

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

20 May 2014

Agenda Item 10.8	Amendment C155 to the Greater Shepparton Planning Scheme: Consideration of Panel Report and Adoption of Amendment
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ATTACHMENT 2 - AUGUST ORDINARY COUNCIL MEETING MINUTES EXTRACT

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8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report
Author: Graduate Strategic Planner (Amendments)
Proof reader(s): Team Leader Strategic Planning and Manager Planning
Approved by: Director Sustainable Development

Executive Summary

The Council are requested to consider a proposal for the expansion of the existing neighbourhood activity centre in Kialla – Riverside Plaza. This requires a combined planning permit and amendment to the Greater Shepparton Planning Scheme (in accordance with Section 96A of the *Planning and Environment Act 1987*) to rezone land at 72A Riverview Drive, Kialla.

The proposal seeks the following:

- Rezoning of the land from the Residential 1 Zone to the Business 1 Zone;
- Removal of the Environmental Audit Overlay from the land;
- Amendment of the *Shepparton South Growth Corridor Outline Development Plan* (May 2013) to extend the business/commercial area to the north to accommodate the subject site; and
- Issue of a planning permit for the following:
 - Use and development of the land for Restricted Retail and an Indoor Recreation Facility (Go Kart Track)/Place of Assembly (Amusement Parlour);
 - Business Identification Signage;
 - A reduction in the car parking requirements; and
 - Removal of Easement E1 on Lot B on PS522431L.

As part of Amendment VC100, all land within the Business 1 Zone is now referred to as the Commercial 1 Zone. For the purposes of this proposal, the intent of the zone has not changed. Throughout this report, the zone applying to the land and the proposed land use zone is still referred to as the Business 1 Zone.

Specifically, this amendment will provide for an extension to Riverside Plaza to be used for restricted retail. This will expand the floor area of the existing Riverside Plaza Neighbourhood Centre by approximately 16,648m² to provide for Harvey Norman, Harvey Norman Big Buys and Fun City.

It is recommended that the Council support the preparation and exhibition of the amendment in accordance with the *Planning and Environment Act 1987*.

Moved by Cr Polan
Seconded by Cr Ryan

That, in accordance with Division 5 of the *Planning and Environment Act 1987* (the Act) for an amendment to the Greater Shepparton Planning Scheme and combined planning permit application applying to 72A Riverview Drive, Kialla, the Council:

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1. seek authorisation from the Minister for Planning to prepare the combined planning scheme amendment and planning permit; and
2. exhibit the combined amendment and permit in accordance with Section 96C of the Planning and Environment Act 1987.

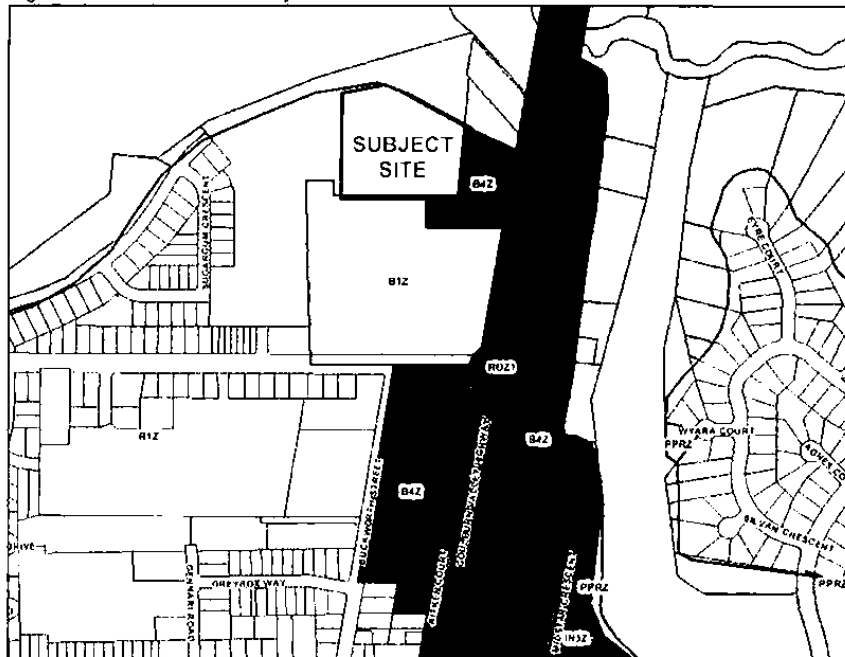
CARRIED.

Background

A request for a combined planning permit and planning scheme amendment to the Greater Shepparton Planning Scheme was received by the Council on 14 May 2013. The request proposes an expansion to the existing Neighbourhood Activity Centre in Kialla – Riverside Plaza.

The application applies to land at 72A Riverview Drive, Kialla. The subject site is approximately 17ha of land located 7.5km south of the Shepparton Central Business Area. The land is within the Urban Floodway Zone (UFZ) and the Rural Living Zone (RLZ). The land is also affected by the Land Subject to Inundation Overlay (LSIO) and Schedule 1 to the Development Plan Overlay (DPO1).

Figure 1 – Zones and Overlays





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An amendment to the Greater Shepparton Planning Scheme is required to rezone the land to allow the proposed commercial development on the site.

Specifically, the planning scheme amendment proposes the following:

- Rezone land from the Residential 1 Zone (R1Z) to the Business 1 Zone (B1Z);
- Remove the Environmental Audit Overlay (EAO) applying to the land; and
- Amend the *Shepparton South Growth Corridor Outline Development Plan* (May 2013) to extend the business/commercial area to the north over the subject site.

It is proposed to remove the EAO as the proposed uses for the site are not 'sensitive uses' (i.e. residential use, child care centre, pre-school centre or primary school) – as a result, the EAO is deemed unnecessary. As part of the exhibition process, the Environment Protection Agency (EPA) will be formally consulted and provided with an opportunity to comment on the proposal.

A combined planning permit request has been lodged in accordance with Section 96A of the *Planning and Environment Act 1987*, to be progressed in conjunction with this planning scheme amendment, for the use and development of the site for a Restricted Retail and Indoor Recreation Facility/Place of Assembly. Specifically, the planning permit allows:

- Use and development of the land for Restricted Retail and an Indoor Recreation Facility (Go Kart Track)/Place of Assembly (Amusement Parlour);
- Business Identification Signage;
- A reduction in the car parking requirements; and
- Removal of Easement E1 on Lot B on PS522431L.

Easement E1 is for water and drainage on the site, which will be accommodated by the proposed development. The removal of this easement is required as it traverses the area in which the extension is proposed to be constructed. Goulburn Valley Water (GVW) has been consulted and has not objected to the proposal.

The planning scheme amendment and planning permit will expand the floor area of the existing Riverside Plaza Neighbourhood Centre by approximately 16,648m² by providing three new businesses as outlined below:

- Harvey Norman 7,125m²;
- Harvey Norman (Big Buys) 4,437m²;
- Fun City 4,718 m²; and
- Associated administration offices 368m².

The existing Harvey Norman store, currently located 700 metres to the south of the subject site, will close and be relocated to Riverside Plaza if the proposed planning scheme amendment proceeds.

Big Buys is a new Harvey Norman store concept that offers a range of products including camping, fitness, baby products, sports, music gear, kitchenware, travel gear and toys. The new Harvey Norman format includes online shopping and has four locations in Australia, at Melbourne, Sydney, Brisbane and Adelaide.

Fun City is an entertainment venue, extensively aimed at children. Facilities include go karting, laser tag and video games.



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The proposal, in effect, would add a bulky goods and leisure component to the existing retail complex at the Riverside Plaza Neighbourhood Activity Centre.

Assessment under the Planning and Environment Act 1987:

- Objective (a) *'to provide for the fair, orderly, economic and sustainable use and development of land'*
- Objective (c) *'to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria'*
- Objective (g) *'to balance the present and future interest of all Victorians'*

The proposal meets objectives (a), (c) and (g) of planning in Victoria by providing for the orderly, economic and sustainable use and development of land in the municipality. The amendment helps to strengthen the existing businesses and the economy of the region through the co-location of the proposed development adjacent to an existing Neighbourhood Activity Centre. This ensures that the development is highly accessible to the local community and is not proposing an out-of-centre development.

The amendment proposes to balance the interests of the community through the provision of a high quality, unique retail experience that will not detract from, nor be detrimental to, the CBD shopping precinct. The amendment will also ensure a pleasant, efficient and safe working, living and recreational environment by generating regional benefits through additional employment and service provision.

Assessment under the Greater Shepparton Planning Scheme:

Clause 21.02 (Key Influences and Issues) –

'There is a high local dependence and reliance upon the agricultural sector as a source of local employment and wealth. This regional strength can also be the region's vulnerability, particularly in the face of climate change and local environmental constraint.'

Clause 21.03 (Vision, Sustainability Principles and Strategic Directions) –

The economic development principle outlined at this clause is to *promote economic growth, business development and diversification, with a focus on strengthening the agricultural industry.*

Clause 21.05-2 (Floodplain and Drainage Management) –

This clause identifies the potential issues from flooding and floodplain areas. The objective for this clause is to *recognise the constraints of the floodplain on the use and development of land.*

Clause 21.06 (Economic Development) –

The objective of this clause is *'to have a hierarchy of viable activity centres'*. The *2030 Business Framework Plan* in this clause designates the subject land for *'future/expanded neighbourhood centres'*.

Clause 21.06-4 (Commercial Centres) –

This clause identifies *that there will be a demand for 20,660m² of additional retail floor space by 2011, with another 40,570m² supported by the forecast population growth from 2011 to 2030.* Shepparton South is nominated as a Neighbourhood/Township Centre. It is identified here that a *further*



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neighbourhood shopping centre may be needed to serve the residents in the southern corridor.

The proposal achieves the objectives of the relevant Local Planning Policy Framework by providing employment diversity, economic growth and reducing the reliance on the agricultural sector, which consequently provides more stability to the local economy. It also supports the existing Neighbourhood Activity Centre and assists in alleviating some of the demand for commercial floor space, whilst not encouraging out-of-centre development.

The proposal will create 88 new jobs (excluding the 65 existing jobs at Harvey Norman which will be transferred to the new Harvey Norman), 109 indirect jobs and result in a \$16M development (according to the Economic Impact Assessment Report).

Amending the Development Plan

The subject land is affected by the Development Plan Overlay. The approved Development Plan applying to this land is the *Shepparton South Growth Corridor Outline Development Plan* (ODP). The amendment that brought this ODP into effect was Amendment C11. It was gazetted on 27 November 2003. This ODP guides the future use and development of land within the Shepparton South Growth Corridor. In this ODP, the land is designated for 'conventional residential' development. The current proposal is for an expansion of the business/commercial land immediately to the south onto the subject land. This expansion is not considered to be generally in accordance with the ODP.

A permit cannot be granted for the use or development of land that is not "generally in accordance" with an approved ODP. An amendment to an ODP can be approved by the Council, if required. There is no process for exhibiting the plan or for the public to make submissions. This ODP was last amended in May 2013 and another amendment to the ODP is proposed to facilitate the proposed development. This amendment will designate the subject land for 'business/commercial' so that the proposed development is 'generally in accordance' with the approved ODP. The proposed amendment to the ODP is considered to be an appropriate planning outcome as it is a strategic expansion of an existing Neighbourhood Activity Centre.

Traffic

- The subject site has three main vehicle entrances; one from Riverview Drive and two from the service road off the Goulburn Valley Highway. An additional entrance for trucks is located off Riverview Drive. The proposed expansion of the Plaza will utilise these existing entrances and the internal road network. An increase in the number of car parking spaces and the additional u-turn provisions for delivery vehicles and semi-trailers will be included as part of this expansion. The operation of delivery vehicles will not conflict with the internal road network, the treatment of cross intersections and pedestrian movement safety.

A Traffic Impact Assessment Report (TIAR) has been prepared by Paffrath Consulting. This TIAR found that the traffic generation from the proposed extension will have no adverse impacts on the current level of traffic on Riverview Drive or Goulburn Valley Highway and can be accommodated by the surrounding road network.

The Council's Planning Department and Development Engineering Department have undertaken an initial review of the TIAR and have engaged TrafficWorks to undertake a Peer Review. The Peer Review states:

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"The TIAR prepared by Paffrath Consulting has overlooked the assessment of impacts resulting from traffic generated by a proposed expansion of the retail complex at Riverside Plaza, Kialla in several areas, including:

- *The operation of the signalised intersection of Goulburn Valley Highway with Riverview Drive;*
- *The right turn into Access C from Riverview Drive to prevent queues from interfering with the flow of westbound traffic departing from the highway intersection;*
- *Delivery access to new tenancies 1, 2 and 3, including conflict with the internal roadway and relocated truck turning area;*
- *Treatment of the cross intersection within the car park extension;*
- *Safe pedestrian movements across the car park extension;*
- *Use of the 6m lane around the east side of tenancy 3; and*
- *Queuing at the departures from Access A and B."*

The TIAR did not consider the impacts of increased truck movements and parking space usage as a result of the development. The Planning Department has requested that the applicants update their TIAR to fully consider these issues.

Engineers from Paffrath Consulting are undertaking further work regarding the existing traffic conditions and any potential traffic impacts of the proposal. To date, this work has found that in peak periods, the queue lengths at the Goulburn Valley Highway/Riverview Drive and the Service Road intersections are at a tolerable level and the current traffic levels do not adversely affect the adjoining lane or the wider road network. The phasing of the signals is being further reviewed and may be modified as a result of this work if required. Any further work on the TIAR will be further reviewed by TrafficWorks to confirm the findings of the report by Paffrath Consulting.

It is foreseen that any impact that the proposed development may have on the existing road network will be minimal and can be accommodated through the extension of existing right-hand turning lanes or by altering the phasing associated with existing traffic lights at the Riverview Drive/Goulburn Valley Highway intersection. These requirements can be the subject of a condition on the exhibited planning permit to ensure that there are no negative impacts. The developer will be responsible for any costs associated with upgrading the existing road network and any related traffic infrastructure.

Car Parking

Car Parking has been considered within the TIAR. The existing development provides 611 on site car parking spaces. The proposed development seeks to increase the onsite car parking by 158 spaces to 769 onsite spaces.

An Empirical Assessment of Car Parking Demand has been undertaken by TrafficWorks as part of the assessment of the impacts of the proposed development. This fully evaluated the existing car parking conditions and any additional car parking requirements that the proposed development may generate. This assessment found that 30-47% of existing car parking spaces are utilised at present, including during peak times. The empirical assessment has determined that sufficient has been proposed by the applicant.



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Flooding

Although the site is affected by the Land Subject to Inundation Overlay, the proposal deals appropriately with drainage and retention matters to ensure that the floodplain is not adversely impacted by the development.

At the request of the Goulburn Broken Catchment Management Authority (GBCMA), the Council engaged Cardno to undertake a model of flood behaviour to establish potential flood impacts on adjoining properties. This flood model showed that the proposal would not have a detrimental impact on flood paths in the area.

The flood model by Cardno has been reviewed by the GBCMA. In a letter from the GBCMA received by the Council on 18 July 2013, the GBCMA states that the flood model *“establishes minimal impacts in the general area, with minor impact (up to 0.031m) within the proposed car park for the development”*. In this letter, the GBMCA do not object to the proposal and require a permit condition to be included, which states minimum floor levels of the proposed building to mitigate potential flood impacts.

Drainage

The applicant has submitted drainage plans and associated calculations. The applicant is proposing to drain the site to the regional basin within the Riverview Drive estate to the west of the land.

The Council's Development Engineering Team and the applicant have agreed that the drainage plan cannot be completed until the overall site layout is finalised – this is dependent on numerous factors including a potentially revised car parking layout. The Council's Development Engineers are confident that any drainage concerns can be resolved and the development will not be delayed.

Cultural Heritage

Advice was sought by the Council from Gaye Sutherland of GBCMA with regard to any requirements for a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006* (referred to in the following quotation as 'the Act'). Ms Sutherland stated that a voluntary CHMP should be undertaken (though is not mandatory) given the location and size of the development, and proximity to the Broken River. Ms Sutherland stated that *‘a CHMP would be the way forward as best practice in protecting cultural heritage, and would also protect the proponent from a potential breach of the Act if cultural heritage was harmed during works’*.

This advice was further supported by Richard Whiting from the Department of Transport, Planning and Local Infrastructure (DTPLI) who stated that *‘The Office of Aboriginal Affairs would strongly urge the developer to consider the requirements of the Act and to undertake a voluntary CHMP if a mandatory CHMP is not triggered. A Voluntary Plan has all the legal advantages of a mandatory plan as a statutory defence from the harm provisions in the Aboriginal Heritage Act 2006 and contingencies that avoid costly delays if undocumented Aboriginal Cultural Heritage is discovered during construction’*.

The applicant is undertaking a Due Diligence Report in place of a CHMP. This report will confirm that a full CHMP is not required due to the fact that the land has been subject to significant ground disturbance in the past. The Yorta Yorta Nation Aboriginal Corporation has been consulted and has agreed to this approach.



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Council Plan/Key Strategic Activity

Goal #3 – Economic Prosperity (Economic)

Objective #2 – 'Ensure that retail strategies deliver appropriate outcomes for the community'.

Aim – 'Council is committed to provide assistance to the retail sector with an ultimate goal of identifying how the businesses intend to offer their products or services to consumers and how to attract optimal consumer interest'.

Goal #4 – Quality Infrastructure (Built)

Objective #3 – 'Encourage sustainable municipal growth and development'.

Aim – 'Greater Shepparton City Council, as one of Australia's fastest growing inland regional cities, recognises that it is important to manage growth in a structured and sustainable manner.

