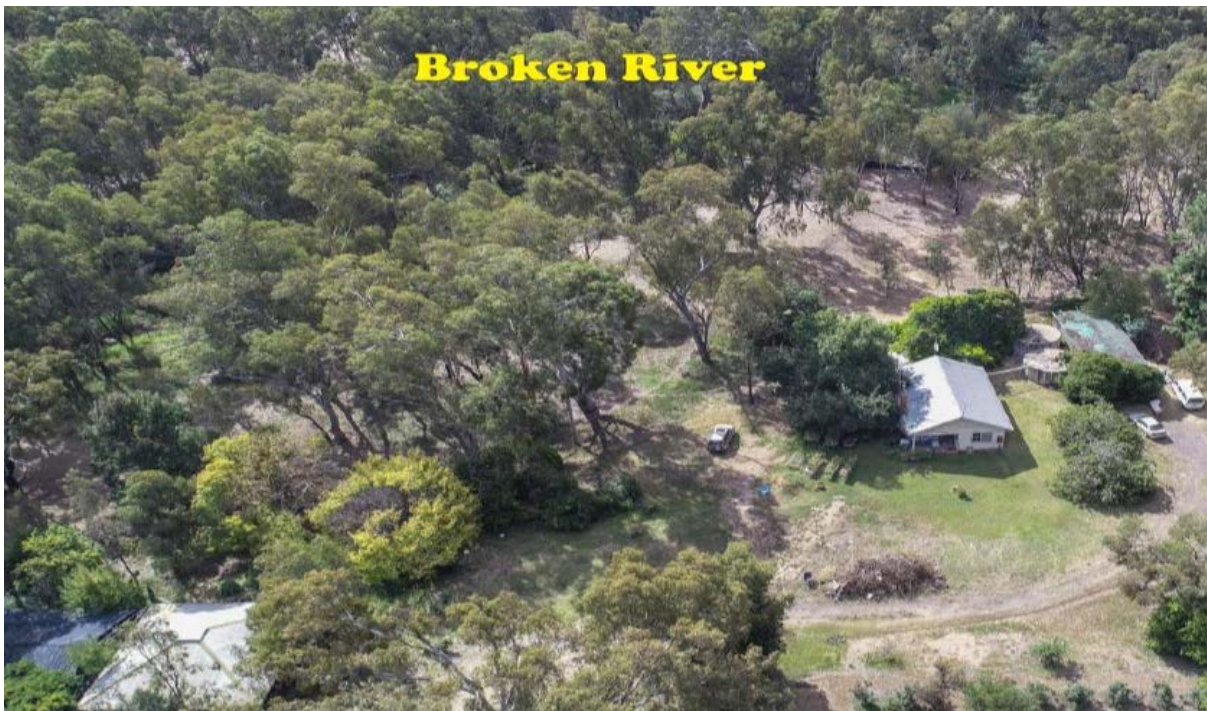
Property opposite to the south



Laws Drive looking east



Site Photo (source Kevin Hicks Real Estate website)



Existing dwelling (source Kevin Hicks Real Estate website)



View from Broken River to Laws Drive (source Kevin Hicks Real Estate website)

Further Information

No further information requested was required for this application.

Public Notification

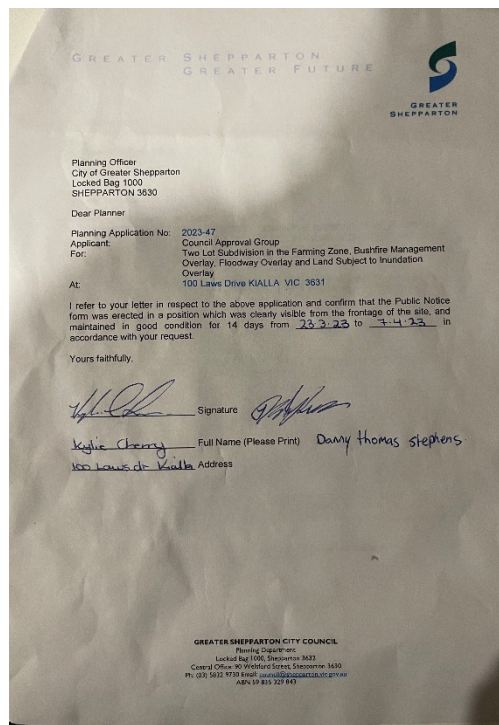
The application was exempt from being advertised in accordance with Clauses 44.06-7, 44.03-5 and 44.04-6 of the planning scheme.

The application was 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 that the sign on site was displayed on the land between 23 March 2023 – 7 April 2023:



A photo of the sign displayed on site was taken by Council officers on the 30 March 2023:



Objections

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

- Believe there is a covenant on the title restricting use and development.
- Contrary to the purpose of the Farming Zone in that it will lead to a loss of productive agricultural land.
- Will allow for environment weeds on site and contamination.
- Will allow for a conflict between residential and farming uses.
- Proposal does not include information in relation to drainage on the land.

Referrals to Authorities

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
CFA/FRV	44.06-3	Recommending	No objection and no conditions
GBCMA	44.03-6 and 44.04-7	Recommending	No objection and no conditions

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	List Planning clause triggering notice	Advice/Response/Conditions
GV Water	-	No objection and suggested a condition in relation to waste water treatment
Powercor	-	No objection subject to conditions

Internal Notice

Internal Council Notices	Advice/Response/Conditions
Environmental Health	No objection subject to a condition to be placed on any planning permit issued in relation to wastewater treatment.

Consultation

Consultation was not undertaken. The objection was forwarded to the applicant on 6 April 2023, who opted not to provide a formal response.

