

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

20 October 2015

Agenda Item 10.2	Adoption of Amendment C183 (Bunnings Relocation) to the Greater Shepparton Planning Scheme	
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G R E A T E R S H E P P A R T O N
G R E A T E R F U T U R E



UNCONFIRMED MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

HELD ON
TUESDAY 21 JULY, 2015
AT 5.30PM

IN THE COUNCIL BOARD ROOM

COUNCILLORS:

Cr Dennis Patterson (Mayor)
Cr Fern Summer (Deputy Mayor)
Cr Dinny Adem
Cr Jenny Houlihan
Cr Les Oroszvary
Cr Chris Hazelman
Cr Kevin Ryan

VISION

GREATER SHEPPARTON
AS THE FOOD BOWL OF AUSTRALIA,
A SUSTAINABLE, INNOVATIVE
AND DIVERSE COMMUNITY
GREATER FUTURE



7. SUSTAINABLE DEVELOPMENT DIRECTORATE

7.4 Combined Planning Permit and Planning Scheme Amendment C183 (Bunnings Relocation) - 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: Senior Strategic Planner

Proof reader(s): Acting Team Leader Strategic Planning and Manager Planning

Approved by: Director Sustainable Development

Executive Summary

Amendment C183 to the Greater Shepparton Planning Scheme proposes to rezone approximately two hectares of land at 15-33 Fordyce Street, Shepparton from the General Residential Zone to the Commercial 2 Zone and remove the Development Plan Overlay (Schedule 1) from the land.

Concurrent with the preparation of the planning scheme amendment is a planning permit application made pursuant to Section 96A(1) of the *Planning and Environment Act 1987*.

The planning permit application is for land at 90-94 Benalla Road and part of 15-33 Fordyce Street, Shepparton to be developed with buildings and works for "Trade Supplies" and "Restricted Retail Premises" (Bunnings Warehouse).

The combined amendment/permit was exhibited from 7 May 2015 to 9 June 2015 in accordance with the *Planning and Environment Act 1987*.

Fifteen submissions have been received by Council (see *Attachment 1 – Submissions Recorder*). Of these, five objected to or requested changes to the proposed combined amendment/permit. Two additional submissions do not object to the proposed development but raise some queries and concerns.

The main queries/concerns raised in submissions include:

- Traffic and access;
- Car parking;
- Signage;
- Economic impacts;
- Rezoning justification;
- Lack of footpaths (pedestrian safety);
- Noise impacts;
- Landscaping/interface treatments; and
- Construction impacts.

Council officers will meet with submitters prior to the Panel Hearing to discuss the concerns raised in these submissions. The amendment/permit documentation will be revised, where possible, to address these concerns.



7. SUSTAINABLE DEVELOPMENT DIRECTORATE

7.4 Combined Planning Permit and Planning Scheme Amendment C183 (Bunnings Relocation) - Consideration of Submissions (continued)

At this stage, seven submissions are unable to be resolved (including the submissions raising concerns/queries). These submissions are discussed in detail in the body of this report. An Independent Planning Panel is required to consider these submissions.

It is recommended that Council endorses Council officers' position at the upcoming Independent Planning Panel Hearing as outlined in this report.

Moved by Cr Summer
Seconded by Cr Hazelman

That, with regard to submissions received for Amendment C183 (combined planning scheme amendment and planning permit) to the Greater Shepparton Planning Scheme, Council:

1. note and endorse Council Officers' response outlined in this report for presentation to an Independent Planning Panel; and
2. note that Council Officers may exercise discretion to best achieve the general position adopted by Council.

CARRIED.

Background

Combined Planning Scheme Amendment and Planning Permit

The combined amendment/permit applies to land at 15-33 Fordyce Street and 90-94 Benalla Road, Shepparton (see *Figure 1 – Locality Plan*).

Amendment C183 to the Greater Shepparton Planning Scheme proposes to rezone approximately two hectares of land at 15-33 Fordyce Street, Shepparton from the General Residential Zone to the Commercial 2 Zone and remove the Development Plan Overlay (Schedule 1) from the land (see *Figure 2 – Current Zone Map and Attachment 2 – Exhibited Documentation*).

Concurrent with the preparation of the planning scheme amendment is a planning permit application made pursuant to Section 96A(1) of the *Planning and Environment Act 1987*.

The planning permit application is for land at 90-94 Benalla Road and part of 15-33 Fordyce Street, Shepparton to be developed with buildings and works for "Trade Supplies" and "Restricted Retail Premises" (Bunnings Warehouse).

7. SUSTAINABLE DEVELOPMENT DIRECTORATE

7.4 Combined Planning Permit and Planning Scheme Amendment C183 (Bunnings Relocation) - Consideration of Submissions (continued)

Figure 1- Locality Plan

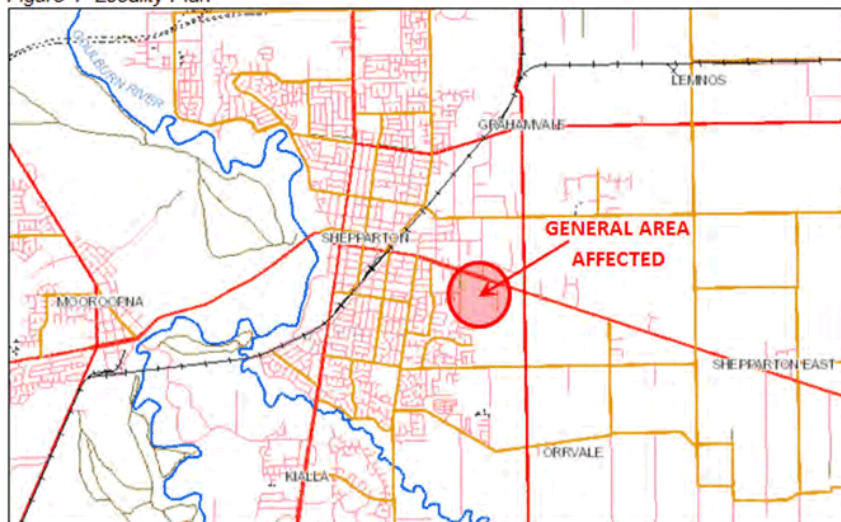
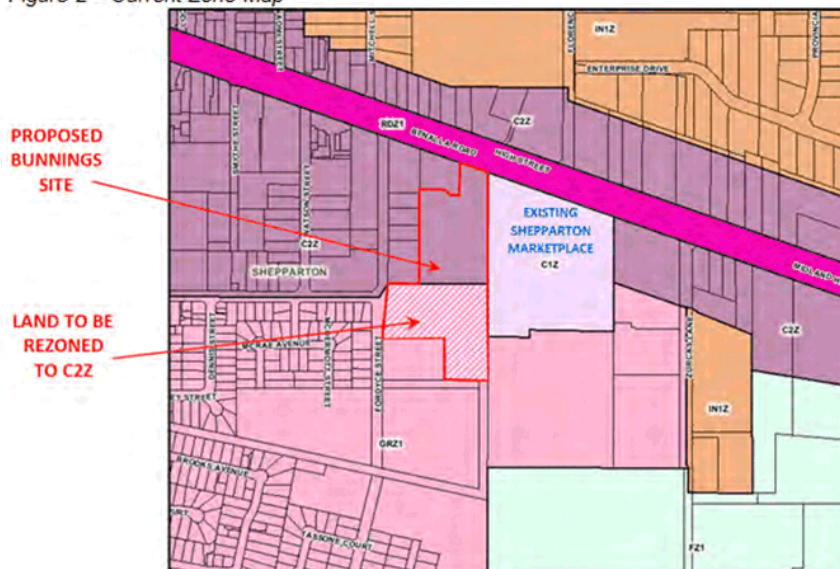