In consultation with the Victorian Government and community stakeholders, we will continue to develop a planning framework that ensures that our growth and development does not compromise our enviable lifestyle'.

Risk Management

A risk assessment has been undertaken for this amendment. All risks associated with the amendment are considered to be negligible.

Risk	Likelihood	Impact	Rating	Action
Amendment not approved by Minister	Unlikely	Major	Medium	The proposal is consistent with the Greater Shepparton Planning Scheme and all environmental, social and economic impacts have been minimised.
Submissions from public	Likely	Minor	Low	Impacts on other landowners have been minimised. If required, all submissions will be referred to an Independent Planning Panel for consideration.
Amendment not finalised within timelines	Unlikely	Minor	Low	Exemptions from the Ministerial timelines for planning scheme amendments can be sought – impacts are minor. Planning Officers are taking all necessary action to ensure the timely progression of this amendment.
Adverse traffic impacts	Unlikely	Moderate	Low	A Traffic Impact Assessment Report has been prepared and Peer Reviewed. Traffic impacts resulting from this amendment have been assessed and minimised, as necessary.



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Risk	Likelihood	Impact	Rating	Action
Adverse economic impacts	Unlikely	Moderate	Low	An Economic Impact Assessment has been prepared and Peer Reviewed. Economic impacts resulting from this amendment have been assessed and minimised, as necessary.
Flood risks and impacts	Unlikely	Moderate	Low	The GBCMA has been consulted as part of the preliminary assessment of this amendment. Flood modelling has been prepared. The likely risk and impacts of flooding has been assessed and minimised, as necessary.

All stages in the amendment process will be undertaken in accordance with the *Planning and Environment Act 1987*.

Policy Considerations

This amendment is consistent with existing Council policy. The amendment supports Council policy on Economic Development.

Financial Implications

This amendment will not impose any unreasonable costs on the Council's resources or finances. The cumulative cost of the various peer reviews required to assess the impacts of the proposed development is approximately \$18,000. This includes the review of economic, traffic and car parking assessments.

The proponent of this amendment will be required to meet all costs associated with the planning permit and planning scheme amendment process. The costs associated with an Independent Planning Panel, if required, may be approximately \$40,000 and would also be met by the proponent of this amendment, not the Council.

The developer of the land will be required to meet all costs associated with the development, including any infrastructure costs. This includes infrastructure for traffic management, drainage and essential services. The ongoing maintenance costs associated with this public infrastructure will be met by the Council.

Legal/Statutory Implications

All procedures associated with this amendment comply with the legislative requirements under the *Planning and Environment Act 1987*. The amendment has been assessed in accordance with the Act and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter) – no human rights have been negatively impacted upon throughout the process.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable off-site impacts on others. Provided these issues are properly considered, it would be a rare and exceptional case where the exercise of a planning decision in accordance with the regulatory framework is not Charter compatible.

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8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

Environmental/Sustainability Impacts

The subject land is within the Land Subject to Inundation Overlay and abuts the Urban Floodway Zone associated with the Broken River to the north. At the request of the Goulburn Broken Catchment Management Authority (GBCMA), a study of flood behaviour was undertaken by Cardno to assess the flood impact of the proposed development. This flood model showed that the proposal would not have a detrimental impact on flood paths in the area.

The site will drain to the regional basin within the Riverview Drive estate to the west of the land. The overall drainage plan is being finalised by the applicant and the Council's Development Engineering Team.

There is no significant vegetation on the subject site and no significant vegetation is expected to be removed as part of this development.

As part of this amendment, it is proposed to remove the Environment Audit Overlay (EAO) currently applying to the site. It is agreed that the EAO requires deletion as the proposed uses for the site are not 'sensitive uses' (i.e. residential use, child care centre, pre-school centre or primary school) – as a result, the EAO is deemed unnecessary.

As part of the exhibition process, the Environment Protection Agency (EPA) will be formally consulted and provided with an opportunity to comment on the proposal.

There are no significant adverse environmental/sustainability impacts associated with this amendment.

Social Implications

The amendment will achieve a positive social outcome. It will facilitate new and unique entertainment and leisure opportunities within the municipality. It will result in the development of a larger neighbourhood activity centre with improved access to a diverse range of services for the wider community. The proposal will promote further utilisation of an established community space that is already serviced by public transportation.

The land is in proximity to the CBD, as well as the main Kiaila shopping strip along the Goulburn Valley Highway. The proposal adds to the existing variety of retail and entertainment options.

It is not expected that there will be any negative social impacts on adjoining land as a result of this amendment. The proposal is not for a new commercial centre, but for the expansion of an existing centre. Any negative traffic, drainage and other potential impacts have been mitigated through extensive assessment and peer review, which has informed the final development proposal.

The amendment will result in a net community benefit by providing a pleasant and safe working and recreational environment in the southern corridor of the city.

There are no significant adverse social implications associated with this amendment.



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8.3 Request for combined Planning Scheme Amendment and Planning Permit for an expansion of Riverside Plaza (continued)

Economic Impacts

An *Economic Impact Assessment Report* (May 2013) (EIA) was prepared by MacroPlan Dimasi. This report provides an assessment of the economic impacts that may result from the proposal on the existing retail base in Shepparton.

This report states that the extension to Riverside Plaza, as proposed, will have a number of important economic benefits, including:

- *"Creating a substantial activity centre in southern Shepparton that will include both traditional and bulky goods retail facilities;*
- *Increased ability and flexibility to provide for the growing future homemaker/bulky goods floor space needs of Shepparton and the surrounding region;*
- *Greater convenience and amenity for residents through the consolidation of the second homemaker/bulky goods node in Shepparton, to complement the larger node at Shepparton East, which is located a substantial distance from Kialla;*
- *Further enhancement of Shepparton's role as the regional retail destination for comparison shopping purposes. In addition, the location of Fun City at Riverside Plaza will provide new recreation/entertainment facilities, which would be attractive to families and teenagers, increasing visitation to Shepparton; and*
- *The creation of significant numbers of additional jobs."*

The report acknowledges that there will be some trading impacts on the existing retail facilities in Shepparton; however, the report found that these are likely to be minor in nature.

This EIA was Peer Reviewed by Essential Economics on 3 June 2013. The key findings of the Peer Review include:

- *"The MacroPlan Dimasi report provides a high level market assessment of the proposed expansion of the Riverside Plaza, and identifies some of the economic benefits that would be derived from the proposal. The data sources and analysis provided in the report appear sound and reasonable.*
- *However, the proposal is seeking to rezone land away from a R1Z to a B1Z to enable a homemaker/bulky goods development. This proposal is made in the context of significant vacant homemaker/bulky goods floorspace in Shepparton, and the recent closure of a number of homemaker retailers.*
- *The report should consider in more detail why additional land is required for additional homemaker/bulky goods retailing. This argument should include an analysis of future demand for homemaker/bulky goods development that takes into consideration the existing homemaker retail vacancies and the appropriateness of other appropriately zoned sites.*
- *If the report is to state that a net economic benefit will result from the proposed development, the analysis should take into consideration the impact that the loss of residential land may have on Shepparton.*
- *More detailed analysis of trading impacts may also be required.*
- *This information should be provided to enable Council to make an informed decision as to whether or not to support the proposal. This will be important if there are objectors and the proposal goes to a panel hearing."*



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Further work regarding economic impacts of the proposal has been undertaken by MacroPlan Dimasi in response to the review by Essential Economics. This further work concludes:

- *"The development proposed at the subject site could not be accommodated at a vacancy at an existing centre or at an appropriately zoned vacant site in Shepparton;*
- *The proposed development would have only a limited impact on other retailers in the region and would not threaten the viability of existing retailers; and*
- *The proposed reduction in Residential 1 zone would not have a noticeable impact on the supply of residential land in Kialla or total Shepparton."*

Following this, Essential Economics have reviewed the further work by MacroPlan Dimasi. Essential Economics believe that the work responds adequately to the key points raised in the peer review and that *"Council is in a position to make an informed assessment of the economic merits of the proposed Riverside Plaza development"*.

In accordance with the above, it is not expected that there will be any significant adverse economic implications associated with this amendment.

The development is expected to create 88 new jobs (excluding the 65 existing jobs at Harvey Norman which will be transferred to the new Harvey Norman), 109 indirect jobs and result in a \$16M development (according to the Economic Impact Assessment Report).

Consultation

This amendment has **not** been subject to any statutory exhibition or notice requirements as it is still at a preliminary assessment stage.

This amendment will be exhibited as necessary in accordance with the *Planning and Environment Act 1987*. This includes providing notice of the permit and amendment to all relevant referral authorities, prescribed Ministers and affected land owners. Notice of the permit and amendment will be advertised in the Victorian Government Gazette, the Shepparton News, on the Council's website and on the Department of Transport, Planning and Local Infrastructure's website. The permit and amendment will be exhibited for a minimum statutory period of one month. All submissions will be considered by the Council and an Independent Planning Panel will be engaged to hear submissions, if required.

Council officers believe that appropriate consultation will occur as part of this statutory process and the matter is now ready for Council consideration.

Timelines

Although it is recommended to 'prepare and exhibit' this amendment as part of this report, the development will not be occurring on the site immediately. In accordance with the statutory timelines set out in the *Planning and Environment Act 1987*, the planning scheme amendment process takes approximately twelve months before final approval is received by the Minister for Planning. Following this, the developer will need to seek all of the relevant planning and other relevant permits prior to the commencement of works on the site.



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Strategic Links

a) Greater Shepparton 2030 Strategy

Topic: Economic Development

Theme: Retail/Commercial Centres

Objective 1: *'To provide increased opportunities for local job creation'*

Objective 4: *'To have a hierarchy of viable commercial/retail centres by retaining local and visitor spending within the municipality'*

Objective 5: *'To agglomerate peripheral sales and highway services nodes in accessible and appropriately serviced locations'*

b) Other strategic links

No other strategic links have been identified.

Options for Consideration

1. Agree to the preparation and exhibition of the planning scheme amendment (preferred).
2. Do not agree to the preparation and exhibition of the planning scheme amendment. This option could result in various undesirable consequences, including:
 - Loss of economic opportunity, including increased employment;
 - Loss of anchor tenant in existing Neighbourhood Activity Centre; and
 - Loss of developer funded infrastructure improvements.

Conclusion

It is recommended that Council agree to the preparation and exhibition of the amendment in accordance with the *Planning and Environment Act 1987*.

Attachments

Nil



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Amendment C155 (Riverside Plaza Expansion) - Consideration of Submissions

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Strategic Planner (Amendments)

Proof reader(s): Team Leader Strategic Planning, Manager Planning

Approved by: Director Sustainable Development

Other: Principal Strategic Planner

Executive Summary

Amendment C155 to the Greater Shepparton Planning Scheme is a combined planning permit and planning scheme amendment facilitating the expansion of the existing Riverside Plaza neighbourhood activity centre.

Amendment C155 applies to land at 72A Riverview Drive, Kialla (part of Lot 2 on PS633121) and 8025 Goulburn Valley Highway, Kialla (Lot 1 on PS633121).

The amendment proposes to rezone a portion of the land from the Residential 1 Zone (R1Z) to the Commercial 1 Zone (C1Z). It also proposes to amend the *Shepparton South Growth Corridor Outline Development Plan* (July 2003) and the *Shepparton North and South Growth Corridors, Development Contributions Plans – December 2002* (updated October 2003).

The permit application is for use and development of the land for restricted retail premises, indoor recreation facility (go kart track) and amusement parlour in the C1Z and Land Subject to Inundation Overlay, removal of water and drainage easements, erection and display of internally illuminated pylon business identification signage, reduction in car and bicycle parking requirements and the re-subdivision of land (see *Attachment 1 – Draft Planning Permit and Drawings*).

Amendment C155 was exhibited to land owners and occupiers, referral authorities and prescribed Ministers. Eleven submissions were received by Council. Seven of these submissions were from referral authorities, who do not object to the combined planning permit and planning scheme amendment. One late submission was received from VicRoads and did not object to the proposal, but requested minor wording changes to the traffic conditions in the planning permit. The remaining three submissions object to all or part of the proposal for various reasons. The content of these submissions are detailed within the 'Background' section of this report.

Council officers are now seeking Council's:

- Consideration of the submissions received during the exhibition process.
- Endorsement of Council officers' views in response to the matters raised in submissions. These views on the matter are to be presented to the Panel Chair as Council's position.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Amendment C155 (Riverside Plaza Expansion) - Consideration of Submissions (continued)

Once the Independent Planning Panel has considered all views and provided a report including recommendations, this will be reported back to Council for a final decision on the amendment.

RECOMMENDATION

That, having considered the submissions to Amendment C155 to the Greater Shepparton Planning Scheme in accordance with Section 96B of the *Planning and Environment Act 1987*, Council endorse the Council officers' position at the Panel Hearing as outlined in this report.

Moved by Cr Polan Seconded by Cr Ryan

That, having considered the submissions in relation to proposed Amendment C155 to the Greater Shepparton Planning Scheme and the concurrent planning permit applications (in accordance with Section 96B of the *Planning and Environment Act 1987*), Council endorses the Council officers' position as outlined in this report and confirms that representations are to be made to the independent planning panel appointed in relation to this proposal generally in accordance with this report.

CARRIED.

Background

Amendment C155 to the Greater Shepparton Planning Scheme was prepared and exhibited following the Ordinary Council Meeting held on 20 August 2013 (see *Attachment 2 – August Ordinary Council Meeting minutes extract*).

Submissions

The amendment was formally exhibited from 7 November 2013 until 23 December 2013.

In January 2014, Council officers became aware that some occupiers of land that may be affected by the proposal may not have received notification during the exhibition of the amendment. As a result, a second round of notification was issued on 22 January 2014 to all occupiers that may be affected by the proposal. This second exhibition period extended until 24 February 2014, during which time submissions could be made regarding the amendment.

Further details on the extent of notice given are outlined in the 'Consultation' section of this report.

During exhibition, eleven submissions were received by Council. Seven of these submissions were received from referral authorities and did not object to the exhibited amendment. A further four submissions were received that either objected to or requested changes to the exhibited amendment. These include:

1. Submission #4 – the consultant acting on behalf of the proponent does not object to the intent of Amendment C155 but requests changes to the traffic conditions included within the exhibited planning permit (Condition 10). The submission states that the works proposed through this condition are unreasonable and will create safety and traffic issues.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Amendment C155 (Riverside Plaza Expansion) - Consideration of Submissions (continued)

2. Submission #7 – a neighbouring land owner welcomes the proposed development but raises concerns regarding overshadowing and visual amenity. The submission queries the location and height of the proposed building and any overshadowing that may result from this. The submission also requests “screen planting” along the fence line with species to complement the Broken River environs to provide a visual barrier.
3. Submission #10 – the consultant acting on behalf of the owner of the current Harvey Norman site, objects to the proposed amendment for various reasons including traffic and car parking, economic impacts, flooding, inconsistencies and inadequacies in the exhibited documentation, and CFA access.
4. Submission #11 (late submission) – VicRoads does not object to the proposal subject to minor changes to the traffic conditions included within the exhibited planning permit (Condition 10). The submission requests that part of Condition 10 refers to a drawing and requires any traffic works to be designed in accordance with this drawing (see *Attachment 3 – Drawing No. R G9-5(1)*).

Council officers' assessment

Council officers have met individually with those objecting to all or part of the proposed planning permit and planning scheme amendment. Some of the changes requested through submissions could not be accommodated. As a result, Amendment C155 has been referred to an Independent Planning Panel.

Council officers provide the following views on the four submissions that request changes to the exhibited documentation:

1. Submission #4 – The changes proposed to condition 10 of the planning permit are not supported by VicRoads and, therefore, are not supported by Council officers. Condition 10 requires only minor wording changes to clarify the works required.
2. Submission #7 – An overshadowing analysis was undertaken and demonstrated that any overshadowing caused by the proposed building would not conflict with minimum standards for residential amenity within the planning scheme. The proponent has agreed to additional tree planting and to amend condition 7 of the planning permit to reflect this.
3. Submission #10 – Traffic and car parking, economic impacts, flooding and CFA access have been assessed through the planning process and are deemed to be acceptable. The Goulburn-Broken Catchment Management Authority and the Council Fire Authority were notified during the exhibition process and did not object to the proposal. The amendment documentation and associated plans have been updated and all documentation will be revised to reflect this. No major discrepancies exist within the exhibited documentation.
4. Submission #11 – Council officers support VicRoads' submission and agree to minor wording changes to Condition 10 of the planning permit.

The Council officers' detailed assessment of each submission received to date is detailed in *Attachment 4 – Submissions Recorder*.

Mediation

Council officers held several meetings with the proponent and the consultants acting on their behalf (Submission #4) in December 2013 and January 2014. These meetings were attended by the traffic expert who prepared the Traffic Impact Assessment Report (Paffrath Consulting Pty Ltd) and the traffic expert who prepared the peer review (Traffic Works Pty Ltd) on behalf of Council, as well as representatives from VicRoads. Prior to the receipt of the late submission from VicRoads (Submission #11) dated 14 February



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Amendment C155 (Riverside Plaza Expansion) - Consideration of Submissions (continued)

2014, agreement on the quantum of traffic works required to the surrounding road network remained outstanding.

Council officers met with the neighbouring land owners (Submission #7) to address concerns raised in the submission. Council officers provided the neighbouring land owners with a copy of further information that prepared in response to Submission #7, being an overshadowing analysis and landscaping changes. Following this meeting, the neighbouring land owners provided additional written advice to the Independent Planning Panel for consideration. They have not requested to be heard at the Panel Hearing.

Council officers met with the owners of the current Harvey Norman site (Submission #10) to address concerns raised in this submission. Following this meeting, the owners of the current Harvey Norman site provided additional written advice to the Independent Planning Panel for consideration. They have not requested to be heard at the Panel Hearing.