Assessment

The zoning of the land

35.07 Farming Zone

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

35.07-3 Subdivision

A permit is required to subdivide land. The Schedule to the Zone specifies that minimum lot sizes should be 40ha.

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

- *The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.*
- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*
- *The subdivision is by a public authority or utility service provider to create a lot for a utility installation.*

35.07-6 Decision guidelines

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

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.

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

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.
- Whether Rural worker accommodation is necessary having regard to:
 - The nature and scale of the agricultural use.
 - The accessibility to residential areas and existing accommodation, and the remoteness of the location.
- The duration of the use of the land for Rural worker accommodation.

Accommodation issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.
- The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:
 - A permit for a wind energy facility; or
 - An application for a permit for a wind energy facility; or
 - An incorporated document approving a wind energy facility; or
 - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Environmental issues

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

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.
- The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:
 - A permit for a wind energy facility; or
 - An application for a permit for a wind energy facility; or
 - An incorporated document approving a wind energy facility; or
 - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

Response:

In this instance, the proposal is for a two lot subdivision to create a lot for an existing dwelling.

The proposal will create a larger lot which, will include the existing dwelling, outbuildings and access. The shared lot boundary follows an existing fence line along the driveway to the dwelling on site, with existing planting (exotics) to minimise disturbance to the site.

The proposal will create an additional vacant lot of 2ha.

The land is currently used as a rural lifestyle property, with small scale animal keeping on the southern portion of the land and native vegetation existing on the remainder. In addition, all surrounding lots are developed similarly, each comprising of a dwelling and some form of

rural lifestyle living. The site and surrounding sites are not considered productive land and an additional lot will not impact the use of the neighbouring properties.

It is not expected that either lot will impact on viable agricultural land. Both lots will continue to be of a comparable size to the surrounding area.

No new development is proposed as part of this application. The application will have minimal impact on the existing activities of the land and the existing easements on title will remain. The proposal satisfies the provisions of the Farming Zone and should be supported.

Relevant overlay provisions

44.03 FLOODWAY OVERLAY (FO)

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the *Water Act, 1989* if a declaration has been made.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

44.03-3 Subdivision

A permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

44.03-7 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 local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.
- Any other matters specified in a schedule to this overlay.

44.04 LAND SUBJECT TO INUNDATION OVERLAY (LSIO)

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.

44.04-3 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.

Response:

The northern portion of the site is located within the FO, while the southern portion of the site is within the LSIO. A planning permit is required to subdivide land in both overlays.

The application was referred to GBCMA who advised that their best estimate of the 1 in 100 AEP (1% AEP) flood level for the location described above is 117.09 metres AHD, which was established from Shepparton Mooroopna 1% AEP Flood Mapping Project (2021).

Based on available ground surface level information, the property would generally flood to depths of less than 0.5 metres during a 1 in 100 AEP flood event. A review of the flood mapping indicates that the flood depths along the accessway to the property do not exceed 0.5 metres during the same 1 in 100 AEP flood event.

The CMA did not object to the proposal to subdivide the land. It is noted that the proposal will have no impact on the existing conditions on the ground and any development application will likely require referral to GBCMA for compliance with any relevant standards.

Clause 44.06 Bushfire Management Overlay (BMO)

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.

Response:

The northern portion of the site is within a Bushfire Management Overlay. The BMO largely covers the already developed area of proposed Lot 2, although there is a small portion of Lot 1 that may be impacted (to the north).

The application was referred to the CFA who advised they do not object to the proposal and that both lots are capable of future development that can comply with current bushfire planning policies.

Specific Controls Overlay – Schedule 3 (SCO3) Clause 45.12

This Clause provides planning permit exemptions for development undertaken in association with the Goulburn-Murray Water Connections Project. As this application is not prepared by G-MW, the provisions of the SCO3 are not applicable to this application.

Does any Incorporated Document apply?

LFDP

The Municipal Planning Strategy (MPS) at Clause 02.

02.03 STRATEGIC DIRECTIONS

02.03-3 Environmental risks and amenity

Environmental risks

Environmental risks in Greater Shepparton are associated with the river, floodplain and wetland systems. The catchments of the various rivers and streams include areas of flood prone land where flooding has historically caused substantial damage to the natural and built environment.

Decades of open pasture farming and irrigated agriculture has also changed the natural hydrological balance. Drainage management attempts to reduce the direct costs in terms of loss of stock and damage to property and the indirect costs of reduced productivity, road rebuilding and inconvenience. The key issue relating to drainage management is the provision of efficient drainage of land without causing other environmental impacts.

Amenity

Council acknowledges that a range of non-residential uses in residential areas provide services to the local community including places of worship, schools, medical centres, display homes, child care centres, cafes and restaurants. However, it is important to ensure that these uses do not have a negative impact on residential amenity through inappropriate location, unsympathetic design and traffic impacts.

Council is committed to:

- Managing the constraints of the floodplain on the use and development of land.
- Preserving the inherent functions of the floodplains.
- Reducing impacts on water quality caused by water logging, salinity and the downstream impacts of nutrients.
- Protecting natural ecosystems via management of drainage and use and development in floodplain, river and wetland systems.

02.03-4 Natural resource management

Irrigated primary production and the processing of that product underpin the municipality and the region's economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production.