Figure 2 – Current Zone Map



Specifically, the planning scheme amendment seeks to make the following changes:

- Rezone part of the land from the General Residential Zone (GRZ) to the Commercial 2 Zone (C2Z);
- Remove the Development Plan Overlay – Schedule 1 from the land;
- Amend Planning Scheme Map No 23; and
- Amend Planning Scheme Map No 23DPO.



7. SUSTAINABLE DEVELOPMENT DIRECTORATE

7.4 Combined Planning Permit and Planning Scheme Amendment C183 (Bunnings Relocation) - Consideration of Submissions (continued)

Specifically, the planning permit seeks the following permissions:

- Development of the land for a trade supplies and restricted retail premises;
- Two lot subdivision to separate the land within the GRZ from the land within the proposed C2Z;
- Removal of an existing Goulburn Valley Regional Water Corporation Easement for pipeline purposes;
- Erection and display of business identification signage exceeding eight square metres in area;
- Creation and alteration of an access onto a Road Zone – Category 1;
- Subdivision of land adjacent to a Road Zone – Category 1; and
- Reduction in bicycle facilities.

Exhibition

The combined amendment/permit was exhibited in accordance with the *Planning and Environment Act 1987* for four weeks. This included the following:

- Letters sent to owners and occupiers of land directly affected on 4 May 2015;
- Letters sent to relevant referral authorities on 4 May 2015;
- Letters sent to prescribed Ministers on 4 May 2015;
- Notice in the Victorian Government Gazette on 7 May 2015;
- Notice in the Shepparton News on 5 May 2015;
- Notice on Greater Shepparton City Council website;
- Notice on Department of Environment, Land, Water and Planning website; and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

The exhibition period closed on 9 June 2015.

Submissions

Fifteen submissions were received by Council (see *Attachment 1 – Submissions Recorder*).

Eight of these submissions were received from referral authorities who did not object to the proposed combined amendment/permit. Some of the submissions requested or reiterated conditions to be included on the planning permit. These referral authorities are:

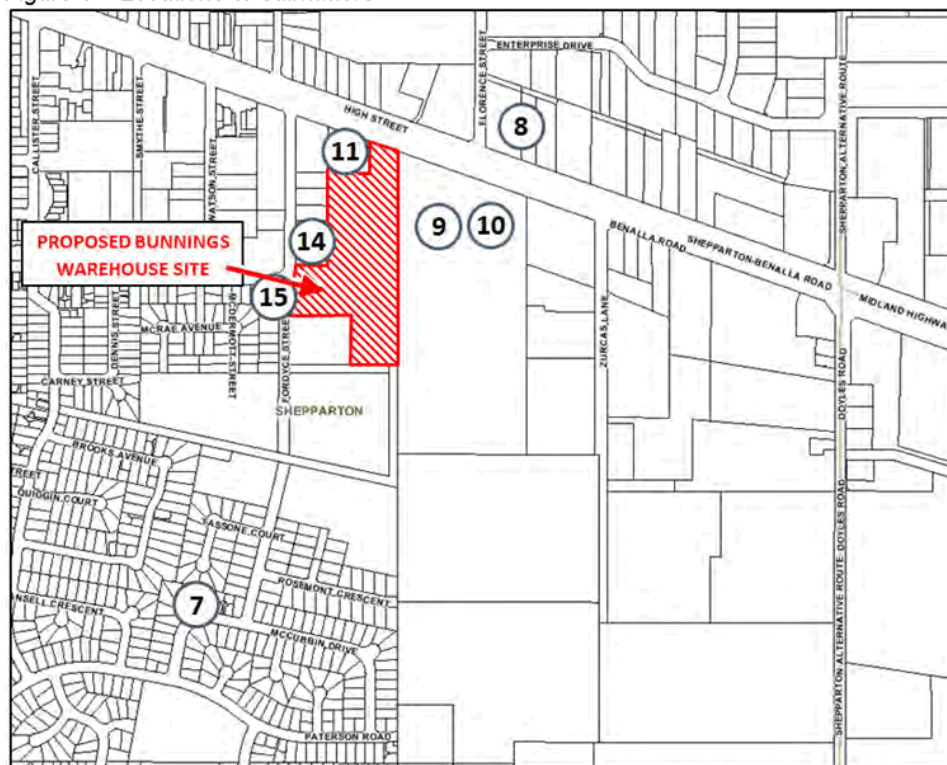
- Goulburn-Murray Water;
- APA Group;
- Environment Protection Authority (Victoria);
- Goulburn Valley Water;
- VicRoads;
- Department of Environment, Land, Water and Planning;
- Goulburn Broken Catchment Management Authority; and
- Public Transport Victoria.

These submissions are not considered to be objections and are not required to be referred to an Independent Planning Panel.

7. SUSTAINABLE DEVELOPMENT DIRECTORATE

7.4 Combined Planning Permit and Planning Scheme Amendment C183 (Bunnings Relocation) - Consideration of Submissions (continued)

Figure 3 – Locations of Submitters



Five submissions either objected to or requested changes to the proposed combined amendment/permit (see *Figure 3 – Locations of Submitters*). Two additional submissions do not object to the proposed development but raise a number of concerns/queries. The concerns/queries raised in all of these submissions include:

- Traffic and access (Submissions 8, 9, 10, 14 and 15)
 - Submissions 8, 9 and 10 raised the following concerns regarding traffic and access.
 - Traffic flow, phasing and queuing associated with the proposed traffic signals at the main entrance on Benalla Road. The submissions query the potential impacts on the existing Shepparton Marketplace.
 - Impacts on the performance of the existing road network.
 - Amenity impacts on Fordyce Street, particularly the potential impacts of increased traffic movements along the residential sections of this street.

Submission 14 objects to the proposed “No Standing” signs that are proposed to be erected in Fordyce Street.

Submission 15 raises concerns regarding congestion at various intersections. The submission states that traffic lights will be required at the Watson Street/Benalla Road intersection. The submission requests that the main entrance/intersection is altered to allow traffic exiting the Bunnings Warehouse site to turn right onto Benalla Road.



