

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

20 May 2014

**Agenda Item 10.3 Planning Permit Application, Dental Clinic, 167 & 169
Nixon Street**

Attachment 1 Delegates Report517

Application Details:

Responsible Officer:	Tim Watson
Application Number:	2013-182
Applicants Name:	Pop Design Studios
Date Application Received:	10 July 2013
Statutory Days:	1 (25/3/14)
Land/Address:	167 and 169 Nixon Street SHEPPARTON VIC 3630
Zoning and Overlays:	Commercial 1 Zone and Parking Overlay - Precinct 1
Why is a permit required (include Permit Triggers):	34.01-3 – Subdivision in the Commercial 1 Zone 34.01-4 – Buildings and works in the Commercial 1 Zone; 52.06-3 – a permit is required to reduce the number of car parking spaces required in a schedule to the parking Overlay ; and
Are there any Restrictive Covenants on the title?	No

Proposal

The application for a planning permit proposes a re-subdivision (boundary re-alignment) and buildings and works for the construction of a dental clinic (medical centre) and dwelling in the Commercial 1 Zone and reduction in the car parking requirements. The application also proposes the display of business identification signage in excess of 8 square metres.

Summary of Key Issues

- Pre-application meetings were conducted in which the applicant was informed by Council officers that the Planning Department would not support a reduction in car parking requirements unless a contribution was made in lieu in accordance with the Parking Overlay and CBD Parking Precinct Plan.
- A request for further information was made for a full recent copy of title and a full description of the planning permissions sought.
- Application advertised with sign on site and letter to surrounding and adjacent neighbours, with one objection received.
- Application notified and referred internally to the Goulburn Valley Region Water Authority and Council's Development Engineers, neither of whom object subject to conditions.
- The application was amended under section 57A after notice to include 169 Nixon Street in the address of the land and the display of business identification signage.
- In assessing this application the assessment must be considered in two parts;

1. The development

The proposed buildings and works are considered to achieve an acceptable planning outcome for the locality in providing medical suites on the lower level and residential use above. This design seeks to make use of the lands zoning for Commercial 1 while still respecting the residential uses to the north.

2. Car parking reduction

The applicant's reasoning (supported by a parking demand study) for a reduction in car parking is not considered sufficient to allow for no financial contribution to be made in lieu of the provision of car parking. The provision of 1 car park for the use is not acceptable and would lead to saturation of the existing on-street parking as identified by the objector.

If a contribution is made in lieu of parking spaces not provided, the Council's Project Department will investigate the use of the funds to provide for centre of the road parking in Nixon Street and the formalisation of the existing on-street parking. Provided this payment and the implementation of on-street parking the reduction in parking applied for becomes acceptable within parking to be provided within the locality. If on-street centre of the road car parking was not implemented, it is considered that the existing parking and use percentage may be able to cope with the demand created by use based on the conclusions in the particular provision section of this report.

Subject Site & Locality

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

Date: **20/8/13**

The site has a total area of **802** square metres and currently contains:

- An existing single story dwelling previously used for a financial brokers office.
- The existing building retains the appearance of a dwelling and an approximate setback from the front boundary of 8 metres.
- The areas surrounding the dwelling consist of space set aside for gardens and domestic sheds.

The main site/locality characteristics are:

- The abutting land maintains a character typical of the Business 5 Zone in which it was previously zoned. The surrounding buildings mostly maintain a dwelling appearance even though some have been converted to offices (primarily medical).
- The abutting land to the west and north are used for residential purposes, while the land on the eastern boundary is used for the dental surgery proposed to relocate to the subject site. Car parking is provided to the rear of the dental surgery with access from Nugent Street.
- The land is located close to Railway Parade (a collector road) which abuts the railway line and is adjacent to the SPCA cannery to the east.

The aerial photos below show the existing site and surrounding area:





Permit/Site History

The history of the site includes:

- No previous planning permit history is on record for this site.