The farming areas of the municipality can generally be grouped into three categories:

- **Farming ‘Growth’ areas**, being areas for the growth and expansion of existing farm businesses and for new investment. These areas comprise/include larger properties and provide opportunity for large scale, standalone agricultural development as well as consolidation of existing farm properties wishing to grow.
- **Farming ‘Consolidation’ areas**, being areas that support existing farm businesses to operate and expand. These areas provide opportunities for development of growing agricultural enterprises that can, over time, expand and consolidate through a process of property restructure.
- **Farming ‘Niche’ areas**, being those areas with opportunities for smaller scale and specialised agriculture. These areas include locations of productive potential due to soil type, property size or water access that are not rural living areas. The opportunity for properties within these areas to expand in response to general market trends is limited due to land value and existing development as most lots are smaller, with dwellings.

Council is committed to: Supporting opportunities for the growth and diversity of primary product in the municipality.

Relevant Particular Provisions

53.02 BUSHFIRE PLANNING

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 ensure that the location, design and construction of development appropriately responds to the bushfire hazard.
- To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

Response:

The application was referred to the CFA/FRV, who did not object to the granting of the permit. Both lots are capable of future development that can comply with the current bushfire planning policies.

The Planning Policy Framework (PPF)

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.

13.03-1S Floodplain management

Objective

To assist the protection of:

- Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.
- 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, wetland or coastal health.

14.01-1S Protection of agricultural land

Objective

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

Strategies

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.

- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones
- Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
 - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
 - Compatibility between the proposed or likely development and the existing use of the surrounding land.
 - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
 - Land capability
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

14.01-1L Protection of agricultural land

Strategies – General

Encourage farm earthworks that minimise the impact on drainage and flooding through Whole Farm Plans.

Discourage land use and development in the Farming Zone (Schedule 1) that would compromise the future agricultural use of the land, including farm related tourism.

Strategies – Subdivision

- Ensure lots resulting from subdivision are of a sufficient size to be compatible with agricultural production.
- Prevent the creation of irregular shaped lots.
- Prevent recurring small lot subdivisions from the one lot.
- Discourage small lot subdivisions except where:
 - Restructure is an outcome.
 - It avoids additional dwellings below the minimum specified in the schedule to the Farming Zone.
 - The impact on neighbours and existing or potential agricultural use of surrounding land is minimised.
- Discourage re-subdivision of land to realign lot boundaries if it will:
 - Rely on freehold land that was previously a road reserve, channel, utility lot, crown land or similar.
 - Create a dwelling opportunity where none previously existed.
- Support re-subdivision of land to realign lot boundaries where it is limited to minor adjustments, including to take account topographical or public infrastructure features.

Policy guidelines

Consider as relevant:

Subdivision

- Whether a small lot subdivision containing a dwelling or the re-subdivision of existing lots responds to the above strategies by:
 - Resulting in the lot containing the dwelling being no greater than 2 hectares in area unless there is a need for a larger parcel to take account of natural or public infrastructure features.
 - Resulting in the “balance” of the lot being of an area that complies with the minimum lot size for the zone. The existing dwelling being is habitable.
 - The dwelling having existing use rights pursuant to Clause 63.
- Whether an agreement under section 173 of the Act is required to prevent:
 - The construction of a dwelling on the ‘balance’ of the lot.

- The further subdivision of any lot created; other than in accordance with the minimum lot size for subdivision in the zone.

Policy document

Consider as relevant:

Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy (Parsons Brinckerhoff, RM Consulting Group, 2010)

Response:

The proposal is on land in an already established rural residential lifestyle area, where instances of agricultural productivity are largely passive or supplementary to the use of the land for a rural lifestyle living.

The proposal will allow sufficient space for bushfire protection measures to be contained within any future development on the site in accordance with Clause 13.02 Bushfire.

Clause 14.01-1S Protection of agricultural land seeks to preserve productive farmland. The subject land is not considered productive agricultural land, by virtue of the lot size, surrounding land size and layout and use and development in the immediate area. The additional lot will not impact the existing or potential agricultural use of adjoining land, as it will provide for additional lifestyle development similar to what is existing.

The proposal does not alter the flow of water over the land nor does it introduce built form to impede the current flow and rate of water.

Response to Objection

While the objection has largely been addressed in the body of the report the objector noted there was a restrictive covenant on the land. The application included a recent copy of title as per the requirements on the *Planning and Environment Act 1987*. No such restriction is shown on the title.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09833 FOLIO 522 Security no : 124102540617L
Produced 09/12/2022 11:58 AM

LAND DESCRIPTION
Lot 2 on Plan of Subdivision 212998Y.
PARENT TITLES :
Volume 09298 Folio 272 to Volume 09298 Folio 273
Created by instrument LP212998Y

REGISTERED PROPRIETOR
Estate Fee Simple
Joint Proprietors
DANNY THOMAS STEPHENS
RYLIE CHERRY both of 100 LAWS DRIVE KIALLA VIC 3631
AW352181Q 08/12/2022

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AW352182N 08/12/2022
COMMONWEALTH BANK OF AUSTRALIA

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP212998Y FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER STATUS DATE
AW332136J (E) CONV PCT & NOM ECT TO LC Completed 02/12/2022
AW352181Q (E) TRANSFER Registered 08/12/2022
AW352182N (E) MORTGAGE Registered 08/12/2022

-----END OF REGISTER SEARCH STATEMENT-----
Additional information: (not part of the Register Search Statement)
Street Address: 100 LAWS DRIVE KIALLA VIC 3631

Structure Plans/Development Plans

There are no relevant Structure Plans or Development Plans.

Relevant Background documents

There are no relevant background documents.

The decision guidelines of Clause 65

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

65.02 Approval of an application to subdivide land

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.

- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.
- The impact the development will have on the current and future development and operation of the transport system.

Response:

The proposed subdivision has been assessed under the decision guidelines of Clause 65 of the Greater Shepparton Planning Scheme. The proposed subdivision will provide better lot layout and size that reflects rural living opportunities for the land and surrounding area but also encourages environmental management and improvement to be undertaken at the site.