Council officers issued the late submission (Submission #11) to the proponent of Amendment C155 for their consideration. The proponent has agreed to the traffic conditions required by VicRoads and stated that the issues raised in their original submission (Submission #4) are no longer outstanding. The proponent provided further written advice to the Panel to outline minor wording changes required to the planning permit for clarification. This includes the revision of Condition 1 of the planning permit to ensure the revised drawings and elevations are referred to. The proponent has not requested to be heard at the Panel Hearing.

Panel Hearing

An Independent Planning Panel has been appointed by the Minister for Planning. The Panel Hearing is to be held on 20 March 2014.

The Independent Planning Panel will hear all parties that have requested to be heard and will consider all written submissions. The Independent Planning Panel will provide a report to Council including recommendations regarding the proposed planning scheme amendment and planning permit within four weeks of the Panel Hearing.

Council is then required to consider the recommendations included within the Independent Planning Panel's report. Council will have three options following the receipt of this report:

1. Adopt Amendment C155 with changes recommended by the Independent Planning Panel.
2. Adopt Amendment C155 without changes recommended by the Independent Planning Panel.
3. Abandon Amendment C155.

If the Council adopt Amendment C155 (with or without changes), this position will be considered by the Minister for Planning prior to final approval.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Amendment C155 (Riverside Plaza Expansion) - Consideration of Submissions (continued)

Council Plan/Key Strategic Activity

Goal #3 – Economic Prosperity (Economic)

Objective #2 – ‘Ensure that retail strategies deliver appropriate outcomes for the community’.

Aim – ‘Council is committed to provide assistance to the retail sector with an ultimate goal of identifying how the businesses intend to offer their products or services to consumers and how to attract optimal consumer interest’.

Goal #4 – Quality Infrastructure (Built)

Objective #3 – ‘Encourage sustainable municipal growth and development’.

Aim – ‘Greater Shepparton City Council, as one of Australia’s fastest growing inland regional cities, recognises that it is important to manage growth in a structured and sustainable manner.

In consultation with the Victorian Government and community stakeholders, we will continue to develop a planning framework that ensures that our growth and development does not compromise our enviable lifestyle’.

Risk Management

A risk assessment has been undertaken for this amendment. All risks associated with the amendment are considered to be manageable.

Amendment not approved by the Minister for Planning.	Unlikely	Major	Moderate	The amendment is consistent with the Greater Shepparton Planning Scheme and was prepared in accordance with the <i>Planning and Environment Act 1987</i> . All environment, social and economic impacts have been minimised.
Amendment not finalised within timelines.	Possible	Minor	Low	Exemptions from the Ministerial timelines for planning scheme amendments can be sought and the impacts of this are minor. Council officers are taking all necessary action to ensure the timely progression of this amendment.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Amendment C155 (Riverside Plaza Expansion) - Consideration of Submissions (continued)

Adverse traffic impacts.	Unlikely	Moderate	Moderate	A traffic impact assessment report was undertaken and has been peer reviewed. Any traffic impacts resulting from the proposed development have been assessed and minimised, as necessary.
Adverse economic impacts.	Unlikely	Moderate	Moderate	An economic impact assessment report was undertaken and has been peer reviewed. Any economic impacts resulting from the proposed development have been assessed and minimised, as necessary.
Flood risks and impacts.	Unlikely	Moderate	Moderate	A model of flood behaviour was prepared as part of the preliminary assessment of this proposal. Any flooding impacts resulting from the proposed development have been assessed and minimised, as necessary. The Goulburn Broken Catchment Management Authority have been consulted throughout the preparation and exhibition of this amendment and have not lodged an objection.

All stages in the planning scheme amendment process will be undertaken in accordance with the *Planning and Environment Act 1987*.

Policy Considerations

This amendment is consistent with existing Council policy. The amendment supports Council policy on Economic Development.

Financial Implications

The proponent of this amendment will be required to meet all costs associated with the planning permit and planning scheme amendment process. The costs associated with an Independent Planning Panel may be in the vicinity of \$15,000 and would also be met by the proponent of this amendment, not Council.

Council officers have engaged the Rural Council Planning Flying Squad to meet the costs associated with the preparation of Council's submission at the Panel Hearing. This will be in the vicinity of \$15,000.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Amendment C155 (Riverside Plaza Expansion) - Consideration of Submissions (continued)

The developer of the land will be required to meet all costs associated with the future development, including any infrastructure costs. This includes infrastructure for traffic management, drainage and essential services. The ongoing maintenance costs associated with this public infrastructure will be met by Council.

Legal/Statutory Implications

All procedures associated with this amendment comply with the legislative requirements of the *Planning and Environment Act 1987* (the Act). The amendment has been assessed in accordance with the Act and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter) – no human rights have been negatively impacted upon throughout the process.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable offsite impacts on others. Provided these issues are properly considered, it would be a rare and exceptional case where the exercise of a planning decision in accordance with the regulatory framework is not Charter compatible.

Environmental/Sustainability Impacts

See *Attachment 1 – August Ordinary Council Meeting minutes extract* for a full discussion of any potential environmental/sustainability impacts.

As part of the exhibition of this amendment, the Environment Protection Agency, Department of Environment and Primary Industries and the Goulburn Broken Catchment Management Authority were issued with formal notification. None of these authorities objected to the proposed development.

No concerns have been raised through submissions regarding environmental or sustainability impacts.

There are no significant adverse environmental/sustainability impacts associated with this amendment.

Social Implications

See *Attachment 1 – August Ordinary Council Meeting minutes extract* for a full discussion of any potential social implications.

There are no significant adverse social implications associated with this amendment.

Economic Impacts

See *Attachment 1 – August Ordinary Council Meeting minutes extract* for a full discussion of any potential social implications.

There are no significant adverse economic impacts associated with this amendment.



9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Amendment C155 (Riverside Plaza Expansion) - Consideration of Submissions (continued)

Consultation

Amendment C155 was exhibited for six weeks from 7 November 2013 to 23 December 2013. Exhibition included the following:

- Letters to affected landowners;
- Letters to referral authorities;
- Letters to prescribed ministers;
- Notice in the Shepparton News;
- Notice in the Victorian Government Gazette;
- Hard copy available in the foyer of the Welsford Street Council office;
- Exhibited on Council's website; and
- Exhibited on the Department of Transport, Planning and Local Infrastructure website.

The second exhibition period extended for four weeks from 23 January 2014 to 24 February 2014. This exhibition included the following:

- Letters to affected occupiers of land;
- Hard copy available in the foyer of the Welsford Street Council office;
- Exhibited on Council's website; and
- Exhibited on the Department of Transport, Planning and Local Infrastructure website.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

Topic: Economic Development

Theme: Retail/Commercial Centres

Objective 1: *'To provide increased opportunities for local job creation'*

Objective 4: *'To have a hierarchy of viable commercial/retail centres by retaining local and visitor spending within the municipality'*

Objective 5: *'To agglomerate peripheral sales and highway services nodes in accessible and appropriately serviced locations'*

b) Other strategic links

No other strategic links have been identified.

Options for Consideration

1. Endorse the Council officers' position at the Panel Hearing (preferred).
2. Do not endorse the Council officers' position at the Panel Hearing and instruct officers to provide an alternative view. Significant changes to the officer's position may result in increases in preparation times. Council is required to comply with the requirements of Ministerial Direction No. 15 (in accordance with section 12(2)(a) of the *Planning and Environment Act 1987*) in relation to progress of the planning scheme amendment.

Conclusion

Amendment C155 to the Greater Shepparton Planning Scheme has been exhibited in accordance with the *Planning and Environment Act 1987*. At the time of writing this report, three submissions request changes to the amendment that cannot be accommodated. As a result, the amendment has been referred to an Independent Planning Panel.



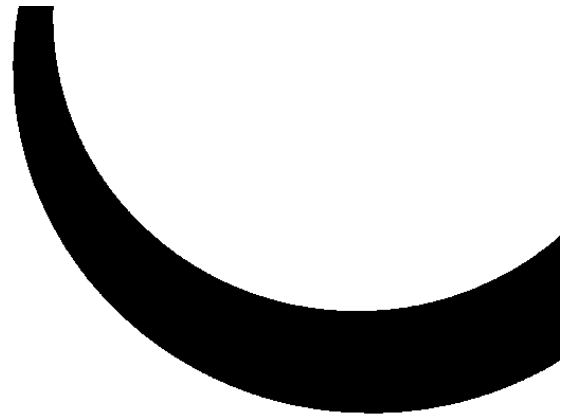
9. SUSTAINABLE DEVELOPMENT DIRECTORATE

9.2 Amendment C155 (Riverside Plaza Expansion) - Consideration of Submissions (continued)

Council should consider the submissions received and endorse the Council officers' position at the Panel Hearing.

Attachments

- | | |
|--|----------|
| 1. Draft Planning Permit and Drawings | Page 178 |
| 2. August Ordinary Council Meeting Minutes Extract | Page 198 |
| 3. Drawing RG9-5(1) | Page 212 |
| 4. Submissions Recorder | Page 213 |

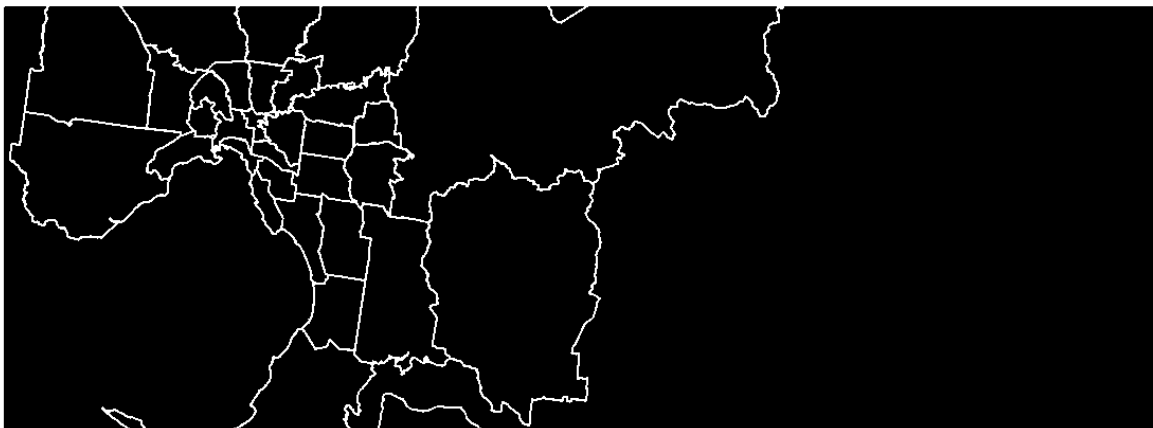


Planning and Environment Act 1987

Panel Report

Greater Shepparton Planning Scheme
Amendment C155 and Planning Permit 2013/129
Riverside Plaza Extension

23 April 2014



Planning and Environment Act 1987

Panel Report pursuant to Sections 25 and 96B of the Act

Amendment C155 to the Greater Shepparton Planning Scheme

Permit Application 2013/129

Riverside Plaza Extension

Trevor McCullough, Chair

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Appendix A List of Submitters

Appendix B Recommended Planning Permit

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List of Abbreviations

C1Z	Commercial 1 Zone
CMA	Catchment Management Authority
DCP	Development Contributions Plan
DPO	Development Plan Overlay
DSE	Department of Sustainability and Environment
DTPLI	Department of Transport, Planning and Local Infrastructure
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
GLFA	Gross Leasable Floor Area
LPPF	Local Planning Policy Framework
LSIO	Land Subject to Inundation Overlay
MSS	Municipal Strategic Statement
NDM	Not Daddy's Money Pty Ltd
ODP	Outline Development Plan
PTV	Public Transport Victoria
R1Z	Residential 1 Zone
SPPF	State Planning Policy Framework
TIA	Traffic Impact Assessment
VPP	Victoria Planning Provisions

Executive Summary

Amendment C155 to the Greater Shepparton Planning Scheme (the Amendment) was prepared by the Greater Shepparton City Council as Planning Authority. As exhibited, the Amendment proposes to rezone a portion of the land at 72A Riverview Drive, Kialla (part of Lot 2 on PS633121), from Residential 1 Zone (R1Z) to Commercial 1 Zone (C1Z). The Amendment also proposes to amend the *Shepparton North and South Growth Corridors, Development Contributions Plans* – December 2002 (updated October 2003). The Amendment includes a Planning Permit Application No 2013/129 under section 96A of the *Planning and Environment Act 1987*.

The Amendment was prepared at the request of Taylors Development Strategists Pty Ltd on behalf of the Copulous Group Pty Ltd (the Proponent).

The Amendment was placed on public exhibition between 7 November and 23 December 2013, with three submissions that opposed or requested changes to the Amendment as follows:

- The Goulburn Valley Motor Village who raised concerns about visual amenity and overshadowing;
- Not Daddy's Money Pty Ltd who raised issues with traffic and car parking, economic impacts, flooding, inconsistencies with the exhibited documents, and CFA access;
- Taylors Development Strategists Pty Ltd, on behalf of the Proponent, who requested changes to Condition 10 (traffic conditions) of the planning permit.

Council was unable to resolve all submissions and resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 21 January 2014 and comprised Trevor McCullough (Chair).

All requests to be heard were withdrawn and the Report was proposed to be written 'on the papers'. However, at Council's request, the Panel met at the offices of Greater Shepparton City Council on 20 March 2014 to clarify Council's submissions in respect of the Amendment.

The Panel has reviewed the submissions and material presented, and concludes the proposal should be supported.

Based on the reasons set out in this Report, the Panel recommends that:

1. **Amendment C155 to the Greater Shepparton Planning Scheme be adopted as exhibited, subject to the following changes:**
 - The Shepparton South Growth Corridor Outline Development Plan be amended to include the following note: *'Path access to the shopping centre is indicative only'*.
 - The proposed changes to the Shepparton North and South Growth Corridors Development Contributions Plans be abandoned.
2. Greater Shepparton Planning Permit 2013/129 be approved, subject to the revised planning permit conditions as proposed by Council and as shown in Appendix B of this report.

1 The Proposal

1.1 The subject site and surrounds

Kialla is located approximately 9 kilometres south of Shepparton and has a population of approximately 5,000. It includes the areas of Kialla Central, Kialla West, Kialla Green and Kialla Lakes, which is a major housing estate in northern Kialla. Kialla has been identified as a main growth corridor in the *Greater Shepparton 2030 Strategy*.

The subject site is 2.2 ha of vacant land at 72A Riverview Drive, Kialla, and is currently zoned Residential 1 Zone. The site can be accessed via Riverview Drive to the south, which also is the location for the Riverside Plaza neighbourhood activity centre. The Proponent proposes to extend the neighbourhood activity centre through the use of the subject land.

It is proposed that the floor area of the Riverside Plaza will be extended by approximately 16,648sqm to provide for Harvey Norman, Harvey Norman Big Buys and Fun City.

Within the vicinity of the subject site is the following:

- Vacant land to the north that is zoned Urban Floodway Zone;
- A small commercial development to the east which contains some residential development fronting Sugargum Crescent and Forest Drive. This land can be accessed from the Goulburn Valley Highway via a service road;
- A caravan park to the east, Goulburn Valley Motor Village (a submitter to the Amendment); and
- The existing Riverside Plaza to the south, which includes commercial buildings.

Figure 1 The subject site



1.2 The Amendment

Specifically, the Amendment proposes the following changes to the Greater Shepparton Planning Scheme:

- Rezone part of the land at 72A Riverview Drive, Kialla from R1Z to C1Z;
- Amend Planning Scheme Map No. 26;
- Amend Planning Scheme Map No. 22;
- Amend the Shepparton South Growth Corridor Outline Development Plan to show the subject site as 'Business/Commercial' rather than 'Conventional Residential';
- Amend the Schedule to Clause 81.01 (Incorporated Documents);
- Amend the Shepparton North and South Growth Corridors, Development Contributions Plans – December 2002 to reflect changes resulting from the subject site changing from 'Conventional Residential' to 'Business/Commercial'; and
- Amend Clause 21.09 (Reference Documents).

In addition, Planning Permit Application No. 2013/129 under section 96A of the *Planning and Environment Act 1987* seeks approval for:

- Use of land for restricted retail premises, indoor recreation facility (go kart track) and amusement parlour;
- Buildings and works in the Commercial 1 Zone and Land Subject to Inundation Overlay;
- Removal of water and drainage easements;
- Erection and display of internationally illuminated pylon business identification signage;
- Reduction in car parking requirements; and
- Re-subdivision of land

On 20 August 2013 the proponent made an application to amend the planning permit application, accompanied by a town planning report. The amendment to the planning permit application relates to the introduction of the Commercial 1 Zone (C1Z) to replace the Business 1 Zone (B1Z).

1.3 Procedural issues

Following exhibition of the Amendment, Council identified that a number of occupiers of land that may be materially affected by the Amendment had inadvertently been excluded from notification. As a result, Council issued additional letters of notification to all occupiers of land irrespective of whether they were originally notified. The submission deadline for the additional limited notification was 24 February 2014 and no further submissions were received.

Taylor's Development Strategists Pty Ltd, on behalf of the proponent Copulous Group Pty Ltd, originally requested to be heard at a Hearing, however later withdrew their submission, stating that since lodging the submission they had further considered their submission in light of VicRoads' response and withdrew their objection to the proposed Condition 10 as drafted.

On 24 February 2014, the Panel advised that they would consider the matter on the papers and there would be no public hearing. Council subsequently requested that the Panel

convene a short hearing in order that Council may present background to the Amendment and explain the consultation process undertaken. The short hearing was held on 20 March 2014 at Shepparton.