7. SUSTAINABLE DEVELOPMENT DIRECTORATE

7.4 Combined Planning Permit and Planning Scheme Amendment C183 (Bunnings Relocation) - Consideration of Submissions (continued)

Submission 15 also raises concerns regarding impacts to safety and privacy resulting from increased traffic in the area. The submission includes concerns about increased crime and states that they will be erecting a high fence for privacy and safety purposes.

- Car parking (Submissions 8, 9 and 10)
 - Submissions 8, 9 and 10 raised the following concerns regarding car parking:
 - The layout of the proposed car park means that the neighbouring car park at the Shepparton Marketplace is more convenient. These submissions requested that no pedestrian or vehicular access be permitted at any time between the proposed Bunnings Warehouse and the existing Shepparton Marketplace. Submission 10 states that a condition of any permit issued should require the construction of a new fence along the common boundary.
 - The number of car parking spaces required in the draft planning permit is only 319, which is less than what is required for the Masters Home Improvement site. Submission 8 states that it is unclear why a lesser number of car parking spaces is required for Bunnings Warehouse.
- Signage (Submission 10)

Submission 10 requests that the proposed pylon sign is sited to ensure that there is no obstruction to the existing signage for the Shepparton Marketplace.
- Economic impacts (Submission 8)

Submission 8 criticises the Economic Impact Assessment (EIA) undertaken by Essential Economics Pty Ltd. This submission states that the EIA failed to include other like uses in the area and has not taken into account the Masters Home Improvement development on the corner of Florence Street and Midland Highway – the EIA should have been updated. In addition, the submission states that the current and forecast sales estimates included in the EIA are under estimated and a detailed trade impact analysis should have been provided.
- Rezoning justification (Submission 8)

Submission 8 states that the proposed rezoning is inconsistent with the Greater Shepparton Housing Strategy 2011 and Clause 21.04 (Settlement) of the Greater Shepparton Housing Scheme. The submission also states that the proposal does not justify adequately the need for rezoning the land to the Commercial 2 Zone and no analysis of existing Commercial 2 Zone land has been included.
- Lack of footpaths (pedestrian safety) (Submission 7)

Submission 7 raises concerns regarding the safety of Fordyce Street for pedestrians and the potential impacts of increased traffic along this street. The submission states that the amount of traffic in Fordyce Street will increase, including larger vehicles, and that there is no room for pedestrians and cars.
- Noise impacts (Submission 15)

Submission 15 states that increased traffic, including delivery vehicles and rubbish collection, will cause noise issues. The submission states that the proposed acoustic treatment is not high enough to adequately reduce noise impacts. The submission requests that vehicles accessing the site use the northern portion of Fordyce Street only. The submission also requests a higher acoustic barrier (3-3.5m high) and more limited hours for delivery vehicles.



7. SUSTAINABLE DEVELOPMENT DIRECTORATE

7.4 Combined Planning Permit and Planning Scheme Amendment C183 (Bunnings Relocation) - Consideration of Submissions (continued)

- Landscaping/interface treatments (Submissions 11 and 15)
Submission 11 adjoins the proposed Bunnings Warehouse site to the north east. This submission requests further details regarding how the party wall will be dealt with during and after construction. It also queries the landscaping proposed for the interface between the properties.

Submission 15 raises concerns over losing their rural outlook and requests additional trees and shrubs to be planted near the acoustic wall and side entrance.
- Construction impacts (Submission 11)
Submission 11 also queries how impacts arising from construction will be minimised. The submission does not object to the proposed development, but does request to be included in any future Independent Planning Panel process regarding the combined amendment/permit.

Council Officers' Position at the Panel Hearing:

Council officers request that the following position be put to the Independent Planning Panel regarding the above concerns.

- Traffic and access (Submissions 8, 9, 10, 14 and 15)
A Traffic Impact Assessment Report (TIAR) has been prepared by O'Brien Traffic Pty Ltd. Traffix Group Pty Ltd was engaged by Council to undertake a peer review of the TIAR. Council's traffic expert will further review the traffic solutions and the parking along Fordyce Street as part of the Panel process.

The proposed access points and alterations to the highway have been agreed to by VicRoads, which has been consulted throughout the drafting of the planning permit. VicRoads has responded with conditions for inclusion in the draft planning permit.

VicRoads (being the Road Safety Authority) has deemed, in providing consent to the application, that the proposal will not impact on public safety, including the distance between the proposed traffic lights and the existing traffic lights at the Shepparton Marketplace Shopping Centre entrance. The authority has also deemed, in providing consent to the application, that any effect of the proposal on the operation of the road is acceptable.

Council officers' position aligns with VicRoads' position at the Panel Hearing.

- Car parking (Submissions 8, 9 and 10)
A total of 417 car spaces are proposed to be provided on site. This will exceed the number required by the provisions of the planning scheme.

Additional car and trailer spaces are also to be provided on site.

It is proposed to include 12 bicycle parking spaces as part of the proposed development. This includes six bicycle spaces for staff and six for customers. The TIAR found that this is an acceptable provision of bicycle parking spaces.

A fence between the proposed Bunnings Warehouse and the existing Shepparton Marketplace will be constructed. There will be no direct pedestrian or vehicular access between the two sites.



7. SUSTAINABLE DEVELOPMENT DIRECTORATE

7.4 Combined Planning Permit and Planning Scheme Amendment C183 (Bunnings Relocation) - Consideration of Submissions (continued)

- Signage (Submission 10)
Concerns raised regarding the proposed Bunnings Warehouse sign are not considered to be significant.
 - There is significant distance between the proposed Bunnings Warehouse sign and the existing Shepparton Marketplace signage (approximately 120m minimum).
 - The sign is to be erected entirely within the Bunnings Warehouse property boundary.
 - The sign will be displayed in a commercially zoned area where the display of business identification signage is considered to be appropriate.
- Economic impacts (Submission 8)
An Economic Impact Assessment (EIA) has been prepared by Essential Economics Pty Ltd. The EIA states that the proposal will have a minimal impact on the trading performance of other existing retailers in the region, given that approximately 80% of sales at the new warehouse will be a re-direction of sales from the existing Bunnings Warehouse.

The proposed development will generate a range of economic benefits related to employment and business development. The economic impact on similar businesses is outweighed by the economic benefits of the proposed development.

In addition, the majority of the land is already within the Commercial 2 Zone. The site is currently underutilised and the proposed development provides for a use which creates an improved economic outcome for the land.

- Strategic justification (Submission 8)
Submission 8 correctly states that the area proposed to be rezoned (approximately two hectares) represents approximately 0.2% of vacant greenfield land. The South East Growth Corridor immediately to the south east of the site will rezone an additional 233 hectares of developable land to a residential zone. The loss of two hectares of greenfield residential land to commercial is negligible given the future capacity of the South East Growth Corridor.

The economic benefits of the Bunnings Warehouse development outweigh the effects of losing 0.2% of vacant greenfield land.