Any other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

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

Are there any significant environment, social & economic effects?

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

Any other relevant Acts that relate to the application?

Subdivision Act

Aboriginal Heritage

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 land is within an 'Area of Cultural Heritage Sensitivity in Victoria, however a two lot subdivision is exempt from the requirement to prepare a CHMP.

Charter of Human Rights and Responsibilities

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

Summary of Key Issues

Assessments have found that the application is supported by objectives, strategies and decision guidelines and CFR/FRV, GBCMA, GVW, Powercor and Environmental Health Officer support the application.

Conclusion

Overall, the two lot subdivision appropriately responds to existing conditions on the site and the surrounding environment. It will allow better land management of each lot and the interface with Broken River. The subdivision pattern and lot sizes are consistent with the emerging character of adjoining and surrounding sites.

There is capacity to provide convenient and safe access to the lots, which will not cause any traffic safety impact to the surrounding environment. The proposed subdivision is consistent with the relevant provisions in both Municipal Planning Strategy and Local Planning Policy Framework of the Greater Shepparton Planning Scheme. The proposal is therefore considered for approval and it is recommended a Notice of Decision issue.

Draft Notice Of Decision

APPLICATION NO: 2023-47

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: 100 LAWS DRIVE KIALLA VIC 3631

WHAT THE PERMIT WILL ALLOW: TWO LOT SUBDIVISION IN THE FARMING ZONE, BUSHFIRE MANAGEMENT OVERLAY, FLOODWAY OVERLAY AND LAND SUBJECT TO INUNDATION OVERLAY

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. **Amended Plans Required**

Before the certification of the plan of subdivision, 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) Location of vehicle crossings to each lot

2. **Layout Not Altered**

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

3. **Section 173 Agreement**

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

- a) No further subdivision so as to create any additional lots.

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

4. Drainage Discharge Plan

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

- a) Direction of stormwater runoff, demonstrated by contours or levels
- b) Independent drainage for each lot to the legal point of discharge
- c) How the discharge rate from the new properties has no detrimental effect on the adjacent properties
- d) Stormwater retained on property
- e) Property connections discharging to the table drain must do so to the side of the endwall (driveway) and not directly to the table drain
- f) Documentation demonstrating approval from the relevant authority for the point of discharge

Before the Statement of Compliance is issued under the *Subdivision Act 1988* or as otherwise agreed in writing, the owner must complete drainage works, in accordance with endorsed plans to the satisfaction of the responsible authority.

5. Vehicle Crossings

Before the issue of a Statement of Compliance, the existing vehicle crossing providing access to lot 2 must be upgraded and a new access must be constructed for lot 1 to the satisfaction of the responsible authority. Vehicle crossing(s) must be constructed at the owner's expense.

The vehicle crossing for the lots must be:

- a) the pavement is to be sealed for the lots no less than 5 metres in length (from the existing edge of road to the new lot)
- b) include a pipe of a diameter for the lots suitable to accommodate the actual volume/flow (having a minimum diameter of (375) mm); Developer to provide culvert crossing computation to verify the pipe size chosen

- c) culverts for the proposed lots located in the clear zone shall be installed with trafficable end walls (refer IDM standard drawing SD 255)

6. Health Requirements

Prior to the commencement of works for a proposed dwelling the owner shall lodge with the Council an application to Install a Septic Tank System in accordance with the Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016.

The application to Install a Septic Tank System shall include:

- a) The application form provided by the Council completed, signed and dated by the owner.
- b) A floor plan of the proposed dwelling.
- c) A site plan indicating the location of the effluent disposal area / reserve area.
- d) The design of the effluent disposal system including instructions for installation and working drawings.
- e) The current application fee.

7. Goulburn Valley Region Water Corporation Requirements

All sewerage and sullage emanating from the proposed development shall be adequately treated, retained and disposed of within the boundaries of each allotment in compliance with Clause 40 of the SEPP - Waters of Victoria and to the satisfaction of the Council's Environmental Health Officer.

8. Powercor Requirements

- 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.
- 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.

- 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.

9. Referral Authority Requirements

- a) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and

telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

- b) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easements or site is to be created.
- c) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

10. Form 13

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

11. Time for Starting and Completing a Subdivision

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

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

NOTATIONS

Road Opening/Crossing Permit Required

A road opening/crossing permit must be obtained from the Responsible Authority prior to carrying out of any vehicle crossing works.

Native Vegetation Control

A planning permit is required to remove, destroy or lop native vegetation on the land, except in accordance with an exemption specified in the Planning Scheme.