Further Information

Was further information requested for this application? **Yes (lapse date 14/8/13)**

- **A full recent copy of title; and**
- **A full description of planning permissions sought.**

What date was the further information requested?: **15 July 2013**

What date was the further information received?: **12 August 2013**

Public Notification

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

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

- Placing a sign on site.

The amended application was not advertised pursuant to Section 52 of the *Planning and Environment Act 1987* because:

- The proposed signage displayed on the building was included on the plans forwarded to surrounding properties as part of the initial notification period; and
- The inclusion of 169 Nixon Street as it is part of the boundary re-alignment was shown on the notified plans as part of the initial notification, just the address of the property from the description of the land was missing.

Objections

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

- Parking and traffic issues with an already high number of cars parked on Nixon Street due to the existing medical centre operating from 174 Nixon Street.

The matters raised in the objections are addressed below with an officer's response provided in the adjacent column.

Ground of objection	Officers response
Parking	As outlined in the previous sections, officers consider that adequate car parking on street is available in the short term. Future demand in car parking will be further investigated through a condition on the permit requiring a payment in lieu of parks not provided and the recommendation of this report the parking options be investigated.
Hours of operation	The proposed use for a medical centre (office) does not require a permit in the Commercial 1 Zone and therefore planning permit conditions cannot restrict hours of operation
Zoning being residential when objector's land was purchased in 1998.	The land was zoned Residential 1 A Zone prior to the new format planning scheme under the Shepparton City Planning Scheme. A medical centre was a permissible use in this zone subject to a permit. "The Business 5 Zone was applied to the transitional areas around the CBD, some of which had been subject only to limited redevelopment and remained substantially residential" (Business Zones 3.5.2, Greater Shepparton New Format Planning Scheme

	<p>report of the Panel and Advisory Committee 1998) in 1998.</p> <p>In 2013 Planning Scheme Amendment VC104 translated the Business 5 Zone into the Commercial 1 Zone.</p> <p>Both of the above amendments underwent the appropriate re-zoning processes as deemed appropriate by the Government of the time. As such officers consider that the appropriate notification and public consultation were undertaken at the time of rezoning.</p> <p>In view of the above officers consider that a refusal of the application on this basis alone, would be difficult to substantiate.</p>
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Title Details

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

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- A number of pre-application meetings regarding the design of the building and car parking to be provided as part of the use.

- Design

The Planning Department informed the applicant in writing (25/2/13) that initial designs would not be supported given the small setback and interface between the northern boundary and the building with the land to the north zoned Residential 1. The applicant was also informed that a larger setback from the western boundary would be required.

The Planning Department informed (26/3/13) further to previous advice that a revised design submitted would need to address the following:

- The rear setback of the building should be no less than 8 metres;
- Meaningful landscaping must be provided for along the rear boundary;
- The windows be framed and have some form of shuttering to prevent overlooking;
- The use of reflective glazing should be avoided;
- The use of a more domestic type of cladding on the northern aspect to soften the expanse of the wall abutting the Residential 1 Zone; and
- That any future revisions should clearly show a minimum roof pitch of ten degrees, with a small roof overhang to provide a shadow line.

The Planning Department commented (15/4/13) on a revised design that the design achieved an improved level of amenity to the surrounding properties and would provide an acceptable outlook for the Residential 1 Zone properties to the rear. The planning Department however informed in the same correspondence that the parking provision was not acceptable, given the unwillingness of the applicant to agree to the contribution in lieu payment.

- Car Parking

In all of the pre-application information provided above in addition to a letter dated 14 May 2013, the Council's Planning Department maintained its position that the reduction in car parking would not be supported. Following various internal meetings it was decided that a contribution via payment in lieu of car parking should be required as a condition of any planning permit issued. It was decided that should the payment be made in lieu of car parking spaces, the provision of on-street parking in Nixon street would be investigated by the Projects Department.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	The application for planning permit was not referred to any authorities under section 55.
Section 52 Notices	<p>The application for a planning permit was notified to the Goulburn Valley Region Water Authority, who do not object to the issue of a permit, subject to the following conditions:</p> <p>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> <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; and</p> <p>b) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement.</p> <p>The owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted.</p>

Internal Council Notices	Advice/Response/Conditions
Development Engineers	The application was referred to the Council's Development Engineers, who do not object to the issue of a permit subject to standard civil construction and drainage conditions.
Nil	Nil

Assessment

The zoning of the land

Commercial 1 Zone - 34.01

The purpose of the zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses and to provide for residential uses at densities complementary to the role and scale of the commercial centre.