- Lack of footpaths (pedestrian safety) (Submission 7)
Although Council officers do not disagree that footpaths along Fordyce Street would be a benefit to the community, this is outside of the scope of the proposed development. Council officers will raise this issue internally with Council's projects department; however, it is not proposed to include footpaths along Fordyce Street as part of the current development.
- Noise impacts (Submission 15)
An acoustic report was prepared by Marshall Day Acoustics Pty Ltd. The recommendations from this report are included as conditions on the draft planning permit. Council officers have engaged an acoustic expert to peer review the original acoustic report as part of the Panel process.



7. SUSTAINABLE DEVELOPMENT DIRECTORATE

7.4 Combined Planning Permit and Planning Scheme Amendment C183 (Bunnings Relocation) - Consideration of Submissions (continued)

- Landscaping/interface treatments (Submissions 11 and 15)
Any demolition or construction near the party wall will be managed through permissions under the Building Act. At the shared boundary, the wall will be painted a muted colour, as noted on the exhibited plans.

At the shared boundary to the east of the submitter's land, the landscaping treatment will be tussocks in a mulched bed, as noted on the exhibited plans. No landscaping is proposed along the shared boundary to the south of the submitter's land – this area is to be used for an access way.

In relation to Submission 15, Council officers believe that the proposed landscaping, as shown in the landscaping plan, is acceptable and no additional trees or shrubs are proposed to be included. Additionally, the subject land is within an urban area that has been identified for future development. As such, it could not be expected that the "rural outlook" currently enjoyed by submitter would remain unchanged into the future.

- Construction impacts (Submission 11)
Council officers note the comments of the submitter regarding the Construction Management Plan and will ensure that appropriate protection measures are provided for if the combined amendment/permit is approved.

Council Plan/Key Strategic Activity

Strategic Goal 3 – Economic Prosperity:

"We will promote economic growth through working with existing businesses and industries, encouraging new business development and diversification, attracting and supporting education within our city, and strengthening the agricultural industry".

Risk Management

The primary risk associated with the proposed combined amendment/permit is not meeting the timelines required by *Ministerial Direction No. 15 "The Planning Scheme Amendment Process"*. This Ministerial Direction requires each stage of the planning scheme amendment process to be undertaken within set timeframes.

In accordance with Ministerial Direction No. 15, Council must request the appointment of an Independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* within 40 business days of the closing date for submissions, unless a Panel is not required. To meet this timeframe, an Independent Planning Panel has been requested by Council officers under delegation. It is recommended that Council endorses Council officers' position prior to the upcoming Independent Planning Panel Hearing.

Policy Considerations

The proposed amendment does not conflict with any existing Council policies.

Financial Implications

The costs associated with the proposed combined amendment/permit must be met by the proponent, being Peninsula Planning Consultants Pty Ltd on behalf of Benalla Road Developments Pty Ltd. This includes the cost of an Independent Planning Panel.



7. SUSTAINABLE DEVELOPMENT DIRECTORATE

7.4 Combined Planning Permit and Planning Scheme Amendment C183 (Bunnings Relocation) - Consideration of Submissions (continued)

Council will be required to meet any costs for legal representation and expert advice at the Panel Hearing. This may amount to approximately \$50,000 and is accounted for in the current budget.

Legal/Statutory Implications

All procedures associated with this planning scheme 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

The most important environmental effects relate to the treatment of the interface with the GRZ to the south and west of the subject land.

This is addressed by implementing noise mitigation measures recommended in the Noise Assessment Report prepared by Marshall Day Acoustics Pty Ltd.

The recommendations from this report are included as conditions on the draft planning permit.

These conditions require the submission of an operational management plan which will need to pay particular attention to the trade supplies and loading area which is adjacent to a GRZ.

These conditions also require the construction of an acoustic wall, restrictions on the operation of the loading area and enclosing the internal trade areas with concrete panel walls.

There will be no significant detrimental environmental effects resulting from this proposed planning scheme amendment and planning permit.

Social Implications

The proposed development will increase and broaden the range of employment opportunities in both the construction and retail sectors, provide new education opportunities for young school leavers as well as mature members of the workforce with "on-the-job" training.

The subject site is ideally located in the existing retail and trade precinct along Benalla Road on the eastern side of the Shepparton Urban Area. It is also on the main road network, which means it has good access and can efficiently service the community. There will be no significant detrimental social effects resulting from this proposed planning scheme amendment and planning permit.



7. SUSTAINABLE DEVELOPMENT DIRECTORATE

7.4 Combined Planning Permit and Planning Scheme Amendment C183 (Bunnings Relocation) - Consideration of Submissions (continued)

Economic Impacts

An Economic Impact Assessment has been prepared by Essential Economics Pty Ltd. Economic benefits generated by the new Bunnings Warehouse includes significant capital investment of \$20 million, employment generated during construction (estimated 44 full time jobs), and ongoing employment of 190 positions (an increase from approximately 125 positions at the existing Bunnings Warehouse store).

The proposal will have a minimal impact on the trading performance of other existing retailers in the region, given that approximately 80% of sales at the new warehouse will be a re-direction of sales from the existing Bunnings Warehouse.

The proposed development will generate a range of economic benefits related to employment and business development.

Overall, the proposed development represents an outcome which is consistent with the attributes of the subject site, is supported by market demand and will generate strong economic benefits to the community.

There will be no significant detrimental economic effects resulting from this proposed planning scheme amendment and planning permit.

Consultation

The combined amendment/permit was exhibited in accordance with the *Planning and Environment Act 1987* for four weeks. This included the following:

- Letters sent to owners and occupiers of land directly affected on 4 May 2015;
- Letters sent to relevant referral authorities on 4 May 2015;
- Letters sent to prescribed Ministers on 4 May 2015;
- Notice in the Victorian Government Gazette on 7 May 2015;
- Notice in the Shepparton News on 5 May 2015;
- Notice on Greater Shepparton City Council website;
- Notice on Department of Environment, Land, Water and Planning website; and
- Copy of exhibition documentation in the foyer of the Council offices at 90 Welsford Street, Shepparton.

The exhibition period closed on 9 June 2015.

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

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

Topic: Economic Development – promote economic growth, business development and diversification, with a focus on strengthening the agricultural industry.

Theme: Retail/Commercial Centres

Objective 1: "To provide increased opportunities for local job creation".

Strategy 1.1: "Facilitate opportunities for economic development to retain and build the employment base".



7. SUSTAINABLE DEVELOPMENT DIRECTORATE

7.4 Combined Planning Permit and Planning Scheme Amendment C183 (Bunnings Relocation) - Consideration of Submissions (continued)

b) Hume Regional Growth Plan 2013

The *Hume Regional Growth Plan 2013* identifies Shepparton as a key urban centre for major urban growth and development in the Hume Region. The proposed combined amendment/permit will assist Shepparton in providing improved economic and retail opportunities, and ensure the municipality continues "to develop its role as a business, retail and services hub for the region".

Options for Consideration

1. Endorse Council officers' position at an Independent Planning Panel Hearing for Amendment C183 (combined planning scheme amendment and planning permit) to the Greater Shepparton Planning Scheme (preferred); or
2. Do not endorse Council officers' position at an Independent Planning Panel Hearing for Amendment C183 (combined planning scheme amendment and planning permit) to the Greater Shepparton Planning Scheme and form an alternative position; or
3. Abandon Amendment C183 (combined planning scheme amendment and planning permit) to the Greater Shepparton Planning Scheme.