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2022-310
Applicant Name:	M & B Bowles c/- Chris Smith & Associates P/L
Owner Name:	Nathan P Bowles and Brooke S Bowles
Cost of works:	Nil
Correct application fee paid?	Yes - \$1,360.80
Land/Address:	289 Dhurringile Road TATURA VIC 3616
Date Received:	23 August 2022
Statutory Days?	311
Zoning?	Low Density Residential Zone (LDRZ) Site adjacent to Transport Zone 3 (TRZ3)
Overlay(s)	Specific Controls Overlay – Schedule 3 (SCO3) Aboriginal Cultural Heritage Sensitivity
What is proposed?	Two lot subdivision
Why is a permit required?	Subdivision in the LDRZ under Clause 32.03-3
Are all plans provided?	Yes
MPS Provisions:	02.03-1 Settlement
PPF Provisions:	11.01 Settlement 11.01-1L Settlement – Urban growth and consolidation 11.02-1S Supply of urban land 15.01-2S-Subdivision design 15.01-4S Healthy neighbourhoods 15.01-5S Neighbourhood character 15.03-2S Aboriginal cultural heritage 16.01-1S Housing supply 16.01-2S Housing affordability
Any application history?	Yes, previous approval for subdivision
Date referred/notified:	7 October 2022
Further Information?	No
Lapse date?	N/A
Notice/Referral?	Yes, advertised to neighbours and Goulburn Valley Water, Goulburn-Murray Water, Powercor notified
Number of Notice Responses?	One (1) objection received and 2 referral responses received.
Key Response Considerations?	GVW and GMW no objection subject to standard conditions.
Title details – any:	
o Restrictive Covenant?	No
o Section 173 agreement?	No
o Caveat?	No
o Easement?	No
o Building Envelope?	No
o Access restrictions?	No
Is a CHMP required?	No
Garden area provisions?	N/A
Is the site contaminated?	No
Is the site in a BMO or BPA?	No
Is Cl. 13.01-2 Bushfire applicable:	No
Cl. 71.02-3 'Integrated Decision Making' assessment:	Amenity of neighbouring properties, access, amenity and neighbourhood character
Cl. 71.03-2 Acceptable Outcomes:	Officers have undertaken an assessment of the application and found that the proposal achieves acceptable planning outcomes.

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.
Key Planning Considerations:	Amenity of neighbouring properties, access, drainage and neighbourhood character
Recommendation:	Approval – Notice of Decision to Grant a Permit to issue

Proposal

The application seeks permission for a two (2) lot subdivision in the Low Density Residential Zone.

Details are summarised below:

Lot 1:

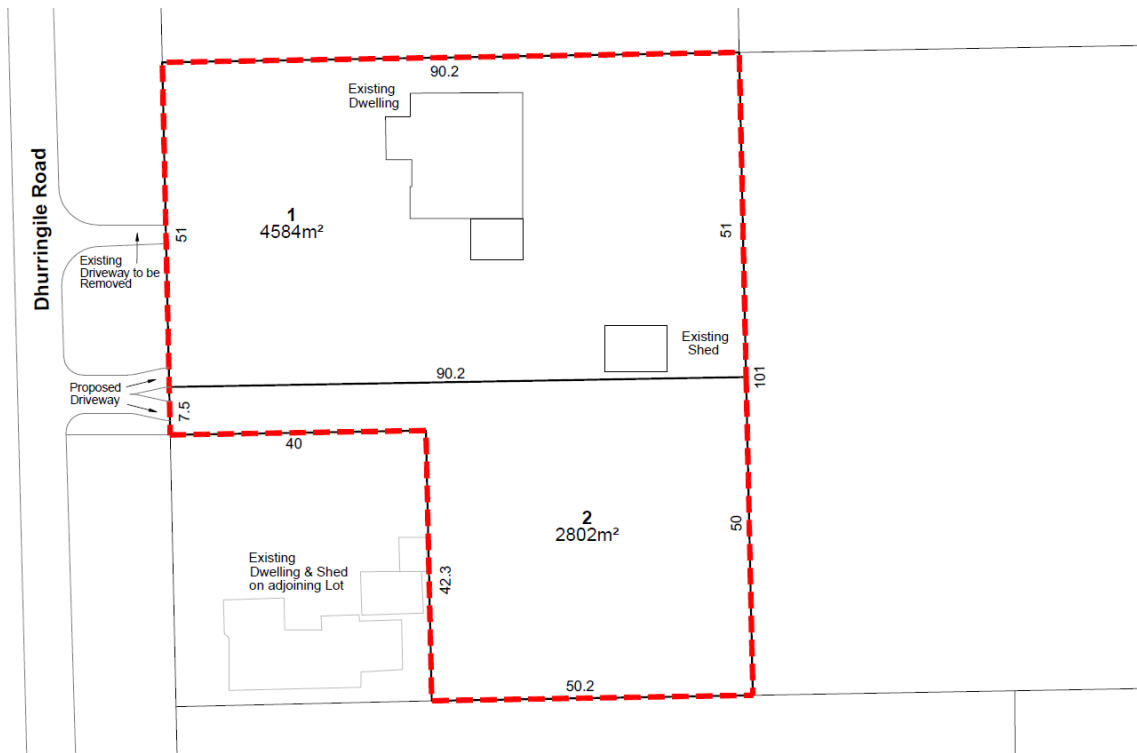
- Rectangular shaped
- 4,584m² and contains the existing dwelling and shed
- Existing driveway and crossover to be removed and access via a shared driveway (with Lot 2) along southern boundary
- Frontage of 51m to Dhurringile Road, depth of approximately 90m

Lot 2

- Battle axed shaped lot
- 2,802m², to be vacant
- Access via proposed shared driveway along northern boundary of battle axe
- 7.5m frontage to Dhurringile Road, max depth of approximately 90m



Site aerial image showing existing conditions (Image: Nearmap)



Plan of proposed subdivision

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2022-310** to be given under Section 52 and having referred the application under Section 55 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 **Clause 32.03-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **289 Dhurringile Road TATURA VIC 3616** for a two lot subdivision in the Low Density Residential Zone in accordance with the Notice of Decision and the submitted plans.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2022-310** to be given under Section 52 and having referred the application under Section 55 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 **Clause 32.03-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **289 Dhurringile Road TATURA VIC 3616** for a two lot subdivision in the Low Density Residential Zone in accordance with the Notice of Decision and the submitted plans.

Moved: Braydon Aitken

Second: Nilesh Singh

CARRIED

Title Details

The title identifies that the site has legal access to a road

The title does not contain a Restrictive Covenant

The title does not contain a Section 173 Agreement

The title does not contain an Easement, Caveat or Building Envelope

Pre-Application Meeting Details

Has there been a pre-application meeting? No

What is the application for?