A permit was required pursuant to clause 34.01-4 for buildings and works and 34.01-2 for re-subdivision in the Commercial 1 Zone.

The use of land for a Medical centre is an as of right use in the Commercial 1 Zone.

Decision Guidelines

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

- The State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and Local Planning Policies.
- The interference with adjoining zones, especially the relationship with residential areas.
- The movement of pedestrians and cyclists, and vehicles for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, design of verandahs access from the street front, protecting active street frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the Overlooking and Overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.

- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

Response

The State and local planning policy will be addressed under the individual subsections of this report.

The design through the use of different materials including cladding, the provision of a balcony and the use of the first floor as a dwelling assists with the softening of the interface between the bulk scale of the works in the Commercial 1 Zone and the Residential interface.

In considering the interface issues of the proposed development it is worth referencing Member Keaney in *Buckerfield Architects v Boroondara CC* [2004] VCAT 659 which addressed the interface issues of a three storey office development in the Business 2 Zone abutting a residential zone:

[20] I approach the task therefore of the interface issue not with a view to achieving a perfect residential amenity outcome; nor a perfect commercial outcome. If it were that simple I could favour one over the other and (say) allow a box like office building on the boundary with extensive windows as might be found in a wholly commercial area. Or I could favour a one storey commercial building well offset from the boundary with a "forest" as a buffer in deference to residential amenity. Rather, I must look for a balance which satisfies the "reasonable expectations" of all parties.

Provided the comments above, it is observed that the design provides a number of elements which allow for an appropriate interface between the two zones. The development design has been altered from when initial enquiries were made to swap the levels in which the dwelling and main part of the medical centre were located. This change in design has allowed for the first floor design to be setback further from the northern boundary (Residential 1 zoned land) at varying distances and the incorporation of residential design elements into the first storey such as a balcony. These elements along with the use of different materials on the northern interface provide an acceptable outcome when assessing the development component of this application at a zone interface.

The frontage of the building similar to the rear provides a number of different materials with varying setbacks and large sections of glazing so as to provide passive surveillance. The design of the frontage and the aspect it present to the street is considered to achieve acceptable outcomes given the Commercial 1 zoning while respecting the existing character of the locality given the previous Business 5 zoning.

The development is unlikely to impact the movement of pedestrians within the locality with no works on or over public land. The provision of car parking for the development is addressed under the particular provision section of this report.

The western and eastern elevations should a permit grant will require further treatment with the potential of the predominately blank walls to become dominate features given the single

storey buildings either side, however this is not considered detrimental to the application. Existing and proposed utility connections are to be provided to the site to the satisfaction of the responsible service authorities. The landscape plan shows only small plants to be provided along the rear fence which are unlikely to provide any screening above the fence height. This can be resolved with a condition of the permit should one grant requiring that an amended landscaping plan be submitted to provide for a better screening.

The decision guidelines of the Commercial 1 Zone also identify that the objectives, standards and decision guidelines of Clause 54 and 55 should be considered. The application is considered to achieve an acceptable outcome against the majority of the standards however the overshadowing of open space, overlooking and private open space objectives have been specifically addressed. The proposed building will achieve the standard for the setback relating to overshadowing of a dwelling's open space. The first floor of the building is to be setback 8 metres from the Residential 1 Zoned land with a maximum height of the building being 8.39 metres.

The proposed balcony to be constructed on the first floor of the building will not comply with the standard of Clause 55.04-6 with the balcony constructed within 9 metres of the boundary. The overlooking issue this creates can be resolved with a permit condition requiring amended plans to show the provision of a screen or trellis.