Conclusion

Amendment C183 to the Greater Shepparton Planning Scheme proposes to rezone approximately two hectares of land at 15-33 Fordyce Street, Shepparton from the General Residential Zone to the Commercial 2 Zone and remove the Development Plan Overlay (Schedule 1) from the land.

Concurrent with the preparation of the planning scheme amendment is a planning permit application made pursuant to Section 96A(1) of the *Planning and Environment Act 1987*.

The planning permit application is for land at 90-94 Benalla Road and part of 15-33 Fordyce Street, Shepparton to be developed with buildings and works for "Trade Supplies" and "Restricted Retail Premises" (Bunnings Warehouse).

The combined amendment/permit was exhibited from 7 May 2015 to 9 June 2015 in accordance with the *Planning and Environment Act 1987*.

An Independent Planning Panel is required to consider submissions that could not be resolved.

It is recommended that Council endorses Council officers' position at the upcoming Independent Planning Panel Hearing.

Attachments

1. Submissions Recorder Page 216
2. Exhibited Documentation Page 219

SUBMISSION RECORDER
AMENDMENT C183 (Bunnings)

Sub No.	Organisation	Content of Submission	Recommendation
1	Goulburn-Murray Water	No Objection	No action required.
2	APA Group	No Objection	No action required.
3	Environment Protection Authority (Victoria)	No Objection	No action required.
4	Goulburn Valley Water	No Objection	No action required.
5	VicRoads	No Objection	No action required.
6	Department of Environment, Land, Water & Planning	No Objection	No action required.
7	Land owner	Objection Footpaths along Fordyce Street and pedestrian safety	Although Council officers do not disagree that footpaths along Fordyce Street would be a benefit to the community, this is outside of the scope of the proposed development. Council officers will raise this issue internally with Council's projects department; however, it is not proposed to include footpaths along Fordyce Street as part of the current development. Refer to Panel.
8	Masters Home Improvement & Hydrox nominees Pty Ltd	Objection - Traffic and access - Car parking - Economic Impacts - Rezoning justification	1. The traffic outcome has been agreed to by VicRoads, which has been consulted throughout the drafting of the planning permit. VicRoads has responded with conditions for inclusion in the draft planning permit. VicRoads (being the Road Safety Authority) has deemed, in providing consent to the application, that the proposal will not impact on public safety, including the distance between the proposed traffic lights and the existing traffic lights at the Shepparton Marketplace Shopping Centre entrance. The authority has also deemed, in providing consent to the application, that any effect of the proposal on the operation of the road is acceptable. Council officers' position aligns with VicRoads' position at the Panel Hearing. 2. A total of 417 car spaces are proposed to be provided on site. This will exceed the number required by the provisions of the planning scheme. A fence between the proposed Bunnings Warehouse and the existing Shepparton Marketplace will be constructed. There will be no direct pedestrian or vehicular access between the two sites. 3. An Economic Impact Assessment (EIA) has been prepared. The proposed development will generate a range of economic benefits related to employment and business development. The economic impact on similar businesses is outweighed by the economic benefits of the proposed development. 4. The area proposed to be rezoned (approximately two hectares) represents approximately 0.2% of vacant greenfield land. The South East Growth Corridor immediately to the south east of the site will rezone an additional 233 hectares of developable land to a residential zone. The loss of two hectares of greenfield residential land to commercial is negligible given the future capacity of the South East Growth Corridor. The economic benefits of the Bunnings Warehouse development outweigh the effects of losing 0.2% of vacant greenfield land. Refer to Panel.
9	Woolworths Ltd & Big W	Objection - Traffic and access - Car parking	1. The traffic outcome has been agreed to by VicRoads, which has been consulted throughout the drafting of the planning permit. VicRoads has responded with conditions for inclusion in the draft planning permit. VicRoads (being the Road Safety Authority) has deemed, in providing consent to the application, that the proposal will not impact on public safety, including the distance between the proposed traffic lights and the existing traffic lights at the Shepparton Marketplace Shopping Centre entrance. The authority has also deemed, in providing consent to the application, that any effect of the proposal on the operation of the road is acceptable. Council officers' position aligns with VicRoads' position at the Panel Hearing. 2. A total of 417 car spaces are proposed to be provided on site. This will exceed the number required by the provisions of the planning scheme. A fence between the proposed Bunnings Warehouse and the existing Shepparton Marketplace will be constructed. There will be no direct pedestrian or vehicular access between the two sites. Refer to Panel.

SUBMISSION RECORDER
AMENDMENT C183 (Bunnings)

Sub No.	Organisation	Content of Submission	Recommendation
10	Contour Town Planners on behalf of Dexus Property Group	No objection but raises the following concerns: - Traffic and access - Car parking - Signage	<p>1. The traffic outcome has been agreed to by VicRoads, which has been consulted throughout the drafting of the planning permit. VicRoads has responded with conditions for inclusion in the draft planning permit. VicRoads (being the Road Safety Authority) has deemed, in providing consent to the application, that the proposal will not impact on public safety, including the distance between the proposed traffic lights and the existing traffic lights at the Shepparton Marketplace Shopping Centre entrance. The authority has also deemed, in providing consent to the application, that any effect of the proposal on the operation of the road is acceptable. Council officers' position aligns with VicRoads' position at the Panel Hearing.</p> <p>2. A total of 417 car spaces are proposed to be provided on site. This will exceed the number required by the provisions of the planning scheme. A fence between the proposed Bunnings Warehouse and the existing Shepparton Marketplace will be constructed. There will be no direct pedestrian or vehicular access between the two sites.</p> <p>3. Concerns raised regarding the proposed Bunnings Warehouse sign are not considered to be significant.</p> <ul style="list-style-type: none"> - There is significant distance between the proposed Bunnings Warehouse sign and the existing Shepparton Marketplace signage (approximately 120m minimum). - The sign is to be erected entirely within the Bunnings Warehouse property boundary. - The sign will be displayed in a commercially zoned area where the display of business identification signage is considered to be appropriate. <p>Refer to Panel.</p>
11	Land owner	No objection - supports the amendment - but includes queries: - Details on how the party wall (to be demolished) be dealt with both during construction of the proposed development and at its completion. - Details of landscaping at the property interfaces. - Impacts arising from construction to be minimised.	<p>1. Any demolition or construction near the party wall will be managed through permissions under the Building Act. Where 86 Benalla Road abuts the subject site boundary, the wall will be painted a muted colour, as noted on the exhibited plans.</p> <p>2. Where 86 Benalla Road abuts the subject site boundary, the landscaping treatment will be tussocks in a mulched bed as noted on the exhibited plans. No landscaping is proposed along the southern boundary, with the subject land abutting the site to be used for an access way.</p> <p>3. Comments noted with regard to the Construction Management Plan and officers will ensure that appropriate protection measures are provided for in Construction Management Plan if amendment/permit is approved.</p> <p>Refer to Panel.</p>
12	Goulburn Broken Catchment Management Authority	No Objection	No action required.
13	Public Transport Victoria	No Objection	No action required.
14	Shepparton Transit Pty Ltd	Objection to the proposed "No Standing" signs that are to be erected in Fordyce Street.	The "No Standing" signs are required to facilitate truck movements out of the site. Shepp Transit are using that side of the road for informal staff car parking. Staff do not necessarily have a right to on street parking. Traffic consultants will review alternate options for parking during the Panel process. Refer to Panel.