The permit triggers in the planning scheme are.

- Subdivision of land in the Low Density Residential Zone under Clause 32.03-3

Based on the permit triggers, specify the precise nature of the application which is to be used for all notices, referral, correspondence and decision making.

- Two lot subdivision in the Low Density Residential Zone

Permit/Site History

The history of the site includes:

- ENQ-2012-37 Enquiry regarding subdivision – response sent 27 February 2012
- 2020-8 Permit issued 25 February 2020, for a two lot subdivision and creation of carriageway easement
- S-2020-87 SOC issued for a two lot subdivision
- 2020-8/A Amended permit issued 16 March 2021 to decrease the building exclusion zone from 30m to 13m.

Subject Site & Locality

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

The site has a total area of **7385** square metres and currently contains:

- Generally flat land
- Existing dwelling and associated outbuildings on the northern half of the site
- Access via an existing driveway in the middle of the frontage (west) to Dhurringile Road
- Some native and exotic vegetation scattered throughout
- Frontage of approximately 58m to Dhurringile Road (west)

The main site/locality characteristics are:

- Properties to the west of the site, opposite Dhurringile Road are typically smaller general residential lots (General Residential Zoned land)
- Land to the north, east and south are larger residential lots, generally developed with dwellings (Low Density Zoned land)
- There is a newly approved subdivision directly to the east of the site (abutting the eastern boundary) that is comprised of undeveloped lots of a similar size to the smaller lot proposed
- A Goulburn Murray Water irrigation channel to the east of the subject site
- Tatura town centre is approximately 1.4km to the west while there are a number of facilities within a similar distance, including Tatura Recreation Reserve (approximately 1.7km to the south-west) and IGA shopping centre (approximately 1.3km to the south-west)

The Photos and aerial below show the existing site:



Photo taken from Dhurringile Road Tatura looking east towards showing the existing dwelling and gravel driveway.



Photo taken from Dhurringile Road Tatura looking east towards the frontage of the subject land.



Photo taken from Dhurringile Road Tatura looking south with the subject land positioned to the east.



Photo taken from Dhurringile Road Tatura looking north showing subject land and gravel footpath along frontage.



Rear view of subject land – photo taken from new subdivision (Apricot Court)



Photo taken from Dhurringile Road Tatura showing the property to the south of the subject land



Further Information

Is further information required for the application? No

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description subdivision of the land into two (2) lots, by:

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

Objections

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

- Impacts from sewerage to any proposed residence on lot 2
- Impacts from drainage and storm water runoff, particularly in relation to the proposed driveway. Concerns about the drainage being directed to existing drains that overflow in significant rain events
- Driveway along boundary may cause adverse impacts in relation to dust and lighting
- Privacy impacts should an additional dwelling be built on the second lot
- Proposal may lead to vegetation removal
- Access to existing water main
- Access to current walking path along property frontage
- Change to the character of the land and setting caused by the intensification of lots on the site, from a rural to an urban setting not in keeping with the previous nature of the land

Response to the objection is provided in the Officer Assessment section of this report.

Referrals to Authorities

External Referrals Required by the Planning Scheme:

Section 55 -Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Clause 66 of the scheme did not require referral of the application.	-	-	-

Notice to Authorities (including as required by GSPS)

External Notice to Authorities:

Section 52 - Notice Authority	List Planning clause triggering notice	Advice/Response/Conditions
Goulburn Valley Water	N/A	No objection subject to the following conditions:

		<p>(c) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;</p> <p>(d) Provision of one water tapping per lot and/or Common Property 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>(e) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;</p> <p>(f) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;</p> <p>(g) Provision of sewerage connection points and/or 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.</p> <p>(h) Payment of any outstanding contributions towards existing sewerage scheme, such amount being determined by the Corporation at the time of payment;</p> <p>(i) Disconnection and relocation of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;</p> <p>(j) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.</p>
Goulburn Murray Water	N/A	<p>No objection subject to the following conditions:</p> <p>a) Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.</p> <p>b) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).</p> <p>c) Proposed lot 2 must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.</p> <p>d) Stormwater from the site must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.</p>
Powercor	N/A	No response received to date and therefore consent is deemed.

Internal Notice

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>Council's Development Engineers have consented to the application subject to standard drainage and access conditions.</p> <p>Council's Development Engineers have recommended that effort is made to avoid impact on trees in the road reserve when considering the new driveway access to Lot 2</p>
Environmental Health	Council's Environmental Health Officer has consented to the application subject to both lots must be connected to reticulated sewerage.

Consultation

Consultation was not undertaken prior to the Development Hearing Panel process.

Assessment

The zoning of the land

32.03 LOW DENSITY RESIDENTIAL ZONE

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

32.03-3 Subdivision

A planning permit is required to subdivide the land.

Each lot must be at least the area specified for the land in a schedule to this zone. The Schedule does not specify an area therefore each lot must accord with the following:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

Reticulated sewerage is available.

32.03-5 Application requirements

An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. The report must:

- In the absence of reticulated sewerage, include a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- Show for each lot:
 - A building envelope and driveway to the envelope.
 - Existing vegetation.
 - In the absence of reticulated sewerage, an effluent disposal area.
- Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.
- If a staged subdivision, show how the balance of the land may be subdivided.

Overlays

Clause 45.12 Specific Controls Overlay

- To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

The proposal is for a two lot subdivision on private land and is not impacted by this overlay.

Does any Incorporated Document apply?

There is not an Incorporated Document, which applies to this application.