The provision of private open space for the dwelling will exceed the minimum of 8 metres if provided on a balcony with a 3 x 5 metre balcony, with plans submitted and endorsed to show this.

Relevant overlay provisions

Parking Overlay - 45.09

The purpose of the overlay is to facilitate an appropriate provision of car parking in an area, identify areas and uses where local parking rates apply and to areas where financial contributions are to be made for the provision of shared car parking.

The schedule to this overlay allows for the responsible authority to collect a financial contribution in accordance with the schedule as a way of meeting the car parking requirements that apply under this overlay or Clause 52.06. The table in the Schedule to the Overlay specifies that 5 car parking spaces must be provided to each medical practitioner. The application proposes to have maximum of 5 practitioners operating from the premise at any given time, which would require 25 spaces to be provided on the site.

The application proposes only one disabled car park at the front of the building with access to Nixon Street. It is acknowledged that the dwelling located above the office would be used by one of practitioners operating from the centre and therefore will be no overlap in parking requirements.

Clause 3 of the schedule to the Parking Overlay specifies the following:

If a permit is granted to reduce the requirement for car parking, the responsible authority must include a condition requiring a financial contribution for each reduced space, unless satisfied that such payment is not warranted having regards to the circumstances.

The applicant has advised the Council's Planning Department that they do not wish to pay the contribution and have submitted a car parking demand assessment as part of their application seeking a reduction in car parking requirements. This is discussed in detail in the Particular Provisions section of this report.

In considering this application the responsible authority must assess whether it is satisfied that such payment is not warranted having regards to the circumstances.

The matters required to be considered under Clause 52.06-6 for a reduction in car parking are addressed in the Particular Provision section of this report.

The State Planning Policy Framework (SPPF)

Regional Settlement Networks - 11.05-1

The objective of the clause is to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victorian Settlement Framework plan.

Shepparton is identified within the clause a regional city/centre in which employment and population should be supported and retained. It notes that high-quality settlements should be delivered through the provision of appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet the community needs.

Business – 17.01-1

The objective of this clause is to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Response

The proposed buildings and works will allow for the land to be used for commercial purposes in the Commercial 1 Zone. The establishment of a dental clinic/surgery to service the community has the aim of servicing a population wider than the municipal boundaries, given Shepparton's characteristic of servicing a large rural population for retail and medical facilities.

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

Commercial/Activity Centres – 21.06-5

The Shepparton CBD is nominated as the Regional Centre.

Provide for the continued growth of the Shepparton CBD as a multi-purpose retail, business, commercial, community, entertainment and tourism centre.

Key objectives and strategies for the commercial and activity centres include:

- Support a hierarchy of retail centres that promotes the primacy of the CBD as a multi-function centre complemented by local centres for convenience shopping.
- Provide for the continued growth of the Shepparton CBD as a multi-purpose retail, business, commercial, community, entertainment and tourism centre.

Response

The proposed development will provide a large dental surgery within an area identified within the CBD Strategy and as part of the Commercial 1 Zone which forms the CBD, providing for business growth in the CBD.

Relevant Particular Provisions

Advertising Signs 52.05

The purpose of this provision is to:

- Regulate the display of signs and associated structures;
- Provide for signs that 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.

Pursuant to Clause 52.05-7 a planning permit is required to display Business Identification signage exceeding 8 square metres in area.

Response

The proposed signage to be displayed on the east and south facing walls on the building will be used to identify the business. The scale of the signage to the building is considered appropriate and not out of place for Commercial 1 Zoned land. Given the transition of the locality from a Business 5 Zone to Commercial 1 in which the majority of allotments are used for dwellings or small offices there is no significant signage or theme to the locality. The signage is not considered excessive for the locality and it is envisaged that given the more flexible zone in terms of allowable uses the signage presence within the area will increase. The use of the building to display the signage will ensure that no new supporting structures are constructed which would likely become dominate feature of the locality if the signage was to be displayed at the same height.