SUBMISSION RECORDER
AMENDMENT C183 (Bunnings)

Sub No.	Organisation	Content of Submission	Recommendation
15	Land owner	Objection - Noise - Traffic - Safety and privacy - Vegetation and beautification	<ol style="list-style-type: none"> 1. Marshall Day Acoustics Pty Ltd completed an acoustic report, however, Council will engage an acoustic expert to peer review the acoustic report to ensure the proposed acoustic treatment is appropriate. 2. A traffic report has been completed to ensure the traffic solutions are acceptable. Council's independent expert will review the traffic outcome as part of the Panel process. 3. A traffic report has been completed to ensure the traffic solutions are acceptable. Council to engage a traffic expert to review Fordyce/Gilchrist St intersection design. 4. This is an urban area that has been identified for future development. Council officers believe that the proposed landscaping, as shown in the landscaping plan, is acceptable.

Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

**Notice of the Preparation of an Amendment to a Planning Scheme and
Notice of an Application for Planning Permit Given Under Section 96C of the
*Planning and Environment Act 1987***

Amendment C183

Planning Permit Application 2013-307

The land affected by the amendment is part of PC 353316Q, known as part of 15-33 Fordyce Street, Shepparton.

The land affected by the application is Lot 2 on PS 341831B, known as 90-94 Benalla Road, Shepparton.

The amendment proposes to rezone approximately 2 hectares of land at 15-33 Fordyce Street, Shepparton from the General Residential Zone to the Commercial 2 Zone and remove the Development Plan Overlay (Schedule 1) from the land.

The application is for a permit to at 90-94 Benalla Road and part of 15-33 Fordyce Street, Shepparton to be developed with buildings and works for "Trade Supplies" and "Restricted Retail Premises" (Bunnings Warehouse).

The person who requested the amendment is Peninsula Planning Consultants Pty Ltd on behalf of Benalla Road Developments Pty Ltd.

The applicant for the permit is Peninsula Planning Consultants Pty Ltd on behalf of Benalla Road Developments Pty Ltd.

You may inspect the Amendment, the Explanatory Report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at the following locations:

- during office hours, at the office of the planning authority, Greater Shepparton City Council, 90 Welsford Street, Shepparton;
- at the Greater Shepparton City Council website www.greatershepparton.com.au; or
- at the Department of Environment, Land, Water and Planning website, www.dtpli.vic.gov.au/publicinspection .

Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the *Planning and Environment Act 1987*, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is **Tuesday, 9 June 2015**. A submission must be sent to Greater Shepparton City Council, Locked Bag 1000, SHEPPARTON VIC 3632.

The following panel hearing dates have been set for this amendment:

- directions hearing: week commencing 29 June 2015
- panel hearing: week commencing 27 July 2015

Colin Kalms
MANAGER PLANNING

Planning and Environment Act 1987

**GREATER SHEPPARTON PLANNING SCHEME
PROPOSED AMENDMENT C183
EXPLANATORY REPORT**

Who is the planning authority?

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

The amendment has been made at the request of Peninsula Planning Consultants on behalf of Benalla Road Developments Pty Ltd.

Land affected by the Amendment

The amendment applies to part of PC 353316Q, known as part of 15-33 Fordyce Street, Shepparton.

The planning permit application included with this planning scheme amendment also applies to Lot 2 on PS 341831B, known as 90-94 Benalla Road, Shepparton.

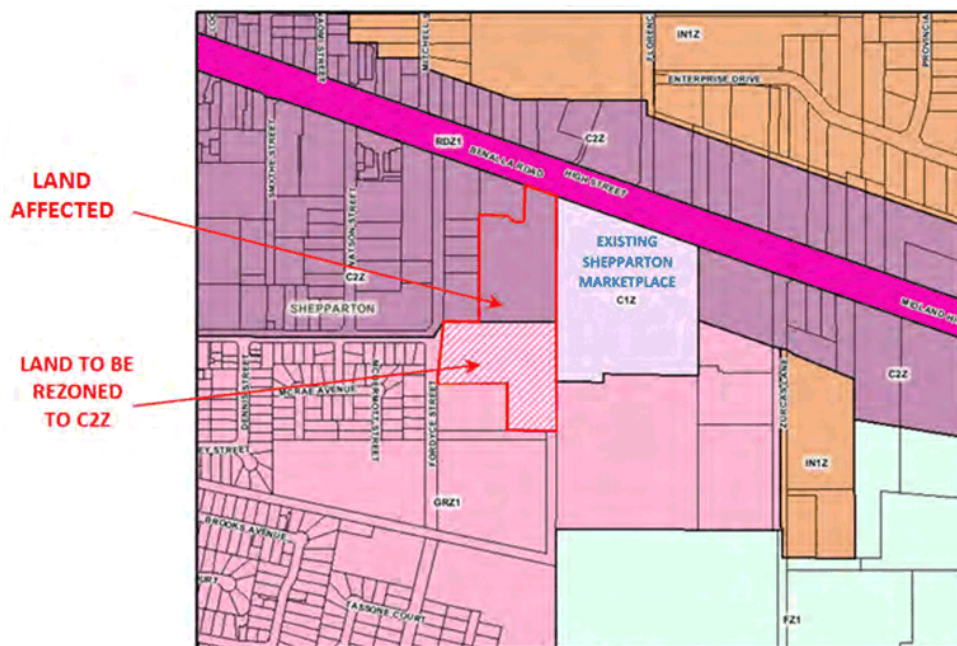


Figure 1 - Current Zone Map

What the amendment does

The amendment proposes to rezone approximately 2 hectares of land at 15-33 Fordyce Street, Shepparton from the General Residential Zone to the Commercial 2 Zone and remove the Development Plan Overlay (Schedule 1) from the land.

Concurrent with the preparation of the planning scheme amendment is a planning permit application made pursuant to Section 96A (1) of the *Planning and Environment Act 1987*.

The planning permit application is for land at 90-94 Benalla Road and part of 15-33 Fordyce Street, Shepparton to be developed with buildings and works for "Trade Supplies" and "Restricted Retail Premises" (Bunnings Warehouse).

Specifically, the planning scheme amendment seeks to make the following changes:

- Rezone part of the land from the General Residential Zone (GRZ) to the Commercial 2 Zone;
- Remove the Development Plan Overlay – Schedule 1 from the land;
- Amend Planning Scheme Map No 23; and
- Amend Planning Scheme Map No 23DPO.