1.4 Issues dealt with in this report

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of specific sites.

This Report deals with issues raised by the following submitters:

- Copulous Group (the proponent);
- Not Daddy's Money Pty Ltd; and
- Goulburn Valley Motor Village.

The Report also discusses the following issues:

- Strategic Planning context for the proposed Amendment;
- Other Amendment issues; and
- Other planning permit issues.

2 Strategic Planning Context

Council provided a response to the Strategic Assessment Guidelines as part of its submission and Explanatory Report.

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

2.1 Policy framework

(i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the SPPF:

Clause 11.01-1 *Activity centre network*, which has the objective *To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres*. Strategies include to *Develop a network of activity centres that:*

- *Comprises a range of centres that differ in size and function*
- *Maximises choices in services, employment and social interaction.*

Clause 11.01-2 *Activity centre planning*, which has the objective *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community*. Strategies include:

- *Undertake strategic planning for the use and development of land in and around the activity centres.*
- *Give clear direction in relation to preferred locations for investment.*
- *Encourage economic activity and business synergies.*
- *Ensure Neighbourhood Activity Centres are located within convenient walking distance in the design of new subdivisions.*

Clause 11.02-2 *Planning for growth areas*, which has the objective *To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas*.

Clause 11.02-4 *Sequencing of development*, which has the following objectives:

- *To manage the sequence of development in growth areas so that services are available from early in the life of new communities.*
- *Improve the coordination and timing of the installation of services and infrastructure in new development areas.*

Clause 11.04-2 *Activity Centre hierarchy*, which has the objective *To create a network of activity centres comprising the Central Activities Districts, Principal Activity Centres, Major Activity Centres, Specialised Activity Centres and Neighbourhood Activity Centres*. It states that Neighbourhood Activity Centres should *...provide good and easy access, opportunities for co-location and the sharing of resources and support for local economic activity*.

Clause 11.05-1 *Regional settlement networks*, which has the following objectives:

- *To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.*
- *Support sustainable development of the regional cities and centres of ... Shepparton...*
- *Retain population and employment in rural areas to support rural communities.*

Clause 11.05-4 *Regional planning strategies and principles*, which has the objective *To develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable.* Strategies include:

- *Identify and assess the spatial and land use planning implications of a region's strategic directions in Regional Strategic Plans.*
- *Promote liveable regional settlements and healthy communities by:*
 - *Responding to changing community needs and facilitating timely provision of, and access to, social infrastructure and services.*

Clause 13 *Environmental risks*, under which *clause 13.02 Floodplains*, which has the strategy *to avoid intensifying the impacts of flooding through inappropriately located uses and developments.*

Clause 17.01-1 *Business*, which has the objective *To encourage development which meet the communities' 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.* Strategies include:

- *Locate commercial facilities in existing or planned activity centres.*
- *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*
- *Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*

(ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

Clause 21.02 *Key influences and issues*, which states that *The Shepparton aerodrome is located immediately to the south of the Kialla Lakes residential development on the southern side of the Shepparton urban area. Subject to a detailed feasibility analysis, the future relocation of the aerodrome could provide an option for additional urban expansion in the southern growth corridor.*

Clause 21.04-1 *Urban consolidation and growth*, which states that the *Greater Shepparton Housing Strategy 2011 (GSHS)* identifies sufficient land supply is required to accommodate housing demand, and identifies settlement boundaries.

The clause also states that a significant portion of residential growth in the short-medium term will be met by the four main growth corridors identified in the Greater Shepparton 2030 Strategy, which include the southern corridor to the south of the Broken River at Kialla.

Investigation Areas for higher density residential development include:

- *Investigation Area 1 – Kialla Paceway and Shepparton Greyhound Racing environs.*
- *Investigation Area 2 – Raftery Road, Kialla.*
- *Investigation Area 3 – Adams Road area, Kialla.*

Clause 21.04-3 *Rural Residential*, which states that *Rural living is provided for as part of the Greater Shepparton Housing Strategy and around some existing towns such as Tatura and Kialla.*

It further states that *...the area to the east of Archer Road Kialla...has been identified for longer term residential growth...*

Clause 21.04-3 *Rural Residential*, which states that *The Council is keen to ensure that the demand for low density residential development and rural living opportunities can be met through the supply of land in appropriate locations.*

Clause 21.06-5 *Commercial/Activity Centres*, which states that *Commercial/Activity Centres:*

- *Support a hierarchy of retail centres that promotes the primacy of the CBD as a multifunction 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.*
- *Identify lower order neighbourhood retail and community centres to serve convenience needs of north Shepparton, Mooroopna and Kialla.*

Clause 21.06-4 *Commercial/activity centres*, which states that *... there will be a demand for 20,660m² of additional retail floor space by 2011, with another 40,570m² supported by the forecast population growth from 2011 to 2030'. Shepparton South is nominated as a Neighbourhood/Township Centre. It is identified here that a 'further neighbourhood shopping centre may be needed to serve the residents in the southern corridor'.*

2.2 Planning scheme provisions

(i) Zones

Council proposes to rezone the subject site land from Residential 1 Zone (R1Z) to Commercial 1 Zone (C1Z). The C1Z (previously known as the B1Z) promotes vibrant mixed use commercial centres for retail, office, business, entertainment and community uses, as well as residential uses at densities complementary to the role and scale of the commercial centre. Council considers C1Z to be the most appropriate zoning in the current context.

(ii) Overlays

The subject site is affected by the following overlays:

Development Contributions Plan Overlay (DCPO), the purpose of which is *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

Development Plan Overlay – Schedule 3 (DPO3), the purpose of which is to:

- *identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *exempt an application from notice and review if it is generally in accordance with a development plan.*

Land Subject to Inundation Overlay (LSIO), the purpose of which is *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

Environment Audit Overlay, the purpose of which is *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.* This was originally sought however it has since been deemed unnecessary under Amendment C145.

(iii) Particular provisions

The following particular provisions apply:

- Clause 52.06 *Car parking*
- Clause 55.04-5 *Overshadowing open space*, which provides the ResCode requirements.

(iv) Other planning strategies

Riverside Plaza, Shepparton - Economic Impact Assessment Report

This draft report was prepared by MacroPlan Dimasi Pty Ltd in May 2013. The report provides an independent assessment of the economic issues relevant to the proposed rezoning of land immediately north of Riverside Plaza specifically resulting from introducing a bulky goods/homemaker and associated floorspace. The report's findings included:

- An expanded bulky goods retailer on the site would serve a broad regional trade area – both Shepparton/Mooroopna and a large region surrounding these towns.
- Total retail expenditure of the main trade area population is estimated at 115,090 in 2013, and by 2026 is projected to increase to \$124,090.¹
- Expenditure on bulky goods comprises approximately 20% of the total retail expenditure by residents.
- Impacts on existing retail facilities would be minor as increased retail would be attracted to the plaza.
- A net economic benefit will be received by Shepparton as a result of the proposed plaza expansion.

¹ Economic Impact Assessment Report, piii

Shepparton North and South Growth Corridors Development Contributions Plans

This document was prepared by Coomes Consulting Group Pty Ltd for Greater Shepparton City Council in December 2002 and updated in October 2003, with a revised Development Contribution Plan to be completed by June 2014. Development contributions are payments or in-kind works, facilities or services provided by developers towards the supply of infrastructure required to meet the future needs of a particular community, of which the development forms part. The proposal originally sought amendment to the development contributions plan, however this is no longer being pursued.

Shepparton South Growth Corridor Outline Development Plan

This document, produced in May 2003 by Coomes Consulting Group Pty Ltd, has been updated to include the extension of the Riverside Plaza Neighbourhood Centre over the subject land.

Greater Shepparton 2030 Strategy

This plan was adopted by Greater Shepparton City Council on 3 October 2006 and provides a blueprint for building sustainable economic activity and to maximise the quality of life in the municipality over the next 30 years.

2.3 Strategic Assessment

Having reviewed the State and local planning policy framework for the Amendment and noting the specific policies identified above, the Panel considers that the planning policy framework is supportive of the Amendment and the future expansion of the Riverside Plaza that will result.

3 Copulous Group

3.1 The Issue

Taylor's Development Strategists, on behalf of Copulous Group (the Proponent), supported the Amendment, however requested changes to condition 10 (VicRoads Road Upgrading) of the exhibited draft planning permit regarding traffic works.

3.2 Submissions

Mr Hooper of Taylor's, representing the Proponent provided the Panel with the following background material:

- Application to Amend a Planning Application.
- Town Planning Report - Section 96 Application and Background Documentation.

The Proponent initially submitted that the extent of works proposed were unreasonable and would create safety and traffic issues.

Council proposed the following revised wording of condition 10 of the permit to refer to revised drawing no RG9-5(1) dated 7 February 2014, as endorsed by Council and VicRoads:

Before the works commence detailed construction plans of road upgrades as outlined in drawing No R G9-5(1) dated 07/02/2014 must be submitted to and approved by the Responsible Authority and VicRoads.

Before the occupation of any tenancy of the development the road works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and VicRoads.

Council agreed with VicRoads' proposed wording and the Proponent has now advised that they accept this wording.

3.3 Discussion and Conclusion

The Panel agrees that the wording of Condition 10 of the draft planning permit and the extent of works requested by VicRoads is appropriate.

3.4 Recommendation

The Panel recommends that the proposed planning permit conditions be amended to include the revisions to Condition 10 as shown in the Panel Preferred version of the Permit included as Appendix B to this report.

4 Not Daddy's Money Pty Ltd

4.1 The Issues

Not Daddy's Money Pty Ltd (NDM) owns the premises where Harvey Norman is currently located. It raised a number of issues in its submission, including:

- No agreement has been made for the relocation of Harvey Norman;
- Car parking issues;
- Floodway issues;
- Fire services issues;
- Application anomalies; and
- Economic impacts.

4.2 Relocation of existing Harvey Norman

In its submission, NDM stated that *'If Harvey Norman do not have a signed long term contract with the proponent to relocate to the Riverside Plaza then the rezoning and the permit application should not be approved.'*

Council and the Proponent referred to a letter dated 23 January 2014 which provides a signed 'heads of agreement', as evidence that Harvey Norman Pty Ltd will relocate to this site, should the rezoning, permit and other approvals be obtained.

The Panel notes that such an agreement is not required in the consideration of the planning matters before the Panel, however the 'heads of agreement' as supplied does provide some confidence that the development will proceed as proposed.

4.3 Car parking

NDM stated that the Traffic Impact Assessment (TIA) did not properly assess the number of car spaces required. Referring to the *John Piper Traffic Report (2007)*, they submitted that, based on the proposed new floor area of 16,648sqm, the number of car parking spaces needed for the development extension is 516, or 3.1 car parks/100sqm Gross Leasable Floor Area (GLFA). NDM stated that the car parking assessments by the Proponent and Council's consultant did not consider that an additional 5,000sqm of vacant floor space will exist (or 34 per cent of GLFA) and that this *'...will create traffic and parking problems into the future when the site is fully tenanted'*. They submitted that this represents a shortfall of 206 car parking spaces.

At the Hearing, Council provided the following background to the car parking assessment reports:

- The TIA report was prepared in April 2013 by Paffrath Consulting, on behalf of the Proponent. This report concluded that Riverview Drive and the Goulburn Valley Highway can safely accommodate the traffic generated by the proposal.
- The TIA report was peer reviewed by Traffic Works Pty Ltd on behalf of Council (draft report dated 13 June 2013). The peer review raised the concern that the Paffrath Consulting report did not take into account the increased traffic flows at the Goulburn Valley Highway – Riverview Drive intersection.

- In response, Paffrath Consulting prepared a further report in response dated 9 August 2013. This report was peer reviewed by Traffic Works.

Council advised that there are currently 611 parking spaces provided for the Riverside Plaza Neighbourhood Centre and the proposal is to increase the number of car parking spaces to 783 spaces. Council provided a car parking assessment undertaken by Traffic Works (dated 20 August 2013) that surveyed car parking demand on Thursday 18 July 2013 from 12.00 noon to 6.00pm, and on Saturday 20 July 2013 from 9.00am to 1.00pm.² The assessment considered that *'On the assumption that the above survey periods represent normal peak usage times (excluding market days) then there appears to be adequate overall capacity available in the car park and it is unlikely to reach saturation in the present format and with the current tenancies.'*³

The results of the car parking surveys revealed that, with a total of 615 car parking spaces provided, the maximum overall occupancy was 33-34 per cent on a Thursday and 30-33 per cent on a Saturday. The maximum overall occupancy of the main car park (217 spaces) was 47 per cent on a Thursday and 39-41 per cent on a Saturday. In terms of the southeast car park (126 spaces), the maximum occupancy was 65-75 per cent on a Thursday and 90 per cent on a Saturday.⁴

The Panel has reviewed the car parking analyses and accepts Council's conclusions that car parking for the development will be adequate when the existing supply is taken into account. The Panel is satisfied that the parking analyses have been undertaken in accordance with the relevant parking provisions in the planning scheme, which provide for local conditions to be taken into account in allowing variations to the specified parking rates where a traffic impact assessment has been prepared.

The Panel concludes that car parking provided by the proposed development is in compliance with the planning scheme provisions.

4.4 Flooding

NDM submitted that the permit for the Riverside Plaza extension should be refused due to the potential impacts of flooding from the Goulburn and Broken/Seven Rivers. NDM stated that the 1:100 year flood model adopted for the Urban Flood Zone and inundation overlay is based on 1995 outdated aerial photography data. They noted that the Catchment Management Authority (CMA) are currently undertaking remodelling of the flood zone with more up to date data and the potential flooding impact should be assessed on the more recent data.

Goulburn Broken CMA provided a submission stating that they raise no objections to the proposed Amendment subject to the following planning permit condition:

The finished floor level of the proposed buildings must be constructed at least 300 millimetres above the 100-year ARI flood level of 113.4 metres AHD, i.e. 113.7 metres AHD, or higher level deemed necessary by the responsible authority.

² Council submission p6.

³ Traffic Works car parking survey notes, 20 August 2013.

⁴ Traffic Works car parking survey notes, 20 August 2013.

Council submitted that flood modelling was undertaken by Cardno with a report provided to the Goulburn Broken CMA concluding that '*...there would be minimal impact to other land as increases to peak flood levels (no more than 0.031m) would occur within the car park of Riverside Plaza.*'⁵ At the Hearing, Council further stated that Council supports the views of Goulburn Broken CMA.

The Panel considers the Goulburn Broken CMA submission is based on the most recently available modelling and should be adopted. The Panel recommends that the wording proposed in the Goulburn Broken CMA submission be included in the appropriate planning permit condition.

4.5 Fire services

NDM stated that the Amendment has not addressed issues relevant to CFA access and fire storage tank requirements.

The CFA provided a submission to the Panel stating that: '*Any construction of the development will be required to meet the required construction levels associated and are to be in accordance with the Australia Standard AS3959-2009 – Construction of Buildings in Bushfire Prone Areas.* The CFA submission further stated that it did not object to the proposal subject to the inclusion of the following permit condition:

Before development occurs, amended plans to the satisfaction of the CFA and the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and then form part of the permit. The plans must be appropriately scaled or accurately dimensioned and must be substantially in accordance with the plans submitted with application but modified to show:

- *A 6 metre wide emergency vehicle access road around the perimeter of the proposed building.*⁶

Council submitted that provision of fire services is regulated and controlled under the *Building Act 1993* and vehicle access around the building is required under the *Building Act*, with the most recent version of the plans accommodating this requirement.⁷ The amended draft planning permit reflects the CFA requirements.

The Panel is satisfied that this issue has been resolved subject to the CFA's condition being included in the planning permit.

4.6 Application anomalies

NDM stated that the planning permit should not be issued by Council until adequate details of the two lot subdivision have been provided. They stated that the plan of the proposed subdivision was not included in Draft Agreement Item D does not included details of the proposed subdivision.

⁵ Council submission p7.

⁶ CFA submission.

⁷ Council submission p10.

In response, Council stated that the plan included in the draft Section 173 Agreement and referred to in the submission was for illustrative purposes only, and is still in draft form. Final agreement will be reached as required under the relevant legislation.

The Panel is satisfied with Council's response.

4.7 Economic impacts

In its submission, NDM referred to the Economic Impact Assessment (EIA) Report by MacroPlan Dimasi Pty Ltd, and considered there are inaccuracies. NDM stated that:

- *...the proposed development could all be housed at the current Harvey Norman store site owned by Not Daddy's Money Pty Ltd and include car parking compliant with the Council Planning Provisions. There are also other sites around Shepparton that could accommodate the Fun City and Harvey Norman and Harvey Norman Big Buys.*
- *...The EIA has been misleading in its claims to economic benefit to Shepparton. Moreover the impact to the current Harvey Norman site would have significant impact on the Shepparton community.⁸*

Council stated that, in 2010, when the owner sought an increase in the shop floor space of the existing Riverside Plaza centre by a further 1000m², Council engaged SGS Economics to undertake a retail economic assessment to assist Council to make its decision.

The proponent engaged MacroPlan Dimasi to prepare the EIA report dated May 2013 (draft). The report acknowledged that minor detrimental impacts would be created on existing retail facilities, however identified the following economic benefits associated with the proposal:

- *Creating a substantial activity centre in southern Shepparton that includes both traditional and bulky goods retail facilities*
- *Increased capacity and flexibility to accommodate the growing homemaker/bulky goods future floor space needs for Shepparton and the region*
- *Greater convenience for residents in consolidating a second homemaker/bulky goods node to compliment the larger node in Shepparton East*
- *Enhancement of Shepparton's role as a regional retail destination for comparison shopping purposes*
- *Providing new recreation and entertainment facilities and increasing visitation to Shepparton*
- *Creation of a significant number of additional jobs.⁹*

On 3 June 2013, a peer review was undertaken by Essential Economics on behalf of Council, which stated that '*...the MacroPlan Dimasi economic analysis would benefit from the inclusion of consideration regarding the loss of residential land being included in the analysis, and that more detailed analysis of trading impacts should be undertaken.*¹⁰

⁸ NDM submission p6.