The Municipal Planning Strategy (MPS) at Clause 02.

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.

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.

The Planning Policy Framework (PPF)

Clause 11 Settlement and Clause 11.01-1L Settlement – Urban growth and consolidation requires that planning facilitates sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

Relevant strategies include:

- *Discourage residential growth outside the nominated settlement boundaries.*
- *Determine township growth based on infrastructure provision and a supply and demand analysis.*
- *Ensure that residential developments provide a buffer to existing agricultural uses, particularly orchards.*

Clause 11.02-1S Supply of Urban Land seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional, and other community uses.

Relevant strategies include:

- *Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.*

- *Opportunities for the consolidation, redevelopment and intensification of existing urban areas;*
- *Neighbourhood character and landscape considerations; and*
- *Service limitations and the costs of providing infrastructure.”*

Clause 15.01-3S Subdivision design seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Relevant strategies include:

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 habitat for native flora and fauna, and providing opportunities for people to experience nature in urban areas.*
- *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.*

- *Minimising exposure of sensitive uses to air and noise pollution from the transport system.*
- *Being accessible to people with disabilities.*
- *Creating an urban structure that:*
 - *Responds to climate related hazards.*
 - *Incorporates integrated water management, including sustainable irrigation of open space.*
 - *Minimises peak demand on the electricity network.*
 - *Supports energy efficiency and solar energy generation through urban layout and lot orientation.*
 - *Supports waste minimisation and increased resource recovery.*
- *Providing utilities and services that support the uptake of renewable energy technologies, such as microgrids and energy storage systems, including batteries.*

Clause 15.01-4S Healthy neighbourhoods seeks to achieve neighbourhoods that foster healthy and active living and community wellbeing.

Relevant strategies include:

Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- *Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.*
- *Streets with direct, safe and convenient access to destinations.*
- *Conveniently located public spaces for active recreation and leisure.*
- *Accessibly located public transport stops.*
- *Amenities and protection to support physical activity in all weather conditions.*

Clause 15.01-5S Neighbourhood Character seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Relevant strategies include:

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.*

Clause 15.03-2S Aboriginal cultural heritage seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

A two lot subdivision is not a high impact activity under the Aboriginal Heritage Regulations and a CHMP is not required.

Clause 16.01-1S Housing Supply seeks to facilitate well-located, integrated and diverse housing that meets community needs.

Strategies include:

- 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.

Clause 16.01-2S Housing affordability seeks to deliver more affordable housing closer to jobs, transport and services.

Relevant strategies include:

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.

Structure Plans/Development Plans

There are no relevant Structure Plans or Development Plans.

Relevant Background documents

There are no relevant background documents.

The decision guidelines of Clause 65

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

65.02 Approval of an application to subdivide land

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.

- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.
- The impact the development will have on the current and future development and operation of the transport system.

Response:

- The proposal is located in a low density residential area. Land to the west, opposite Dhurringile Road, is largely developed in smaller residential lots (General Residential Zone), while land further east, zoned Low Density Residential, has been subdivided to provide lots of around the minimum lot size, reflective of the availability of services and sewer.
- The land is within an infill area between the two and is likely to be the subject of redevelopment as services are provided, as shown by the recent subdivision on the abutting land to the east.
- The land has access to drainage points and other services are available.
- The lot layout and size is reflective of the surrounding development and pattern of subdivision and will provide for an additional housing lot in an established residential area.
- Access to the lots can be provided via a single crossover to limit entries onto Dhurringile Road and avoid unnecessary vegetation removal.
- No common property is proposed and adequate space can be provided on both lots for car parking.

The application meets the decision guidelines of Clause 65.02.

The decision guidelines of the Low Density Residential Zone – Clause 32.03-6

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.

Subdivision

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.

- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage:
 - The capability and suitability of the lot to treat and retain all wastewater as determined by a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed, or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
 - The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.
- The relevant standards of Clauses 56.07-1 to 56.07-4.

The decision guidelines of the overlay(s) (and schedule to the overlays)

N/A

Relevant Particular Provisions

There are no relevant particular provisions.

OFFICER ASSESSMENT

Consideration of objections

The application was advertised and one objection was received which was summarised earlier in this report but included concerns regarding the location and design of access, impact on neighbourhood character, drainage and privacy issues. In response to issues raised the following comments are made:

- Access and traffic impacts:
 - The proposal includes a single crossover for both lots, directly to the north of the adjacent property at 291 Dhurringile Road. The property has solid perimeter fencing and the dwelling is located to the south of the site well setback from the proposed driveway. Any dust or car lights from the proposed driveway will be mitigated via the existing boundary treatment and landscaping within the adjoining property.
 - The proposed construction of the driveway can be managed via conditions to ensure appropriate construction design and materials, as well as consideration of the footpath during construction.
 - While the ultimate use of the Lot 2 is unknown, any use right, such as a dwelling, will not generate a significant volume of traffic to the site and is appropriate given the residential context of the street and site.

- Drainage
 - The applicant is required to submit detailed drainage plans to demonstrate that the land can be adequately drained and stormwater discharged appropriately in accordance with the Infrastructure Design Manual and to the satisfaction of the responsible authority. This will ensure the appropriate treatment of drainage and stormwater runoff on the land.

- Waste water treatment:
 - Lot 2 will be required to connect to reticulated sewerage.

- Neighbourhood character
 - The proposal is for a modest two lot subdivision in a Low Density Residential Area. There are no specific neighbourhood character controls on the site. The area comprises of a range of lot sizes, with lots in the immediate vicinity ranging from 1500 sqm – 5,500 sqm. The recent subdivision to the east comprises of lots of around 2,000sqm, consistent with the proposal.
 - The land is in a residential zone and provides for low density development on the remaining lot, with access to all services, in accordance with the purpose of the zone.
 - The surrounding neighbourhood comprises of single detached dwellings or vacant lots of a similar size and layout, in keeping with the proposal.