It is not envisaged that the proposed signage will create a traffic hazard with the signs to display a clear and simple business identification message that will not require prolonged periods of concentration from road users.

Car Parking – 52.06

Application requirements and decision guidelines for permit applications 52.06-6

For applications to reduce the car parking requirement

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

Before granting a permit to reduce the number of spaces below the likely demand assessed by the Car Parking Demand Assessment, the responsible authority must consider the following, as appropriate:

- The car parking demand assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative car parking in the locality of the land, including:
 - Efficiencies gained from the consolidation of shared car parking spaces.
 - Public car parks intended to serve the land.
 - On street parking in non-residential zones.
 - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- Any credit that should be allowed for car parking spaces provided on common land or by a special charge scheme or cash in lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.

Response

The Applicant has provided a traffic impact report which provides a car parking demand assessment for the surrounding area as part of their application and concludes that there are no traffic or parking related reasons to inhibit the granting of a permit for the application. The report identifies the following key points:

- The car parking rate identified for a medical centre in the Planning Scheme is generic and is not appropriate for the proposed use for a dental surgery;
- The use is envisaged to require 10 short-term spaces for customers and 7 long-term for staff;
- The survey undertaken by the consultancy identified that there was a low demand for parking in the area during weekday periods;
- Any provision of parking onsite is likely to impact the amenity of the abutting Residential 1 Zone if provided at the rear or require a significant setback of the building creating overlooking concerns.
- That options exist to provide centre of the road car parking on Nixon Street between Skene Street and Railway Parade. The provision of centre of the road parking will more than sufficient to cater for the empirical demand associated with the development

The application based on the Planning Scheme does not provide adequate onsite car parking. The reclassification of the land from Business 5 to Commercial 1 Zone significantly increases the number of permissible uses for the locality, which through growth is envisaged to create further demand for the parking spaces within the area.

The identified site constraints are a valid reason, however through the introduction of a cash in lieu scheme, Council has sought to provide an option to developer's and land owners to develop various sites within the CBD where they cannot provide parking onsite.

The applicant's traffic impact report acknowledges that the introduction of centre of the road parking along Nixon Street would be sufficient to accommodate parking demands generated by the development. In *Shaholli v Greater Shepparton CC [2013] VCAT 840 (24 May 2013)*, Member Baird acknowledged that the Council has undertaken to improve the availability of short and long term public parking with the areas identified as the CBD. This decision supported the Council's implementation of a cash in lieu scheme and the works undertaken with the funds collected.

As identified under the Parking Overlay section of this report the Responsible Authority must when assessing an application for a reduction in parking in the Parking Overlay be satisfied that such a payment is not warranted.

Following a review and assessment of the applicant's supporting traffic impact report, Council officers do not consider that the request for a waiver of the payment in lieu of car parking is justified, given the significant reduction of on site car parking and the limited availability of on street car parking in the immediate area. By admission, the applicant's own traffic impact report supports this argument stating that should centre of the road parking be provided in this section of Nixon Street it would sufficiently cater for the parking demands generated by the proposed dental clinic.

In response to the above points, Council's Planning and Projects Departments are investigating the provision of centre of the road parking and formalisation of the existing parks in Nixon Street which could be funded by the cash in lieu payment. Should these works proceed it is considered that an acceptable level of parking will be provided off the site to cater for the increase in parking demand created by the proposed use.

In making a request for the payment in lieu of car parking, Council must be satisfied that the funds collected will contribute to a better parking solution within an appropriate timeframe and locality. Should as recommended by this report, Council adopt the recommendation which instructs officers to investigate centre of the road parking, and if such parking is provided, Council officers believe a satisfactory parking outcome would be achieved.