⁹ Council submission p7.

¹⁰ Council submission p7.

Council submitted that MacroPlan Dimasi undertook the additional work recommended by Essential Economics, and confirmed in a letter dated 28 June 2013 that *'there will not be any significant adverse economic impacts as a result of the proposal'*.¹¹

Accordingly, Council is satisfied that the economic impacts of the proposal are acceptable.

At the Hearing, the issue was discussed as to whether the Shepparton township is able to support the existence of two bulky goods retailers. Council submitted that if Harvey Norman was to remain in its current location, the proponent could potentially lease the premises to a similar sized operator. Alternatively, if Harvey Norman were to relocate to the subject site, NDM would need to attract another tenant to fill the space currently occupied.

The MacroPlan Dimasi report (May 2013) states that whilst Shepparton has experienced a downturn in its economy, as the economy improves, demand will increase for bulky goods stores. The report states that the proposed retail component of the development is estimated to have a sales potential of \$31.3 million in 2014/15, which equates to an average sales level of approximately \$2,600 per sqm across the 11,930sqm of retail floorspace.¹² The report states that most of the sales for Harvey Norman would be derived from a transfer of business from the existing store, which is currently located south in a less convenient location for customers. The report further stated the following:

- Current bulky goods in southern Shepparton is 'fragmented', at various locations, and these facilities will be consolidated into the Riverside Plaza;
- Homemaker/bulky goods is a comparative exercise, and locating several homemaker stores in a similar location provides shoppers with greater convenience and amenity;
- Shepparton is the logical destination for the provision of additional homemaker/bulky goods floorspace for the region;
- The proposed development would result in the creation of additional jobs;
- Homemaker/bulky goods does not present any significant threat to the more traditional retailing located in Shepparton and the surrounding region.¹³

At the Hearing, the proponent submitted that the planning permit application is for use and development for restricted retail and an indoor recreation facility/place of assembly, and consequently the site does not necessarily need to be used for a restricted retail premises.

Based on the submissions made and the economic analysis provided, the Panel is satisfied that the proposal will provide net economic benefits to Shepparton and surrounding region.

4.8 Conclusion

The Panel concludes that the issues raised by Not Daddy's Money Pty Ltd have been satisfactorily addressed and do not present any reason to abandon the Amendment.

4.9 Recommendations

The Panel recommends that the conditions as proposed by Goulburn Broken CMA and the CFA be included in the planning permit conditions.

¹¹ Council submission p7.

¹² MacroPlan Dimasi report, May 2013, p27.

¹³ MacroPlan Dimasi Report, p29

5 Goulburn Valley Motor Village

5.1 The Issues

Goulburn Valley Motor Village (GVMV) owns the caravan park located next to the subject site. The owners raised issues relevant to overshadowing, visual impact and vehicle access.

5.2 Overshadowing and visual amenity

In relation to overshadowing, GVMV stated that its solar access would be impeded, that some of its shared open space would be taken away, and suggested that the proponent undertake screen planting along the fence line with a species that would *...complement the natural environment of the Broken River to provide for a visual barrier to the 'tar and cement'*.¹⁴

The proponent provided shadow diagrams prior to the Hearing and Council was satisfied that any overshadowing would comply with ResCode in Clauses 54 and 55 of the Greater Shepparton Planning Scheme.

The Panel agrees, based on the information presented, that unreasonable overshadowing is not an issue.

5.3 Visual amenity

At the Hearing, the proponent agreed to additional tree planting along its common property with GVMV to address the visual impact. They suggested additional wording in the planning permit to require this.

Council considered it 'reasonable' that a landscape screen between the caravan park and the proposed building be introduced *'...to soften the visual impact of the building and to visually screen the caravan park from activities, such as vehicle movements, on the subject land.'*¹⁵ Council supported the vegetation buffer and the further condition 1(s) has been added to the final proposed version of the planning permit.

The Panel considers that the proposed Condition 1(s) of the planning permit satisfactorily addresses issues relevant to visual amenity.

5.4 Vehicle access

GVMV was concerned that their existing entrance to the caravan park would be closed. Currently, the access point to the caravan park from the highway is directly opposite the entrance to the caravan park. GVMV are concerned that southbound traffic will be required to travel past the park before turning back to the park entrance, and that this may be confusing.

Council responded that the proposed traffic works to the central median of the Goulburn Valley Highway and service lane separator, as shown in Drawing R-69-5(1) provide

¹⁴ Goulburn Valley Motor Village submission, 20 February 2014

¹⁵ Council submission p9.

approaching vehicles with reasonable and safe access to the caravan park. Council further stated that signage may be used to assist with directing people to the caravan park.

The Panel is of the view that the proposed traffic layout, along with proposed signage, will provide the safest access arrangement whilst retaining adequate vehicle access to the caravan park. The Panel does not support the addition of an outer separator break or median break adjacent to the caravan park on the basis that this would create additional uncontrolled crossing points and could be inherently unsafe. The Panel considers the proposed protected U-turn lane layout to be a much safer arrangement, particularly for vehicles towing caravans.

5.5 Recommendations

The Panel recommends that condition 1(s) regarding additional landscaping as proposed by Council be included in the planning permit conditions as shown in Appendix B of this report.

6 Other Amendment issues

6.1 The Issues

Other issues discussed at the Hearing were:

- The Shepparton South Growth Corridor ODP and
- The Shepparton North and South Growth Corridors DCP.

6.2 Submissions

Shepparton South Growth Corridor Outline Development Plan (May 2003)

As a result of the Amendment, Council proposes to amend the Shepparton South Growth Corridor Outline Development Plan (ODP), approved under the Development Plan Overlay (DPO3), to show the extension of the Riverside Plaza Neighbourhood Centre to the north over the subject land.

The exhibited ODP Plan A has been amended to show the business commercial area which was not on the original plan, and the newly constructed road network. Council also advised that the ODP shows a realignment of the two stages of residential estate to the west of the shopping centre. The ODP shows a shared path which the Panel questioned at the Hearing, in terms of how it may interact with the proposed development site.

Council confirmed that the shared path will provide a link from the highway, creek, caravan park, Riverview Drive and connection to the shopping centre, but the exact location of the path has not yet been confirmed. Following discussion at the Panel Hearing, it was agreed at the Hearing that the ODP should add a note as follows: *'Path access to the shopping centre is indicative only'*.

Shepparton North and South Growth Corridors DCP (July 2003)

Shepparton North and South Growth Corridors Development Contributions Plan (DCP) proposes recalculations to take into account a change in rates for residential and commercial areas for Schedule 2 Table 3. Following questioning by the Panel on the approach to this, Council agreed that amending the DCP is no longer desirable because the calculations would be complicated and the bulk of the subdivisions have already been developed. The benefits to be gained from re-calculating the DCP would therefore be very limited.

Council requested that the amendments to the DCP be removed from the Amendment.

The Panel agrees that there would be little value in pursuing the changes to the DCP.

6.3 Recommendations

The Panel recommends that:

- The Shepparton South Growth Corridor Outline Development Plan include the following note: *'Path access to the shopping centre is indicative only'*.
- The proposed changes to the Shepparton North and South Growth Corridors Development Contributions Plans be abandoned.

7 Other Planning Permit Issues

7.1 The Issue

Environment Protection Authority (EPA) and Public Transport Victoria (PTV) submitted that wording changes be made to the planning permit conditions, to cover issues relevant to noise and the bus stop.

7.2 Submissions

In its submission, EPA recommended that Council consider the following condition for inclusion in the planning permit:

Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.

Whilst EPA acknowledged that Council have included specific conditions around noise controls, it suggested that a general condition be included to ensure that the general requirements of the EPA guideline are met in addition to specific controls.

Public Transport Victoria (PTV) stated that as the road works proposed to access the site will impact on the bus stop in the service road on the Goulburn Valley Highway, a condition should be inserted to ensure that the bus stop is not altered without PTV consent:

The existing bus stop and associated infrastructure on the Goulburn Valley Highway must not be altered without the prior consent of Public Transport Victoria. Any alterations must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

Council agreed to the suggested wording changes and have included them in the amended planning permit conditions.

7.3 Recommendations

The Panel recommends that the conditions proposed by the EPA and PTV be included in planning permit as shown in Appendix B of this report.

Appendix A List of Submitters

No.	Submitter
1	Goulburn Broken Catchment Management Authority
2	Goulburn Valley Water
3	EPA Victoria
4	Taylor on behalf of Copulous Group
5	Department of Environment and Primary Industries (formerly DSE)
6	GM Water
7	Shepparton Park Partnership
8	Public Transport Victoria
9	CFA
10	Not Daddys Money Pty Ltd

Appendix B Recommended Planning Permit

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PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1987

Permit No.: 2013-129

Planning Scheme: Greater Shepparton

Responsible Authority: Greater Shepparton City Council

ADDRESS OF THE LAND:

Part of 72A Riverview Drive, Kialla (Lot 2 PS633121) and 8025 Goulburn Valley Highway, Kialla (Lot 1 PS633121)

THE PERMIT ALLOWS:

Use of land for restricted retail premises, indoor recreation facility (go kart track) and amusement parlour

Buildings and works in the Commercial 1 Zone and Land Subject to Inundation Overlay

Removal of water

Erection and display of internally illuminated pylon business identification signage

Reduction in car parking requirements

Reduction in bicycle parking requirements

Re-subdivision of land

Date Issued:

Date Permit comes into operation:

Signature for the Responsible Authority

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Permit No.:

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies must be provided. The plan must be generally in accordance with the plan submitted (Pop Design Studio's Plan [redacted] titled [redacted] site plan option 1 and Pop Design Studio's Plan dated [redacted] 2013 titled elevations [redacted]) with the application but modified to show:

- a) Plan showing the location of the future four metre high acoustic fence on the western boundary of the land;
- b) Replacement of colourbond iron cladding with painted concrete wall on the western elevation
- c) Location and screening of an electrical substation if one is required;
- d) On site screened waste storage area;
- e) Details of all boundary fencing;
- f) The location of all street furniture in the development;
- g) Finished floor levels and building heights taking into account the flood levels applicable to the land;
- h) The location of air conditioning/heating equipment and location of service and utility provisions for all the buildings and screening;
- i) Bicycle parking facilities for staff and visitors in the amount of 20 spaces;
- j) End of trip bicycle provisions including staff shower and change room;
- k) The footpath abutting proposed development to the south (facades) shall provide canopies or awnings over footpath areas (or buildings should have

Date Issued:	Date Permit comes into operation:	Signature for the Responsible Authority
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

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extended verandas) to provide shelter and improved amenity for pedestrians;

- l) Painted treatment of all concrete panels on the western and northern elevations;
- m) All buildings constructed with non-reflective materials;
- n) Notation to show car park to be constructed at 113.3m AHD;
- o) Installation of traffic control measures to manage vehicles entering the western loading lane from the car park;

Increased size of loading bay dimensions to comply with clause 52.07 of the scheme

2. Layout Not Altered

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

Section 173 Agreement

Before the occupation of any tenancy of the development, 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

Date Issued:	Date Permit comes into operation:	Signature for the Responsible Authority
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

Permit No:

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section 173 agreement. The agreement must provide that:

Noise Attenuation

- Prior to construction commencing for any residential purposes of the adjoining land to the west known as Riverview Park for residential purposes, the owner of the site is to construct and install a four metre high acoustic barrier on the western boundary of the land
- Prior to the installation of the acoustic barrier, detailed plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority.
- The design of the acoustic fence must be prepared in consultation by a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the responsible authority.

The said agreement is to be prepared by the Council. The 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. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

Developer Contributions

Before the occupation of any tenancy of the development, the development contributions must be paid to the responsible authority under the Development Contributions Plan Overlay 2.

Subdivision

Before the development starts an application for certification of the plan of subdivision must be made to the responsible authority under the *Subdivision Act, 1988*.

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	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

Permit No.:

Before the occupation of any tenancy of the development, the statement of compliance for the subdivision must be registered with Land Registry.

Drainage Plan and Installation Commercial

Before the commencement of any building works allowed by this permit, a properly prepared drainage plan with computations and a litter and pollutant control plan must be submitted to and approved by the responsible authority. The information submitted must be in accordance with the Infrastructure Design Manual. The plan must be generally in accordance with the drainage concept plan dated 2 May 2013 prepared by Caf Consulting, detailing how the works on the land are to be drained and must include:

- a) underground pipe drains conveying stormwater to the legal point of discharge at the existing pit at the southwest corner of the subject land;
- b) the discharge from the site shall be retarded on site to ensure a maximum discharge rate of 150 l/sec;
- c) details of discharge control device and onsite storage areas;
- d) details of the overland flow path to the north property boundary for stormwater runoff from this development and the adjacent existing property to the south;
- e) incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- f) provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the expected discharge quality emanating from the development and how this is to be treated within the existing wetland basin area;
- g) litter trapping vegetated/gravel swales in the car parking areas;
- h) details of regular cleaning and maintenance of discharge control device and litter trapping areas;
- i) documentation demonstrating how drainage will be designed so neighbouring properties are not adversely affected by the development, including water flow

Date Issued:	Date Permit comes into operation:	Signature for the Responsible Authority
	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

Permit No.:

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to and from neighbouring properties.

Before the occupation of any tenancy of the development, the drainage works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

An endorsed copy of the plan and computations will form part of this permit.

Drainage must be managed in accordance with the approved drainage plan to the satisfaction of the responsible authority.

Landscape Plan

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

- a) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- b) tree buffer on the abutting lot to the west as shown on the endorsed plan
- c) the method of preparing, draining, watering and maintaining the landscaped area;
- d) landscaping and planting within all open areas of the site;
- e) the sewer and water supply connection points;
- f) the weed management program;
- g) garden bed heights above car-park surface;
- h) all areas where vehicle overhang will occur;
- i) all landscaped areas to be used for stormwater retardation;

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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 any tenancy of the development or by such a later date as is approved by the responsible authority in writing, landscaping work (excluding the tree buffer under condition 6b) shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Car Park Plan

Before the development commences, a car park plan must be submitted to and approved by the responsible authority. When approved, the plan will then form part of the permit. Three copies of the plan must be submitted. The plan must provide but is not limited to the following:

- a) the car park must be constructed at 113.3m AHD;
- b) surfaced with an all-weather seal coat;
- c) drained in accordance with an approved drainage plan;
- d) line-marked to indicate each car parking space and all access lanes;
- e) properly illuminated with lighting including all parking areas, access aisles and loading bays designed, baffled and located to prevent any adverse effect on adjoining land;
- f) areas designated for staff car parking;
- g) treated with measures to prevent damage to fences or landscaped areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing;
- h) treated with traffic control signage and or structures as required;

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- i) security arrangements for car parking areas;
- j) location of disabled car parking bays;
- k) detailed plan of the car park with no less than 780 car parking spaces, unless a lesser number of car parking spaces is approved in writing by the responsible authority on account of accommodating landscaping, drainage or shade cloth structures pursuant to endorsed drainage and or landscape plans;
- l) plans indicating car parking spaces under shade sails.

This car park plan must be to the satisfaction of the responsible authority.

Once approved the Car Park Plan will be endorsed to form part of this permit.

The approved plan can be amended to the satisfaction of the responsible authority. The car park must be managed in accordance with the approved Car Park Plan to the satisfaction of the responsible authority.

Before the occupation of any tenancy of the development, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be constructed to the satisfaction of the responsible authority; including

- a) Surfaced with an all-weather seal coat;
- b) Drained in accordance with an approved drainage plan;
- c) Line-marked to indicate each car parking space and all access lanes;
- d) Properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
- e) Measures taken to prevent damage to fences or landscaped areas of adjoining

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properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;

- f) Provision of traffic control signage and or structures as required;
- h) Provided with signage directing drivers to the area set aside for car parking. Such signs are to be located and maintained to the satisfaction of the responsible authority. This sign must not exceed 0.3 square metres.

Car parking areas must be constructed, and drained to prevent diversion of flood or drainage waters and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Car parking spaces, access lanes and driveways must not be used for any other use, to the satisfaction of the responsible authority.

Environmental Sustainable Design

Prior to the commencement of the development, a report and schedule of all Environmentally Sustainable Design principles, materials and devices showing that the development will comply with the performance requirements of Section J (Energy Efficiency) of the Building Code of Australia, and the incorporation of any Ecologically Sustainable Development Initiatives, must be submitted to the satisfaction of the responsible authority. Such plans and report must provide but is not limited to the following:

- a) Energy efficiency measures to enhance thermal performance of the building.
- b) Location and capacity of tanks to collect roof runoff and connections to the reuse systems.
- c) Location and design of passive heating and cooling systems including natural ventilation where appropriate.
- d) Provision of energy saving circuits and switches throughout the development.