Specifically, the planning permit seeks the following permissions:

- Development of the land for a trade supplies and restricted retail premises;
- Two lot subdivision to separate the land within the General Residential Zone from the land within the proposed Commercial 2 Zone (C2Z);
- Removal of an existing Goulburn Valley Regional Water Corporation Easement for pipeline purposes;
- Erection and display of business identification signage exceeding eight square metres in area;
- Removal of native vegetation (River Red Gum);
- Creation and alteration of an access onto a Road Zone – Category 1;
- Subdivision of land adjacent to a Road Zone – Category 1; and
- Reduction in bicycle facilities.

Strategic assessment of the Amendment

Why is the Amendment required?

The combined planning scheme amendment and planning permit will allow for the development of 90-94 Benalla Road and part of 15-33 Fordyce Street, Shepparton for "Trade Supplies" and "Restricted Retail Premises" with an overall floor area of approximately 19,000m².

The amendment will allow the existing Bunnings Warehouse to be relocated and to more than double in size. The existing Bunnings Warehouse has a floor area of approximately 9,500m².

In the Greater Shepparton 2030 Business Framework Plan for Shepparton, Mooroopna and Kialla at Clause 21.06 *Economic Development* of the Greater Shepparton Planning Scheme, the land is designated as "*highway business – consolidate and redevelopment*" and is immediately adjacent to land designated as a "*major activity centre*".

The following strategy is included at Clause 21.06-5 *Commercial/Activity Centres* of the Greater Shepparton Planning Scheme:

"encourage and promote the location of peripheral sales, bulky goods and restricted retail as shown on the Framework Plan".

The proposed combined planning scheme amendment and planning permit is required to implement Clause 21.06 *Economic Development* of the Greater Shepparton Planning Scheme as it provides for the relocation and expansion of a restricted retail premises in an area designated for redevelopment of this kind. As a result, the proposed development is not an "out of centre" development and will not result in an undesirable planning outcome.

The land is designated as an "*urban growth area*" at Clause 21.04 *Settlement* of the Greater Shepparton Planning Scheme. The amendment seeks to rezone this land to the C2Z, which conflicts with the intent of this clause. However, the proposed rezoning will allow for the development of land for a large-scale restricted retail development, which will provide improved employment opportunities for future residents in a designated growth area.

The proposed amendment will also assist with the consolidation of restricted retail along Benalla Road to provide further retail competition and improved retail opportunities for residents of the area.

The removal of this land from the residential land supply for the municipality will have no detrimental effects. At present, there is approximately 890 hectares of vacant greenfield land within a residential zone in Shepparton, according to the *Urban Development Program 2011*. The *Urban Development Program 2011* identifies over 15 years supply of land for residential development in Shepparton. The approximately 2 hectares of land in the GRZ to be rezoned as part of this planning scheme amendment represents roughly 0.2% of the entire supply of zoned residential land in Shepparton.

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

The proposed combined planning scheme amendment and planning permit 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 proposal 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 proposal balances the interests of the community through the provision of a high quality 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 proposal by generating regional benefits through additional employment and service provision.

How does the Amendment address any environmental, social and economic effects?

Environmental

The most important environmental effects relate to the treatment of the interface with the GRZ to the south and west.

This is addressed by implementing noise mitigation measures recommended in the Noise Assessment Report prepared by Marshall Day Acoustics Pty Ltd.

The recommendations from this report are included as conditions on the draft planning permit.

These conditions require the submission of an operational management plan which will need to pay particular attention to the trade supplies and loading area which is adjacent to a General Residential Zone.

These conditions also require the construction of an acoustic wall, restrictions on the operation of the loading area and the enclosing the internal trade areas with concrete panel walls.

One tree (River Red Gum) is proposed to be removed as part of this development. The tree is identified to be within the "Low Risk Based Pathway". At this location, native vegetation removal of this size is not envisaged to have a significant impact on the habitat of rare or threatened species. Furthermore the applicant has submitted an Arborist Report, which identifies that the tree is "*considered to be in a fully hazardous condition*".

As part of the planning permit to remove native vegetation, it will be a requirement through conditions that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

There will be no significant detrimental environmental effects resulting from this proposed planning scheme amendment and planning permit.

Social

The proposed development will increase and broaden the range of employment opportunities in both the construction and retail sectors, provide new education opportunities for young school leavers as well as mature members of the workforce with “on-the-job” training.

The subject site is ideally located in the existing retail and trade precinct along Benalla Road on the eastern side of the Shepparton Urban Area. It is also on the main road network, which means it has good access and can efficiently service the community.

There will be no significant detrimental social effects resulting from this proposed planning scheme amendment and planning permit.

Economic

An Economic Impact Assessment has been prepared by Essential Economics Pty Ltd. Economic benefits generated by the new Bunnings Warehouse includes significant capital investment of \$20 million, employment generated during construction (estimated 44 full time jobs), and ongoing employment of 190 positions (an increase from approximately 125 positions at the existing Bunnings Warehouse store).

The proposal will have a minimal impact on the trading performance of other existing retailers in the region, given that approximately 80% of sales at the new warehouse will be a re-direction of sales from the existing Bunnings Warehouse.

The proposed development will generate a range of economic benefits related to employment and business development.

Overall, the proposed development represents an outcome which is consistent with the attributes of the subject site, is supported by market demand and will generate strong economic benefits to the community.

There will be no significant detrimental economic effects resulting from this proposed planning scheme amendment and planning permit.

Does the Amendment address relevant bushfire risk?

The amendment has been assessed to determine whether it will cause any increase to the risk to life (as a priority), property, community infrastructure or the natural environment from bushfire.

The amendment is consistent with the Local Planning Policy Framework objectives and strategies that apply to bushfire risk. The amendment site is not included within the Bushfire Management Overlay. The amendment site is not within an area identified under the *Building Regulations 2006* as being bushfire prone for the purposes of the building control system.

The Country Fire Authority will be provided with an 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 proposed combined planning scheme amendment and planning permit has been prepared in accordance with Direction No. 11 Strategic Assessment of Amendments.

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

Ministerial Direction 1 – Potentially Contaminated Land requires Council to consider the potential for the site to be contaminated, given historical uses, and to satisfy itself that the land is suitable for the proposed use.

An Environmental Site Assessment has been undertaken by Cardno Lane Piper Pty Ltd. The assessment concluded that “*that the site is suitable for proposed commercial use*”. This assessment provides confidence that the proposed use of the site is suitable.

The amendment complies with the applicable Minister's Directions.

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

The proposed amendment is consistent with the State Planning Policy Framework (SPPF) provisions.

- Clause 11.05 *Regional Development* of the SPPF includes the following objective:

“to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.”

The Regional Victoria Settlement Framework plan identifies Shepparton as a “Regional city” and to “Facilitate major growth” in Shepparton.

- Clause 11.05 *Regional Development* includes the following strategies:

“direct urban growth into the major regional centres of Ballarat, Bendigo, Geelong, Horsham, La Trobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.”