- Privacy
 - The proposal is for a two lot subdivision. Lot 2 will remain vacant. Any development proposal on Lot 2 will be required to adhere to building standards for setbacks and overlooking with regard to adjacent properties, to minimise any impact.

Having regard to all of the above, the proposed development is considered to be generally in accordance with the MPS and Planning Policy Framework and zone and overlay purpose and decision guidelines as outlined below:

Policy considerations

- The proposal is supported by the directions, objectives and policy in the MPS and PPF, as the proposal:
 - Provides for an additional housing lot in an area designated for residential use.
 - Provides a subdivision layout and size in keeping with the surrounding pattern and in recognition of access to reticulated services.
 - Allows for the retention of existing vegetation throughout the site.
 - Will have a minimal impact on the adjoining and nearby land uses, given the proposal for a residential subdivision in a residential context.
 - The proposed crossover will service both lots, to minimise access to Dhurringile Road.
 - Encourages the provision of housing supply in an established urban area well located in relation to jobs and services, in accordance with Clause 16.01-2S.
 - Provides for low density residential land that can be connected to reticulate sewerage in accordance with Clause 32.03

- Provides a subdivision that is easily connected to transport networks to the town centre and facilities

Drainage

- The site is not impacted by inundation or flooding controls and adequate size is provided within both lots to ensure on site water retention and run off can be managed to a satisfactory standard. This will be ensured via conditions on any permit issued.
- Goulburn Murray Water did not have any objections to the proposal subject to conditions.

Access and traffic

- Engineering conditions will be placed on any planning permit issued to ensure crossover and driveways are designed to relevant standards. The proposed location of the driveway can be managed to avoid destruction of significant native vegetation where possible.
- It is not considered that the additional lot will significantly increase traffic to the site outside of what is expected in an urban residential setting.

Neighbourhood Character

There are no specific neighbourhood character controls on the site.

The prevailing character in the area is detached single dwellings on lots ranging in size from smaller residential lots such as 1,500sqm to larger 5,000sqm lots. Given there is reticulated services available in the area, it is likely that most development will comprise of lots of the minimum subdivision size of 2000sqm, in keeping with the requirements of the zone, as per the approved subdivision to the east of the site. The proposal responds to these characteristics and will allow adequate space for any future development to be setback from adjoining properties and landscaped in keeping with the nature of the larger lots in the area.

Services

The site has access to reticulated sewer and can adequately provide for all other services.

The proposal is supported by the relevant policy and approval is recommended.

Any other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

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

Are there any significant environment, social & economic effects?

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

Any other relevant Acts that relate to the application?

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

The Aboriginal Heritage Act 2006

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

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

A two lot subdivision is not a high impact activity and therefore does not trigger the need for a CHMP.

The relevant provisions of the GSPS including Clause 13.02 (Bushfire)

N/A

Charter of Human Rights and Responsibilities

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

Summary of Key Issues

The key issues relate to compliance with policy, drainage, amenity and neighbourhood character impacts. Assessments have found that the application is supported by objectives, strategies and decision guidelines and GVW, GMW, Council's Engineers and Environmental Health Officer support the application.

Conclusion

Officers have undertaken an assessment of the application and found that the proposed subdivision of the land into two lots achieves an acceptable planning outcomes. It is recommended that a Notice of Decision issue.

Draft Notice Of Decision

APPLICATION NO: 2022-310

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: 289 DHURRINGILE ROAD TATURA VIC 3616

WHAT THE PERMIT WILL ALLOW: TWO LOT SUBDIVISION IN THE LOW DENSITY RESIDENTIAL ZONE

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Layout Not Altered

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

2. Drainage Discharge Plan

Before the certification of the Plan of Subdivision, a drainage plan with computations prepared by a suitably qualified person or organisation, to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and submitted in an electronic format. The plans must be in accordance with Council's Infrastructure Design Manual and include:

- 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 (within tank/basin) or 14 litres (within 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.

Before the Statement of Compliance is issued or as otherwise agreed in writing, all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority.

3. Urban Vehicle Crossing Requirements

Before the issue of Statement of Compliance or as otherwise agreed in writing, vehicular crossings must be constructed in accordance with the approved plan(s) and constructed to Council's relevant IDM standard drawing, and must:

- a) be constructed at right angles to the road, and any redundant crossing shall be removed and area reinstated to the satisfaction of the responsible authority;
- 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;
- d) be at least 9 metres apart; and
- e) must obtain a Works within Road Reserves permit from the responsible authority prior to carrying out of any vehicle crossing works.

4. Health Requirements

Lots 1 and 2 of the subdivision must be connected to Goulburn Valley Water's reticulated sewerage system.

5. Goulburn Murray Water Requirements

- a) Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- b) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- c) Proposed lot 2 must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
- d) Stormwater from the site must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

6. Goulburn Valley Region Water Corporation Requirements

- a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) Provision of one water tapping per lot and/or Common Property 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) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;
- d) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- e) Provision of sewerage connection points and/or 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.
- f) Payment of any outstanding contributions towards existing sewerage scheme, such amount being determined by the Corporation at the time of payment;
- g) Disconnection and relocation of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;
- h) 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.

7. Form 13

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

8. Referral Authority Requirements

- a) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- b) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easements or site is to be created.

- c) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

9. Telecommunications Referral Condition

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

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

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

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

10. Time for Starting and Completing a Subdivision

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

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