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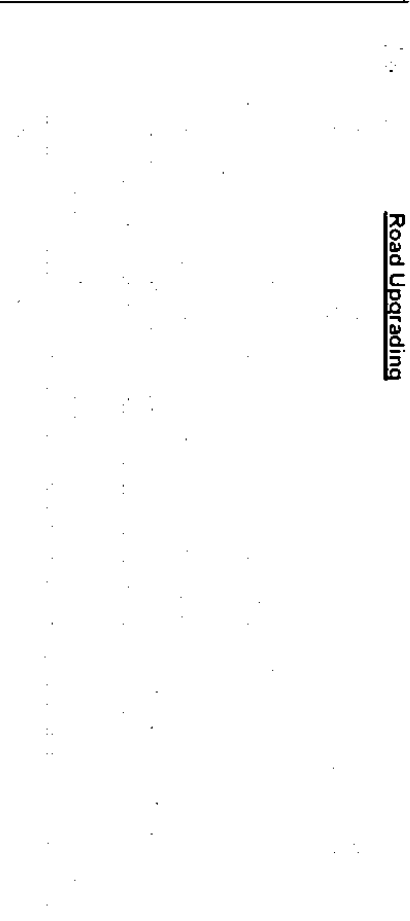
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The Ecologically Sustainable Development Initiatives will include technical measures to improve the environmental performance of the following elements of the development:

- air conditioning
- hydraulics
- ventilation and exhausts
- refrigeration
- lighting/electrical
- thermal
- waste.

Before the occupation of any tenancy of the development, the environmentally sustainable design principles must be incorporated into the buildings to the satisfaction of the responsible authority.

Road Upgrading



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Detailed Construction Plan

Before any road, drainage or landscaping works associated with the development, detailed construction 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 include:

- 1. Fully sealed pavement with kerb and channel;
- 2. Cross sections of the internal access ways;
- 3. Pedestrian paths, internal and external access ways, and loading bays showing traffic movements and truck turning paths;
- 4. Line marking plans and signage for all roads, car parking, access ways, disabled car parking and pedestrian crossings;
- 5. Street lighting layout for all car parking, loading areas and access ways. All lighting must be designed and baffled to ensure that no direct light is emitted outside the north and west boundaries of the subject land;
- 6. The location of Tactile Ground Surface Indicators (TGSIs) provided in accordance with Australian Standard AS1428.4 'Design for Access and Mobility – Part 4: Tactile Indicators';
- 7. Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road;
- 8. Signage for staff car parking;
- 9. Traffic calming measures within the car park;
- 10. Car park to be constructed to 113.3m AHD;

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- 1. Installation of concrete island to prevent vehicles entering the western loading lane from the car park;
- 2. Removal of service land access from the Goulburn Valley Highway to the caravan park and reinstatement of vegetated verge;
- 3. Installation of directional signage for the caravan park;
- 4. Riverview Drive road works;
- 5. Signal phasing;

This detailed construction plan must be to the satisfaction of the responsible authority.

Fees

- a) payment to the responsible authority of an amount up to 2.5% of the actual cost of civil works, being for costs of the responsible authority supervision of the works, as determined by the responsible authority;
- b) payment to the responsible authority of an engineering design checking fee of an amount up to 0.75% of the value of documented civil works.

Before the occupation of any tenancy of the development, the civil construction as shown on the endorsed plans and payment of fees must be completed to the satisfaction of the responsible authority.

All road, drainage and landscaping works must be constructed in accordance with the endorsed plans.

General Exterior Treatment

Before the development commences, a schedule of materials, external finishes and colours to the satisfaction of the responsible authority, must be submitted to and

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approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.

The exterior treatment of the building must be maintained to the satisfaction of the responsible authority.

Construction Phase

Before the commencement of any works on site, a construction management plan must be submitted to and approved by the responsible authority. The plan must address but is not limited to:

- a) Fencing to contain all litter, restrict vehicle access and deter unauthorised access to the site;
- b) Temporary fencing of the site during construction;
- c) Construction vehicle access point to the site during construction;
- d) Parking facilities for construction workers;
- e) Erosion and sediment control during construction. All works must be undertaken in a manner which controls sediment from the land and in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004, to the satisfaction of the responsible authority;
- f) Control of mud on roads during construction;
- g) Control of dust generation during construction;
- h) Details including contact details of a liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced during construction.

Once approved the Construction Management Plan will be endorsed and form part

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of this permit.

Council Assets

Unless identified in a written report, any damage to public infrastructure adjacent to the land at the conclusion of construction on the land will be attributed to the land. The owner/operator of the land must pay for any damage to the Council's assets/Public infrastructure by way of the development.

Loading and Unloading Times and Operation

The loading and unloading of goods from vehicles must only be carried out in the allocated loading and unloading bays and must only be made during the following times:

- 7.00am to 10pm on Monday to Saturday;
- 9.00am to 6.00pm on Sundays and public holiday.

to the satisfaction of the responsible authority.

Waste Collection must only be carried out in the allocated waste collection areas and waste collection must only be made during the following times:

- 7.00am to 6.00pm on Monday to Friday;
- 7.00am to 1.00pm on Saturdays.

to the satisfaction of the responsible authority

Noise Testing

Within six months of the use commencing, an acoustic report must be submitted to the responsible authority giving details of noise measurements to achieve compliance with the NIRV or later replacement policies, and if necessary, to recommend additional measures (physical construction and/or operation modifications) required to ensure compliance. Such measures must then be

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implemented as soon as is practical to the satisfaction of the responsible authority.

1.1. Noise Control

Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy Noise from Industry in Regional Victoria (NIRV).

In the event of complaints of noise from a nearby property, 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 NIRV or later replacement policies, and if necessary, to recommend additional 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.

Security Alarms

Before the building is occupied, any security alarm installed on the premises must be fitted with a cut off device limiting any sounding of the alarm to a maximum duration of 10 minutes, with no repeat sounding until manually reset and or silently wired to a security firm or Victoria Police.

1.1.1. Advertising Signage

Freestanding Signage

Freestanding signage on the site (other than those attached to individual tenancies) is limited to:

- one additional multi-tenanted pylon sign to a maximum height of 12 metres on the Goulburn Valley Highway frontage.

Before the commencement of any building works, full details of location, design, dimension, size, height, colour, materials of such freestanding signs are to be submitted to the responsible authority for approval. The location, design, dimension, size, height, colour, materials of such freestanding signs should complement the design and character of the development and building and should not dominate any

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building or structure to the satisfaction of the responsible authority.

All signs must be constructed in accordance with the endorsed plans and to the satisfaction of the responsible authority and maintained to the satisfaction of the responsible authority.

No additional signs, including flags, banners, bunting, streamers, sandwich-boards, windvanes or other devices considered to be used as advertising media shall be erected on the site without the prior written approval of the responsible authority.

Site maintenance

Maintenance of all buildings surrounds, common open space areas, landscaping, parking areas, roads and footpaths within the site must be carried out by the permit holder in such a manner to render the site to be neat, tidy and clean at all times to the satisfaction of the responsible authority.

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.

Aerodrome Committee

- a) Buildings to be constructed and maintained with non-reflective materials
- b) The owner acknowledges and accepts the proximity of the land to the Shepparton Aerodrome and consequently exposure to noise and visual intrusion by aircraft as a result of current and future use and development of the Shepparton Aerodrome
- c) No trees, buildings, or structures – permanent and / or temporary – to breach the Shepparton Aerodrome Obstacle Limitation Surface, any existing trees or structures that are breaching the obstacle limitation surfaces are to be removed
- d) Any proposal to build, erect, install, plant etc. in excess of five metres in height is to be referred to the Aerodrome Advisory Committee for consideration

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- e) Landowners must not install and/ or use any device that may cause electrical or radio interference with Aviation Navigation Aids

2.11. 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.

2.12. 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

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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.

2.1. **VicRoads Requirement**

The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.

2.2. **Goulburn Broken Catchment Management Authority's Requirement**

The finished floor level of the proposed building must be constructed at least 300 millimetres above the 100-year ARI flood level of 113.4 metres AHD, i.e. 113.7 metres AHD, or a higher level deemed necessary by the responsible authority.

2.3. **Powercor's Requirements**

- a) The buildings must comply with the clearances required by the *Electricity*

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Safety (Network Assets) Regulations.

- b) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- c) The Landowner/s must negotiate with Powercor Australia Ltd for an electricity supply to the development.
- d) The negotiations for the electricity supply may require a kiosk or indoor substation area, which would require a lease area and easements for electricity and carriageway.

2. Goulburn Valley Water's Requirements

- a) Payment of a new customer contribution for water supply to the development, such amount being determined by the Contribution at the time of payment.
- b) Provision of individual water supply metres to each allotment within the development.
- c) Payment of a new customer contribution 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.

All works required are to be carried out in accordance with AS3500.2 – 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section.

- e) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement.

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

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trade waste from the development into the Corporation's sewer is granted.



Time for Starting and Completion

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

- a) the development is not started within *five years* of the date of this permit;
- b) the development is not completed within *seven years* of the date of this permit.

(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment	
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IMPORTANT INFORMATION ABOUT THIS PERMIT**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - * the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

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WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of -
 - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
 - * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
 - * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
 - * An application for review must state the grounds upon which it is based.
 - * An application for review must also be served on the Responsible Authority.
 - * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.
-

Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

AMENDMENT C155

EXPLANATORY REPORT

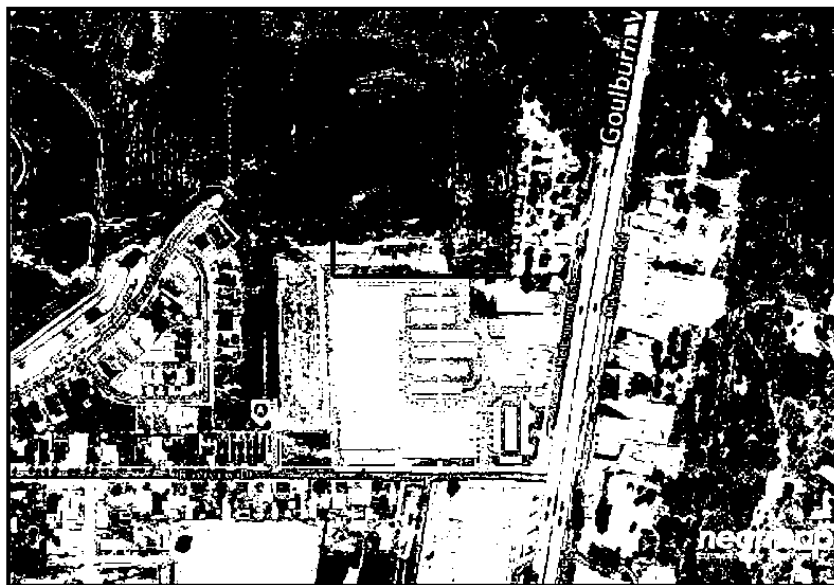
Who is the planning authority?

This amendment has been prepared by the Greater Shepparton City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Taylors Development Strategists Pty Ltd on behalf of the Copulous Group Pty Ltd.

Land affected by the amendment

The amendment applied to approximately 2.2ha of land at 72A Riverview Drive, Kialla (part of Lot 2 on PS633121).



The site was within the Residential 1 Zone and affected by the Development Contributions Plan Overlay Schedule 2, Development Plan Overlay Schedule 3 and the Land Subject to Inundation Overlay.

The site is currently vacant with no significant vegetation. Access to the site is gained from the existing Riverview Drive to the south.

To the north of the site is vacant land that is currently within the Urban Floodway Zone. To the south of the site is the existing Riverside Plaza neighbourhood activity centre that this application is seeking an extension to. There is small commercial development to the east of the site which gains access from the Goulburn Valley Highway via a service road. To the west of the site is vacant land which is zoned Residential 1 Zone. A small amount of residential development has occurred fronting Sugargum Crescent and Forest Drive.

What the amendment does

In accordance with Section 96A of the *Planning and Environment Act 1987*, the amendment was a combined planning scheme amendment (Amendment C155) and planning permit application (Planning Permit Application No. 2013/129).

The amendment rezoned a portion of the land at 72A Riverview Drive, Kialla from the Residential 1 Zone (R1Z) to Commercial 1 Zone (C1Z). It also amended the *Shepparton South Growth Corridor Outline Development Plan* (July 2003).

The amendment made the following changes to the Greater Shepparton Planning Scheme:

- Rezoned part of the land at 72A Riverview Drive, Kialla from R1Z to C1Z;
- Amended Planning Scheme Map No. 26;
- Amended Planning Scheme Map No. 22;
- Amended the *Shepparton South Growth Corridor Outline Development Plan* to show the subject site as 'Business/Commercial' rather than 'Conventional Residential'; and
- Amended Clause 21.09 (Reference Documents).

Planning Permit Application No. 2013/129 permits the:

- Use of land for restricted retail premises, indoor recreation facility (go kart track) and amusement parlour;
- Buildings and works in the Commercial 1 Zone and Land Subject to Inundation Overlay;
- Removal of water supply and drainage easement (E-1 shown on PS633121H);
- Erection and display of internally illuminated pylon business identification signage;
- Reduction in car parking requirements;
- Reduction in bicycle parking requirements; and
- Re-subdivision of land.

Strategic assessment of the amendment**Why is the amendment required?**

The combined planning permit and planning scheme amendment was required to facilitate the development of a portion of the subject site for commercial/retail and recreation uses. Specifically, this amendment provides for an extension to Riverside Plaza to be used for restricted retail. This will expand the floor area of the existing Riverside Plaza to provide for Harvey Norman, Harvey Norman Big Buys and Fun City.

The uses are defined as:

- Restricted Retail – Harvey Norman and Harvey Norman Big Buys;
- Indoor Recreation Facility (Go Karts); and
- Place of Assembly (Amusement Parlour).

Under the R1Z, the proposed uses were prohibited. This amendment rezoned the land to the Commercial 1 Zone, which facilitates the commercial development of the land.

The *Shepparton South Growth Corridor Outline Development Plan* required an amendment to delete the land designation of 'Conventional Residential' and show the site as 'Business/Commercial' to allow for the development.

The combined planning permit and planning scheme amendment was considered to be the most appropriate means of achieving the desired outcome.

How does the amendment implement the objectives of planning in Victoria?

The amendment meets objectives a, c and g of planning in Victoria by providing for the orderly, economic and sustainable use and development of land in the municipality. The amendment helps to strengthen the existing businesses and the economy of the region through the co-location of the proposed development adjacent to an existing neighbourhood activity centre. The development is highly accessible to the local community and is not an out-of-centre development.

The amendment balances the interests of the community through the provision of a high quality, unique retail experience that will not detract from, nor be detrimental to, the shopping precinct in the Shepparton central business district.

A pleasant, efficient and safe working, living and recreational environment is achieved through this amendment by generating regional benefits through additional employment and service provision.

How does the amendment address the environmental effects and any relevant social and economic effects?Environmental

Although the site is affected by the Land Subject to Inundation Overlay, the amendment deals appropriately with drainage and retention matters to ensure that the floodplain is not adversely impacted by the development.

At the request of the Goulburn Broken Catchment Management Authority (GBCMA), a model of flood behaviour to establish potential flood impacts on adjoining properties was prepared by Cardno Lane Piper Pty Ltd. This flood model showed that the development would not have a detrimental impact on flood paths in the area. The site will drain to the regional basin within the Riverview Drive estate to the west of the land.

There is no significant vegetation on the subject site and no significant vegetation will be removed as part of this development.

Advice was sought with regard to any requirements for a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*. According to this advice, a voluntary CHMP was not mandatory given the location and size of the development, and proximity to the Broken River.

The applicant undertook a Due Diligence Report in place of a CHMP. This report confirmed that a full CHMP was not required due to the fact that the land was subject to significant ground disturbance in the past.

There are no significant adverse environmental/sustainability impacts associated with the amendment.

Social

The amendment achieves a positive social outcome. It facilitates new and unique entertainment and leisure opportunities within the municipality. It results in the development of a larger neighbourhood activity centre with improved access to a diverse range of services for the wider community. The amendment promotes further utilisation of an established community space that is already serviced by public transportation.

The land is in proximity to the CBD, as well as the main Kialla shopping strip along the Goulburn Valley Highway. The amendment adds to the existing variety of retail and entertainment options.

There will be no negative social impacts on adjoining land as a result of the amendment. The amendment is not for a new commercial centre, but for the expansion of an existing

centre. Any negative traffic, drainage and other potential impacts have been mitigated through extensive assessment and peer review, which has informed the final development.

The amendment results in a net community benefit by providing a pleasant and safe working and recreational environment in the southern corridor of the city.

There are no significant adverse social implications associated with the amendment.

Economic

An *Economic Impact Assessment Report* (May 2013) (EIA) was prepared by MacroPlan Dimasi Pty Ltd. This report provided an assessment of the economic impacts that may result from the amendment on the existing retail base in Shepparton.

The report stated that the extension to Riverside Plaza has a number of important economic benefits, including: creating a substantial activity centre in southern Shepparton, increased ability and flexibility to provide for the future needs of Shepparton and the surrounding region, greater convenience and amenity for residents, further enhancement of Shepparton's role as a regional retail destination, provision of new recreation/entertainment facilities and the creation of significant numbers of additional jobs.

The report acknowledged that there would be some trading impacts on the existing retail facilities in Shepparton; however, the report found that these were likely to be minor in nature.

A peer review of the EIA was undertaken by Essential Economics Pty Ltd on behalf of Council and, as a result, further work was completed. This further work concluded that the proposed development could not be accommodated at a vacancy at an existing centre or at an appropriately zoned vacant site in Shepparton, would have only a limited impact on other retailers in the region, would not threaten the viability of existing retailers and would not have a noticeable impact on the supply of residential land in Kialla or Shepparton.

The development is expected to create 88 new jobs (excluding the 65 existing jobs at Harvey Norman, which will be transferred to the new Harvey Norman), 109 indirect jobs and result in a \$16,000,000 development (according to the Economic Impact Assessment Report).

In accordance with the above, there are no significant adverse economic implications associated with this amendment.

Does the amendment address relevant bushfire risk?

The amendment meets the objectives and gives effect to the strategies to address the risk to life as a priority, property, community infrastructure and the natural environment from bushfire in the State Planning Policy Framework (Clause 13.05-1) as the site is not exposed to extreme bushfire hazard and the site is located within the urban growth boundary.