Time	19/3/14	20/3/14
9:00am	19 of 31	6 of 31
1:00pm	6 of 31	14 of 31
4:00pm	11 of 31	12 of 31

Table 1

If for whatever reason, centre of the road parking in Nixon Street is not implemented, Council must still be satisfied that the reduction and collection of a payment in lieu is an acceptable outcome. A survey (table 1) undertaken by officers of the existing on-street parking demand in the immediate area was undertaken over two days at various times. This survey identified that there was at its peak a provision of at least 12 vacant spaces of the 31 provided. Through this information, though limited in scope, Council officers have concluded that the existing provision and vacancy rate of on-street parking should suffice in the short term to accommodate the parking demands of this development, however any further development in the street will lead to saturation of car parking in the area, as the current proposal will be likely to utilise any existing on street parking capacity.

Therefore, it is still the opinion of Council officers that the best outcome for all stakeholders would be to utilise funds collected from the payment in lieu of car parking to construct the centre of road parking in this section of Nixon Street.

52.34 – Bicycle Facilities

A condition of the permit will require the appropriate bicycle facilities and parking spaces be required to the satisfaction of the responsible authority.

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 of the decision guidelines of this clause.

The application is considered to achieve an acceptable planning outcome when addressed against the State and Local Planning Policies with support for community facilities to be provided within the Shepparton Central Business District.

The proposal is not considered to be at variance with the orderly planning of the locality with the design elements providing a suitable transition between the two zones while also fulfilling the applicant's needs. The concerns raised by the objector relate to provision of parking and traffic and the existing condition created by the medical centres located on the street. It is not considered that these concerns relate to amenity and given that the use is as of right no significant amenity issues are raised by the application.

Stormwater treatment and retention is to be addressed through conditions should a permit grant.

The land is considered suitable for re-subdivision which will allow for the boundary to be moved thus provided a larger setback of the building from the western boundary.

Relevant incorporated or reference documents

The Shepparton CBD Strategy was adopted by Council on 7 October 2008 and provides direction for future development within the Shepparton CBD precinct.

The land is identified within Precinct 4 - Peripheral Residential. The vision of the precinct is for medium density housing integrated within established residential developments to maximise residential opportunities close to services and functions of the CBD and river.

Strategies and key actions for the precinct include:

- Retain a high level of amenity of established residential areas surrounding the CBD.
- Encourage medium density housing in the peripheral residential areas.

Response

The CBD Strategy identifies that change will occur with the locality and the built form toward a higher density housing form. The Strategy however does not make mention of the use or development of the land for office. The southern side of Nixon Street is identified within Precinct 5 –Office and Higher Density Residential. The development of the land for an office with shop-top housing is identified as an objective within the CBD, thus providing some support for the proposal.

Other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

Amendment VC 104 was gazetted on 22 August 2013 implementing the Commercial 1 Zone to replace the existing Business 1 and 5 zones. The gazettal which occurred after the application was made removed the need for the use of the land for an office to be approved or assessed.

Are there any significant social & economic effects?

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

Discuss any other relevant Acts that relate to the application?

Subdivision Act 1998 – the applicant will be required should a permit grant be required to make application for certification under the subdivision Act.

Conclusion

The development is generally supported by the State and Local Planning Policies through the provision of a large scale community facility (medical centre) within the identified Shepparton CBD. The design of the development provides suitable setbacks to the existing residential areas and along the zone interface with design elements to respect the transition between the two zones.

Following a review and assessment of the applicant's supporting traffic impact report, Council officers do not consider that the request for a waiver of the payment in lieu of car parking is justified, given the significant reduction of on site car parking and the limited availability of on street car parking in the immediate area. Should a permit grant for the application, the inclusion of a condition requiring a payment in lieu must as required by the Schedule to the Parking Overlay. This payment as discussed would be used to investigate and implement parking in the section of Nixon Street adjacent the subject land, thus providing an acceptable parking solution for the proposed development in the long term and further development of the locality.

The application for the development of the land, re-subdivision, display of business identification signage and reduction in parking is considered to be acceptable planning outcome when assessed against the relevant policies and objectives of the Greater Shepparton Scheme. It is therefore recommended that a permit is granted subject to conditions as outlined in the recommendation.