The amendment is consistent with the Local Planning Policy Framework objectives and strategies that apply to bushfire risk. No local policy for bushfire risk management is required to support the amendment as bushfire mitigation measures can be readily implemented and the risk can be reduced to an acceptable level.

The CFA were provided with further opportunity to comment on this proposal during the formal exhibition process associated with this combined planning permit and planning scheme amendment.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment was evaluated in accordance with the strategic considerations provided by Ministerial Direction 11 regarding the Strategic Assessment of Amendments and is consistent with these requirements.

The amendment was consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment is consistent with, and gives effect to, the State Planning Policy Framework, including:

Clause 11 (Settlement) –

The overall objective of this clause is for *'planning to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.'*

Clause 11.01-2 (Activity centre planning) –

The objective at this clause is *'to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.'*

Clause 11.05 (Regional development) –

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

Clause 11.05-4 (Regional planning strategies and principles) –

It is highlighted at this sub clause that it is import to *'strengthen networks of settlements by maintain and improving transport links, spatial patterns of service delivery, and promoting commercial relationships and community activities.'*
Also highlighted at this sub clause is the importance of *'strengthening settlements by ensuring that retail, office-based employment, community facilities and services are concentrated in central locations.'*

Clause 13.02 (Floodplains) –

The objective at this sub clause is to *'assist the protection of:*

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

Clause 17 (Economic Development) –

The objectives for this clause are for planning *'to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity; and to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.'*

Clause 17.01 (Commercial) –

The objective at this sub clause is *'to encourage development which meets the communities' 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.'*

The amendment achieves the objectives of the relevant State Planning Policies by providing a development that delivers significant employment opportunities and retail diversity for both the current future population of Shepparton and the broader region in a defined activity centre. It also facilitates a strong commercial relationship between the subject site and the existing neighbourhood activity centre to the south. The development is not out-of-centre and provides strong links to already established businesses and provides for recreational and entertainment facilities.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment is consistent with, and gives effect to, the Local Planning Policy Framework, including:

Clause 21.02 (Key Influences and Issues) –

‘There is a high local dependence and reliance upon the agricultural sector as a source of local employment and wealth. This regional strength can also be the region’s vulnerability, particularly in the face of climate change and local environmental constraint.’

Clause 21.05-2 (Floodplain and Drainage Management) –

This clause identifies the potential issues from flooding and floodplain areas. The objective for this clause is *‘to recognise the constraints of the floodplain on the use and development of land.’*

Clause 21.06 (Economic Development) –

The objective of this clause is *‘to have a hierarchy of viable activity centres’*. The *2030 Business Framework Plan* in this clause designates the subject land for *‘future/expanded neighbourhood centres’*.

Clause 21.06-4 (Commercial Centres) –

This clause identifies *‘that there will be a demand for 20,660m² of additional retail floor space by 2011, with another 40,570m² supported by the forecast population growth from 2011 to 2030.’* Shepparton South is nominated as a Neighbourhood/Township Centre. It is identified here that a *‘further neighbourhood shopping centre may be needed to serve the residents in the southern corridor.’*

The amendment achieves the objectives of the relevant Local Planning Policy Framework by providing employment diversity, economic growth and reducing the reliance on the agricultural sector, which consequently provides more stability to the local economy. It also supports the existing neighbourhood activity centre and assists in alleviating some of the demand for commercial floor space, whilst not encouraging out-of-centre development.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by using the most appropriate tools to achieve the strategic objective.

The Residential 1 Zone prohibited the use and development. The Commercial 1 Zone was the preferred zone as the relevant purpose of this zone is *‘to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses’*.

How does the amendment address the views of any relevant agency?

The planning permit application was referred and notified to relevant authorities as required. A planning permit incorporating the conditions required by authorities and Council officers forms part of the documentation.

As part of the exhibition process of this amendment, all relevant referral authorities were notified with a copy of the amendment. Any issues raised by these authorities have been addressed.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The purpose of the *Transport Integration Act 2010* is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state.

The objectives of the *Transport Integration Act 2010* relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety and health and wellbeing.

The existing neighbourhood activity centre is already served by public transport with a bus stop at the site.

A Traffic Impact Assessment Report (TIAR) was prepared, which found that the traffic generation from the development will have no adverse impacts on the current level of traffic on Riverview Drive or Goulburn Valley Highway and can be accommodated by the surrounding road network.

A peer review of this TIAR was undertaken and further work was prepared. This further work found that in peak periods, the queue lengths at the Goulburn Valley Highway/Riverview Drive and the Service Road intersections are at a tolerable level and the current traffic levels do not adversely affect the adjoining lane or the wider road network.

Any impact that the development may have on the existing road network would be minimal and will be accommodated through the extension of existing right-hand turning lanes or by altering the phasing associated with existing traffic lights at the Riverview Drive/Goulburn Valley Highway intersection.

The development increases the onsite car parking to 783 spaces. An Empirical Assessment of Car Parking Demand was undertaken, which fully evaluated the existing car parking conditions and any additional car parking requirements that the proposed development may generate. This assessment found that 30-47% of existing car parking spaces are utilised at present, including during peak times. The empirical assessment determined that sufficient car parking will be provided.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The combined planning scheme amendment and planning permit does not have an adverse impact on the resource and administrative costs of the responsible authority.

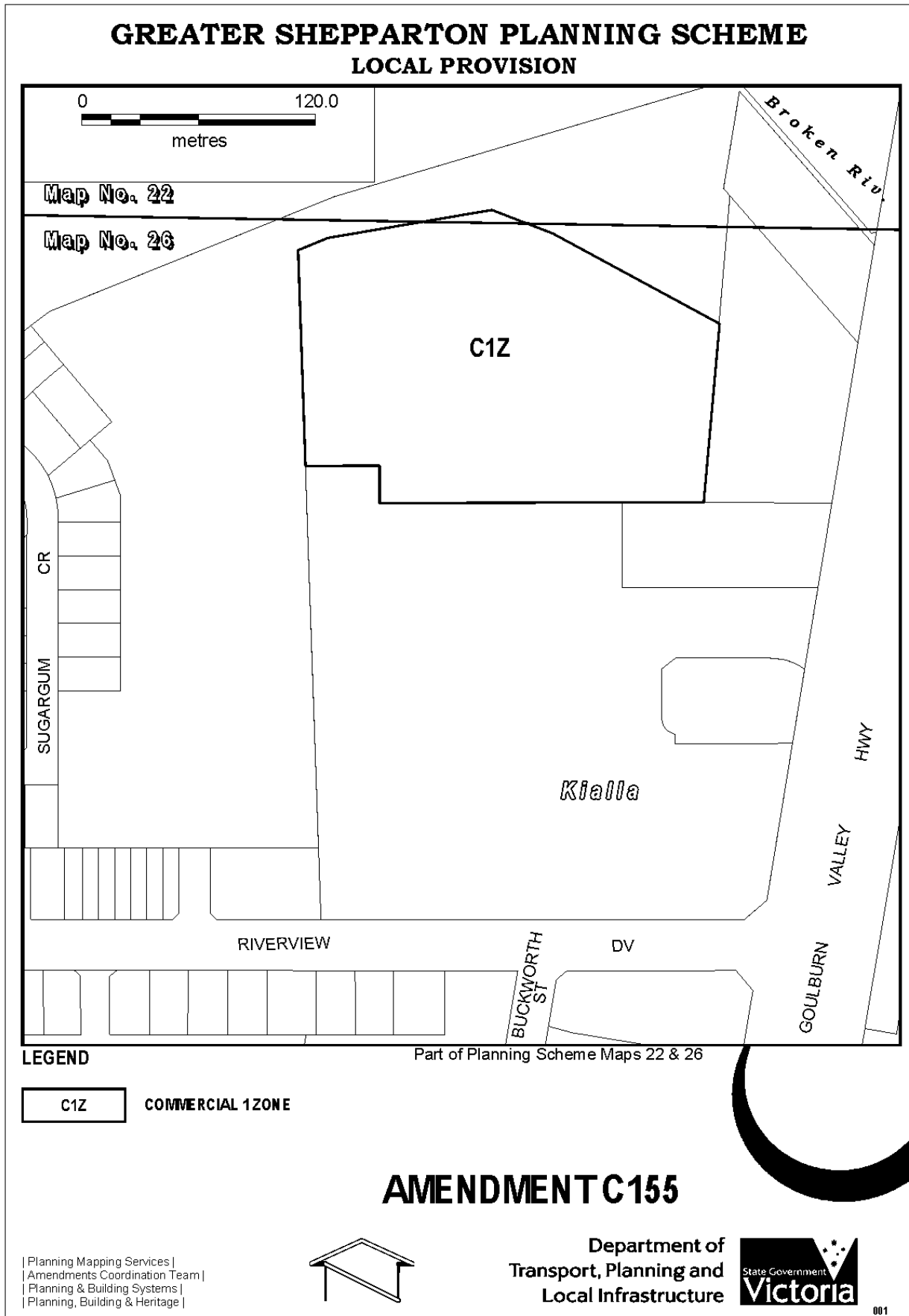
Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

- Greater Shepparton City Council, 90 Welsford Street, Shepparton.

The amendment can also be inspected free of charge at:

- the Department of Transport, Planning, and Local Infrastructure website at www.dpcd.vic.gov.au/planning/publicinspection; and
- the Greater Shepparton City Council website at www.greatershepparton.com.au.



GREATER SHEPPARTON PLANNING SCHEME

21.09 REFERENCE DOCUMENTS03/10/2013
C110 Proposed
C155**SETTLEMENT**

Encouraging Arts in the Community, City of Greater Shepparton
Greater Shepparton 2030 Strategic Report Strategy Plan 2005
Greater Shepparton Housing Strategy, David Lock Associates, 2011
Infrastructure Design Manual, Shire of Campaspe, City of Greater Bendigo, Greater Shepparton City Council
Mooroopna West Growth Corridor Structure Plan, Maunsell Australia, January 2013
Recreation and Open Space Strategy, City of Greater Shepparton, 1998
Shepparton Tertiary Education Precinct, 2004
South Shepparton Community Infrastructure Needs Assessment 2011
Technical Notes – Urban Design Specifications, City of Greater Shepparton
Urban Design Framework, City of Greater Shepparton, March 1999
Urban Design Framework – Shepparton North and South Business Areas

ENVIRONMENT

Best Policy and Practice Guidelines for Dryland Irrigation in Dryland Catchments, Goulburn Broken Catchment Management Authority, 2001
Biodiversity Map, Department of Natural Resources and Environment
Catchment and Land Protection Act, 1994
‘*City of Greater Shepparton Heritage Study Stage Two*’, Allom Lovell and Associates, 2003
Crown Land Standard Planning Permit Conditions, DSE 2003
Draft Goulburn Broken Catchment Water Quality Strategy, Goulburn Broken Catchment Management Authority, 2003
Floodplain Management Guidelines for Whole Farm Plans, Goulburn Broken CMA
Goulburn Broken Catchment Management Authority By Law 1 Waterways Protection
Goulburn Broken Catchment Strategy, Goulburn Broken CMA, 2003
Goulburn Broken Catchment Vegetation Management Strategy, Goulburn Broken CMA
Goulburn Broken Nutrient Management Strategy, Goulburn Broken CMA
Goulburn Broken Regional Floodplain Management Strategy, Goulburn Broken CMA 2002
Heritage Rivers Act 1992
Greater Shepparton Heritage Study Stage IIB, Heritage Concepts, May 2013
Land Capability Assessment for Onsite Domestic Wastewater Management, EPA Publication 746.1, 2003
Protection of Water Quality Guidelines, North East Planning Referral Group, 2001
Review of Buffer Distances Surrounding Wastewater Management Facilities, 2002, undertaken by Urban and Regional Planning for Goulburn Valley Water
Septic Tanks Code of Practice, EPA publication 891, 2003
Shepparton Floodplain Management Plan, Greater Shepparton City Council, 2002
Shepparton Irrigation Region Land and Water Salinity Management Plan, Department of Natural Resources and Environment, 1989 and 1995 review
Shepparton Irrigation Region Surface Drainage Strategy, Goulburn Murray Water, June 1995
Victoria’s Biodiversity – Directions in Management, DNRE 1997
Victoria River Health Strategy, DNRE, 2002

GREATER SHEPPARTON PLANNING SCHEME

Water (Irrigation Farm Dams) Act, 2002

ECONOMIC DEVELOPMENT

Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy, 2008

Earthworks Controls in the Shepparton Irrigation Region – Discussion and Options Paper, August 2010

Goulburn Murray Waters Regional Tourism Plan, Tourism Victoria, 1997

Goulburn Valley Freight Logistics Centre Study, Freight Logistics Bureau

Greater Shepparton - Australia's Taste Sensation, Shepparton Tourism Plan, City of Greater Shepparton, July 1997

Greater Shepparton Planning Scheme Strategic Review of Tatura Industrial Land, Keaney Planning, June 2011

Greater Shepparton Regional Rural Land Use Strategy Issues Paper, 2009

Industrial Development Guidelines, City of Greater Shepparton, December 1998

Interim Guidelines for Irrigation Development in the Goulburn Murray Region (Version 4), Goulburn Murray Water, 17 November 1998

Shepparton Landscape and Urban Design Framework, City of Greater Shepparton, March 1997

Shepparton North and South Growth Corridors, Outline Development Plan, Coomes Consulting Group P/L Spiire Pty Ltd, July 2003 April 2014

Shepparton Region Industrial Development Strategy, Shepparton-Kyabram-Rodney Development Corporation, December 1994

INFRASTRUCTURE

Community Surface Drainage Schemes – Guidelines for Design, Community Surface Drainage Co-ordinating Committee, March 1997

Greater Shepparton Bicycle Strategy Review, PBAI Australia, 2006

Municipal Transport Plan, City of Greater Shepparton, December 1998

Regional Waste Management Plan, Goulburn Valley Regional Waste Management Group, July 1998

Roadside Management Plan, City of Greater Shepparton, 1999

Shepparton Bypass Planning Study Report, Ove Arup & Partners, 1998

Significant Drainage Lines Map series, Goulburn Murray Water and Goulburn Broken Catchment Management Authority, July 1998

Surface Drainage Feasibility Study, Guilfus Congupna Community Drainage Group, December 1992

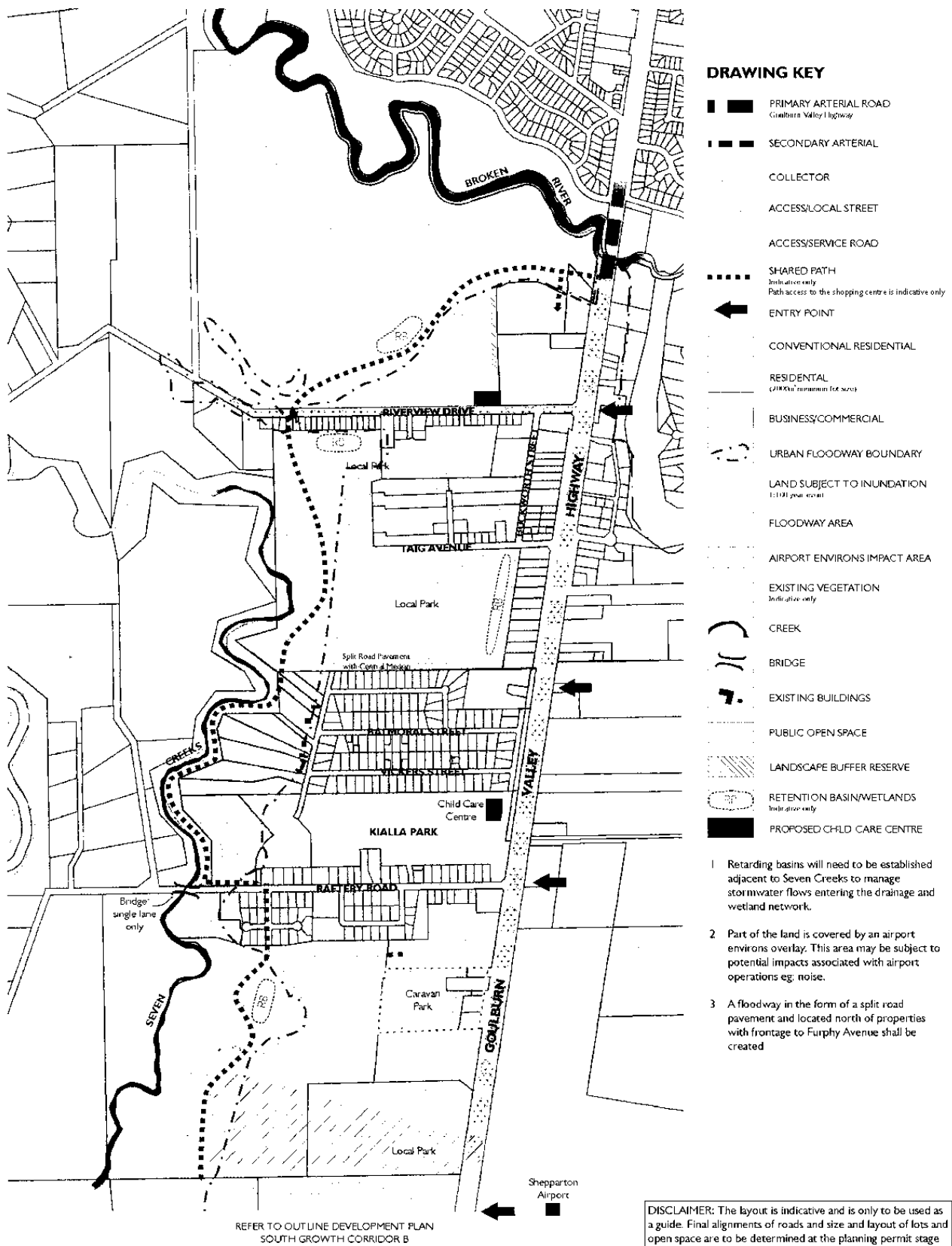


FIGURE: 3a
Shepparton South Growth Corridor Plan A

Outline Developme



5715 102a Rev E April 2014



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PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1987

Permit No.: 2013-129

Planning Scheme: Greater Shepparton

Responsible Authority: Greater Shepparton
City Council**ADDRESS OF THE LAND:**

Part of 72A Riverview Drive, Kialla (Lot 2
PS633121) and 8025 Goulburn Valley Highway,
Kialla (Lot 1 PS633121)

Date Issued:**Date Permit comes into
operation:****Signature for the
Responsible Authority**

(or if no date is specified, the permit
comes into operation on the same
day as the amendment to which the
permit applies comes into operation)

Permit No.: 2013-129 (5 March 2014) M2014/013548

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THE PERMIT ALLOWS:

Use of land for restricted retail premises, indoor recreation facility (go kart track) and amusement parlour

Buildings and works in the Commercial 1 Zone and Land Subject to Inundation Overlay

Removal of water supply and drainage easement (E-1 shown on PS633121H)

Erection and display of internally illuminated pylon business identification signage

Reduction in car parking requirements

Reduction in bicycle parking requirements

Re-subdivision of land

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies must be provided. The plan must be generally in accordance with the plan submitted (Pop Design Studio's Plan 12 December 2013 titled proposed site plan option 19 and Pop Design Studio's Plan dated 12 December 2013 titled elevations option 19) with the application but modified to show:

- a) Plan showing the location of the future four metre high acoustic fence on the

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western boundary of the land;

- b) Replacement of colourbond iron cladding with painted concrete wall on the western elevation
- c) Location and screening of an electrical substation if one is required;
- d) On site screened waste storage area;
- e) Details of all boundary fencing;
- f) The location of all street furniture in the development;
- g) Finished floor levels and building heights taking into account the flood levels applicable to the land;
- h) The location of air conditioning/heating equipment and location of service and utility provisions for all the buildings and screening;
- i) Bicycle parking facilities for staff and visitors in the amount of 20 spaces;
- j) End of trip bicycle provisions including staff shower and change room;
- k) The footpath abutting proposed development to the south (facades) shall provide canopies or awnings over footpath areas (or buildings should have extended verandas) to provide shelter and improved amenity for pedestrians;
- l) Painted treatment of all concrete panels on the western and northern elevations;
- m) All buildings constructed with non-reflective materials;
- n) Notation to show car park to be constructed at 113.3m AHD;
- o) Installation of traffic control measures to manage vehicles entering the western loading lane from the car park;
- p) Increased size of loading bay dimensions to comply with clause 52.07 of the scheme
- q) Removal of the five car parking spaces at the eastern entry to the CFA

Date Issued:	Date Permit comes into operation:	Signature for the Responsible Authority
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_____	_____	_____

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emergency access

- r) Signage informing that the CFA emergency access is not for general vehicle usage
- s) Inclusion of a landscape area on the eastern side of the CFA emergency access on the eastern boundary of the land of not less than 2m in width

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. Section 173 Agreement

Before the occupation of any tenancy of the development, 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:

Noise Attenuation

- Prior to construction commencing for any residential purposes of the adjoining land to the west known as Riverview Park for residential purposes, the owner of the site is to construct and install a four metre high acoustic barrier on the western boundary of the land
- Prior to the installation of the acoustic barrier, detailed plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority.
- The design of the acoustic fence must be prepared in consultation by a

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suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the responsible authority.

The said agreement is to be prepared by the Council. The 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. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

4. Developer Contributions

Before the occupation of any tenancy of the development, the development contributions must be paid to the responsible authority under the Development Contributions Plan Overlay 2.

5. Subdivision

Before the development starts an application for certification of the plan of subdivision must be made to the responsible authority under the *Subdivision Act, 1988*.

Before the occupation of any tenancy of the development, the statement of compliance for the subdivision must be registered with Land Registry.

6. Drainage Plan and Installation Commercial

Before the commencement of any building works allowed by this permit, a properly prepared drainage plan with computations and a litter and pollutant control plan must be submitted to and approved by the responsible authority. The information submitted must be in accordance with the Infrastructure Design Manual. The plan must be generally in accordance with the drainage concept plan dated 2 May 2013 prepared by Caf Consulting, detailing how the works on the land are to be drained and must include:

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- a) underground pipe drains conveying stormwater to the legal point of discharge at the existing pit at the southwest corner of the subject land;
- b) the discharge from the site shall be retarded on site to ensure a maximum discharge rate of 150 l/sec;
- c) details of discharge control device and onsite storage areas;
- d) details of the overland flow path to the north property boundary for stormwater runoff from this development and the adjacent existing property to the south;
- e) incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- f) provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the expected discharge quality emanating from the development and how this is to be treated within the existing wetland basin area;
- g) litter trapping vegetated/gravel swales in the car parking areas;
- h) details of regular cleaning and maintenance of discharge control device and litter trapping areas;
- i) documentation demonstrating how drainage will be designed so neighbouring properties are not adversely affected by the development, including water flow to and from neighbouring properties.

Before the occupation of any tenancy of the development, the drainage works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

An endorsed copy of the plan and computations will form part of this permit.

Drainage must be managed in accordance with the approved drainage plan to the

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satisfaction of the responsible authority.

7. Landscape Plan

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

- a) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- b) tree buffer on the abutting lot to the west as shown on the endorsed plan
- c) the method of preparing, draining, watering and maintaining the landscaped area;
- d) landscaping and planting within all open areas of the site;
- e) the sewer and water supply connection points;
- f) the weed management program;
- g) garden bed heights above car-park surface;
- h) all areas where vehicle overhang will occur;
- i) all landscaped areas to be used for stormwater retardation;

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

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

All trees planted as part of the landscape works must be a minimum height of 1.2

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metres at the time of planting.

Before the occupation of any tenancy of the development or by such a later date as is approved by the responsible authority in writing, landscaping work (excluding the tree buffer under condition 6b) shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

8. Car Park Plan

Before the development commences, a car park plan must be submitted to and approved by the responsible authority. When approved, the plan will then form part of the permit. Three copies of the plan must be submitted. The plan must provide but is not limited to the following:

- a) the car park must be constructed at 113.3m AHD;
- b) surfaced with an all-weather seal coat;
- c) drained in accordance with an approved drainage plan;
- d) line-marked to indicate each car parking space and all access lanes;
- e) properly illuminated with lighting including all parking areas, access aisles and loading bays designed, baffled and located to prevent any adverse effect on adjoining land;
- f) areas designated for staff car parking;
- g) treated with measures to prevent damage to fences or landscaped areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing;
- h) treated with traffic control signage and or structures as required;
- i) security arrangements for car parking areas;

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- j) location of disabled car parking bays;
- k) detailed plan of the car park with no less than 780 car parking spaces, unless a lesser number of car parking spaces is approved in writing by the responsible authority on account of accommodating landscaping, drainage or shade cloth structures pursuant to endorsed drainage and or landscape plans;
- l) plans indicating car parking spaces under shade sails.

This car park plan must be to the satisfaction of the responsibility authority.

Once approved the Car Park Plan will be endorsed to form part of this permit.

The approved plan can be amended to the satisfaction of the responsible authority. The car park must be managed in accordance with the approved Car Park Plan to the satisfaction of the responsible authority.

Before the occupation of any tenancy of the development, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be constructed to the satisfaction of the responsible authority; including

- a) Surfaced with an all-weather seal coat;
- b) Drained in accordance with an approved drainage plan;
- c) Line-marked to indicate each car parking space and all access lanes;
- d) Properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
- e) Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by

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- a vehicle crossing;
- f) Provision of traffic control signage and or structures as required;
- h) Provided with signage directing drivers to the area set aside for car parking. Such signs are to be located and maintained to the satisfaction of the responsible authority. This sign must not exceed 0.3 square metres.

Car parking areas must be constructed, and drained to prevent diversion of flood or drainage waters and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Car parking spaces, access lanes and driveways must not be used for any other use, to the satisfaction of the responsible authority.

9. Environmental Sustainable Design

Prior to the commencement of the development, a report and schedule of all Environmentally Sustainable Design principles, materials and devices showing that the development will comply with the performance requirements of Section J (Energy Efficiency) of the Building Code of Australia, and the incorporation of any Ecologically Sustainable Development Initiatives, must be submitted to the satisfaction of the responsible authority. Such plans and report must provide but is not limited to the following:

- a) Energy efficiency measures to enhance thermal performance of the building.
- b) Location and capacity of tanks to collect roof runoff and connections to the reuse systems.
- c) Location and design of passive heating and cooling systems including natural ventilation where appropriate.
- d) Provision of energy saving circuits and switches throughout the development.

The Ecologically Sustainable Development Initiatives will include technical measures

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to improve the environmental performance of the following elements of the development:

- air conditioning
- hydraulics
- ventilation and exhausts
- refrigeration
- lighting/electrical
- thermal
- waste.

Before the occupation of any tenancy of the development, the environmentally sustainable design principles must be incorporated into the buildings to the satisfaction of the responsible authority.

10. Vic Roads Road Upgrading

Before the works commence detailed construction plans of road upgrades as outlined in drawing No. R G9-5(1) dated 07/02/2014 must be submitted to and approved by Responsible Authority and VicRoads.

Before the occupation of any tenancy of the development the road works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and VicRoads.

11. Detailed Construction Plan

Before any road, drainage or landscaping works associated with the development, detailed construction 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 include:

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- a) Fully sealed pavement with kerb and channel;
- b) Full design details of the internal road network revisions as shown on drawing R G9 5(1) dated 7 February 2014
- c) Directional signage of the new access arrangements to the Goulburn Valley Motor Village
- d) Cross sections of the internal access ways;
- e) Pedestrian paths, internal and external access ways, and loading bays showing traffic movements and truck turning paths;
- f) Line marking plans and signage for all roads, car parking, access ways, disabled car parking and pedestrian crossings;
- g) Street lighting layout for all car parking, loading areas and access ways. All lighting must be designed and baffled to ensure that no direct light is emitted outside the north and west boundaries of the subject land;
- h) The location of Tactile Ground Surface Indicators (TGSI's) provided in accordance with Australian Standard AS1428.4 'Design for Access and Mobility – Part 4: Tactile Indicators';
- i) Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road;
- j) Signage for staff car parking;
- k) Traffic calming measures within the car park;
- l) Car park to be constructed to 113.3m AHD;
- m) Installation of concrete island to prevent vehicles entering the western loading lane from the car park;
- n) Removal of service land access from the Goulburn Valley Highway to the caravan park and reinstatement of vegetated verge;
- o) Installation of directional signage for the caravan park;

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- p) Riverview Drive road works;
- q) Signal phasing;

This detailed construction plan must be to the satisfaction of the responsible authority.

Fees

- a) payment to the responsible authority of an amount up to 2.5% of the actual cost of civil works, being for costs of the responsible authority supervision of the works, as determined by the responsible authority;
- b) payment to the responsible authority of an engineering design checking fee of an amount up to 0.75% of the value of documented civil works.

Before the occupation of any tenancy of the development, the civil construction as shown on the endorsed plans and payment of fees must be completed to the satisfaction of the responsible authority.

All road, drainage and landscaping works must be constructed in accordance with the endorsed plans.

12. General Exterior Treatment

Before the development commences, a schedule of materials, external finishes and colours to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.

The exterior treatment of the building must be maintained to the satisfaction of the responsible authority.

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13. Construction Phase

Before the commencement of any works on site, a construction management plan must be submitted to and approved by the responsible authority. The plan must address but is not limited to:

- a) Fencing to contain all litter, restrict vehicle access and deter unauthorised access to the site;
- b) Temporary fencing of the site during construction;
- c) Construction vehicle access point to the site during construction;
- d) Parking facilities for construction workers;
- e) Erosion and sediment control during construction. All works must be undertaken in a manner which controls sediment from the land and in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004, to the satisfaction of the responsible authority;
- f) Control of mud on roads during construction;
- g) Control of dust generation during construction;
- h) Details including contact details of a liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced during construction.

Once approved the Construction Management Plan will be endorsed and form part of this permit.

14. Council Assets

Unless identified in a written report, any damage to public infrastructure adjacent to the land at the conclusion of construction on the land will be attributed to the land. The owner/operator of the land must pay for any damage to the Council's

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assets/Public infrastructure by way of the development.

15. Loading and Unloading Times and Operation

The loading and unloading of goods from vehicles must only be carried out in the allocated loading and unloading bays and must only be made during the following times:

- 7.00am to 10pm on Monday to Saturday;
- 9.00am to 6.00pm on Sundays and public holiday.

to the satisfaction of the responsible authority.

Waste Collection must only be carried out in the allocated waste collection areas and waste collection must only be made during the following times:

- 7.00am to 6.00pm on Monday to Friday;
- 7.00am to 1.00pm on Saturdays.

to the satisfaction of the responsible authority

16. Noise Testing

Within six months of the use commencing, an acoustic report must be submitted to the responsible authority giving details of noise measurements to achieve compliance with the NIRV or later replacement policies, and if necessary, to recommend additional measures (physical construction and/or operation modifications) required to ensure compliance. Such measures must then be implemented as soon as is practical to the satisfaction of the responsible authority.

17. Noise Control

Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy Noise from Industry in Regional Victoria

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(NIRV).

In the event of complaints of noise from a nearby property, 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 NIRV or later replacement policies, and if necessary, to recommend additional 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.

Security Alarms

Before the building is occupied, any security alarm installed on the premises must be fitted with a cut off device limiting any sounding of the alarm to a maximum duration of 10 minutes, with no repeat sounding until manually reset and or silently wired to a security firm or Victoria Police.

18. Advertising Signage

Freestanding Signage

Freestanding signage on the site (other than those attached to individual tenancies) is limited to:

- one additional multi-tenanted pylon sign to a maximum height of 12 metres on the Goulburn Valley Highway frontage.

Before the commencement of any building works, full details of location, design, dimension, size, height, colour, materials of such freestanding signs are to be submitted to the responsible authority for approval. The location, design, dimension, size, height, colour, materials of such freestanding signs should complement the design and character of the development and building and should not dominate any building or structure to the satisfaction of the responsible authority.

All signs must be constructed in accordance with the endorsed plans and to the satisfaction of the responsible authority and maintained to the satisfaction of the responsible authority.

No additional signs, including flags, banners, bunting, streamers, sandwich-boards, windvanes or other devices considered to be used as advertising media shall be

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erected on the site without the prior written approval of the responsible authority.

19. Site maintenance

Maintenance of all buildings surrounds, common open space areas, landscaping, parking areas, roads and footpaths within the site must be carried out by the permit holder in such a manner to render the site to be neat, tidy and clean at all times to the satisfaction of the responsible authority.

20. 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.

21 Aerodrome Committee

- a) Buildings to be constructed and maintained with non-reflective materials
- b) The owner acknowledges and accepts the proximity of the land to the Shepparton Aerodrome and consequently exposure to noise and visual intrusion by aircraft as a result of current and future use and development of the Shepparton Aerodrome
- c) No trees, buildings, or structures – permanent and / or temporary – to breach the Shepparton Aerodrome Obstacle Limitation Surface, any existing trees or structures that are breaching the obstacle limitation surfaces are to be removed
- d) Any proposal to build, erect, install, plant etc. in excess of five metres in height is to be referred to the Aerodrome Advisory Committee for consideration
- e) Landowners must not install and/ or use any device that may cause electrical or radio interference with Aviation Navigation Aids

22. 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,

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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.

23 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:

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- 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.

24. VicRoads Requirement

The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.

25. Goulburn Broken Catchment Management Authority's Requirement

The finished floor level of the proposed building must be constructed at least 300 millimetres above the 100-year ARI flood level of 113.4 metres AHD, i.e. 113.7 metres AHD, or a higher level deemed necessary by the responsible authority.

26. Powercor's Requirements

- The buildings must comply with the clearances required by the *Electricity Safety (Network Assets) Regulations*.
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- The Landowner/s must negotiate with Powercor Australia Ltd for an electricity supply to the development.
- The negotiations for the electricity supply may require a kiosk or indoor

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substation area, which would require a lease area and easements for electricity and carriageway.

27. Goulburn Valley Water's Requirements

- a) Payment of a new customer contribution for water supply to the development, such amount being determined by the Contribution at the time of payment.
- b) Provision of individual water supply metres to each allotment within the development.
- c) Payment of a new customer contribution 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.

All works required are to be carried out in accordance with AS3500.2 – 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section.

- e) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement.

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.

28. Public Transport Victoria

The existing bus stop and associated infrastructure on the Goulburn Valley Highway must not be altered without the prior consent of Public Transport Victoria. Any alterations must be rectified to the satisfaction of Public Transport Victoria and at the

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cost of the permit holder.

29. Country Fire Authority

Before development occurs, amended plans to the satisfaction of the CFA and the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and then form part of the permit. The plans must be appropriately scaled or accurately dimensioned and must be substantially in accordance with the plans submitted but modified to show:

- a) A 6m wide emergency vehicle access road around the perimeter of the proposed building

30.. Time for Starting and Completion

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

- a) the development is not started within **five years** of the date of this permit;
- b) the development is not completed within **seven years** of the date of this permit.

(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment

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IMPORTANT INFORMATION ABOUT THIS PERMIT**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

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WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of -
 - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or.
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or.
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
 - * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
 - * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
 - * An application for review must state the grounds upon which it is based.
 - * An application for review must also be served on the Responsible Authority.
 - * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.
-