“ensure regions and their settlements are planned in accordance with any relevant regional growth plan.”

The relevant regional growth plan for Shepparton is the *Hume Regional Growth Plan 2014* (HRGP). The HRGP includes the following strategy:

“contribute to the attraction of new investment and increased economic development by providing an adequate supply of land, water, physical and social infrastructure, technology, transport, a skilled workforce, quality education and affordable housing.”

- Clause 11.10 *Hume regional growth* of the SPPF includes the following objective:

“to develop a more diverse regional economy while managing and enhancing key regional economic assets.”

The proposed combined planning scheme amendment and planning permit implements the SPPF by supporting the continued growth and development of a major restricted retail premises in Shepparton. It provides for several economic benefits for Shepparton including significant capital investment of \$20 million, employment generated during construction (estimated 44 FTE jobs), and ongoing employment of 190 positions (an increase from approximately 125 positions at existing Bunnings Shepparton store).

- Clause 13.03-1 *Use of Contaminated and Potentially Contaminated Land* includes the following objective:

“to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.”

An Environmental Site Assessment was undertaken by Cardno Lane Piper Pty Ltd. The assessment concluded *“that the site is suitable for proposed commercial use”*.

The proposed combined planning scheme amendment and planning permit implements the SPPF by ensuring that the land is suitable for its intended future use.

- Clause 13.04-1 *Noise Abatement* includes the following strategy:

“ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.”

The proposed combined planning scheme amendment and planning permit implements Clause 13.04-1. A Noise Assessment Report has been prepared by

Marshall Day Acoustics Pty Ltd. This assessment set out a series of recommendations with regard to noise mitigation measures to address any offsite effects.

These recommendations are included as conditions on the draft planning permit. Conditions of the planning permit require the submission of an operational management plan which will need to pay particular attention to the trade supplies and loading area which is adjacent to a GRZ.

Conditions of the planning permit also require the construction of an acoustic wall, restrictions on the operation of the loading area and enclosing the internal trade areas with concrete panel walls.

- Clause 15.01 *Urban Design* includes the following strategy:
 - “ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.”

The proposed development implements Clause 15.01 as it provides for a safe and functional environment with footpaths proposed to provide key links back to the Benalla Road network. It also provides for a complete redevelopment of the site with landscaping that contributes to the urban design of the locality and provides an improved outlook from the abutting land to the east (Shepparton Market Place Shopping Centre), which has been identified as a sub-regional retail centre within the Shepparton municipality.

- Clause 17.01-1 *Business* includes the following 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.”

- Clause 17.01-1 *Business* includes the following relevant objectives:

- “locate commercial facilities in existing or planned activity centres.”

- “provide outlets of trade-related goods or services directly serving or ancillary to industry and which have adequate on-site car parking.”

The proposed combined planning scheme amendment and planning permit encourages the growth of a major retail premises in a location designated for this type of use. It provides retail opportunities adjacent to the existing Shepparton Marketplace Shopping Centre and provides ample on-site car parking.

The proposed combined planning scheme amendment and planning permit implements and supports the SPPF.

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

The proposed combined planning scheme amendment and planning permit is consistent with the following Local Planning Policy Framework (LPPF):

- 21.04-4 *Urban Design* includes the following objective:
 - “to promote a high standard of architectural, landscaping and urban design for built form and public spaces throughout the municipality.”
- 21.04-4 *Urban Design* includes the following strategies:
 - “ensure the design of new development contributes to local character and enhances the public realm while minimising impacts on neighbouring properties.”
 - “ensure that the location, form and size of signs complement the dominant character of any urban or rural landscape, building, site or area on which they are erected.”

The proposed development makes a positive contribution to the preferred local character as a bulky goods precinct through the use of painted concrete panels, an entry feature and landscaping.

Signage to be displayed on Benalla Road forms part of a standard design for Bunnings Warehouse and is to be provided within the landscaped area. The large sign to be displayed in this area is similar to existing signs displayed on Benalla Road and is not considered to be out-of-character for the locality where the sale of bulky goods is envisaged.

The logos proposed for the Bunnings Warehouse, which are to be printed on the building, form part of its corporate branding, but could also be considered a design feature in that they provide a point of interest and break up large sections of wall.

- Clause 21.06-5 *Commercial/Activity Centres* includes the following objective:

“to have a hierarchy of viable activity centres.”

- Clause 21.06-5 *Commercial/Activity Centres* includes the following strategy:

“encourage and promote the location of peripheral sales, bulky goods and restricted retail as shown on the Framework Plan.”

The subject land abuts the Shepparton Marketplace Shopping Centre, which is a designated sub-regional centre within Greater Shepparton. The proposed development for a bulky goods retailer (trade supplies) provides for co-location with other significant retail destinations such as the Shepparton Marketplace Shopping Centre, which abuts the subject land.

The framework plan supports the redevelopment and consolidation of sites along Benalla Road, which retains a bulky goods retail character.

- Clause 21.07-3 *Urban Stormwater Management* includes the following objectives:

“to maintain and enhance stormwater quality throughout the municipality.”

“to ensure that new development complies with the Infrastructure Design Manual.”

- Clause 21.07-3 *Urban Stormwater Management* includes the following strategies:

“incorporate best practice measures such as those contained in the Greater Shepparton Stormwater Management Plan and the Urban Stormwater Best Practice Management Guidelines into the design of new developments.”

“minimise off site discharge of stormwater through the use of porous pavements, on-site collection, water conservation and re-use.”

“provide stormwater management infrastructure at the time of development.”

Stormwater is to be retained in the basin on the land included within this development proposal. Stormwater quality will be addressed through Water Sensitive Urban Design measures in the same locality with a sediment basin to be constructed as part of the development.

The carparking and drainage areas are to be designed in accordance with the guidelines set out in the Infrastructure Design Manual.

The proposed combined planning scheme amendment and planning permit implements and supports the LPPF.

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

The combined planning scheme amendment proposes to rezone part of 15-33 Fordyce Street from GRZ to the C2Z, which is the appropriate zone for both “Trade Supplies” and “Restricted Retail Premises”.

A key purpose of the C2Z is *“to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services”*.

The key land uses proposed, being "Trade Supplies" and "Restricted Retail Premises", are classified as Section 1 (no permit required) uses in the C2Z.

The land immediate to the east of the subject land is within the Commercial 1 Zone (C1Z) and is developed for the Shepparton Marketplace Shopping Centre. The land immediately to the west of the subject land and further to the east is already within the C2Z.

The prevailing character of the area is not currently residential. With the C2Z and C1Z already adjoining, the site is not ideal for residential development and should be considered for commercial development.

The C2Z is the most appropriate zone to be applied to the site.

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

The views of relevant referral authorities have been included in the conditions of the draft planning permit.

All relevant referral authorities will be given notice of the proposed amendment and provided with an opportunity to comment during the public exhibition process.

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

The 'vision statement' within the *Transport Integration Act 2010* is an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State (Section 6). The amendment rezones land which is well located in terms of the existing primary road network and transport infrastructure, which will assist in accessibility to and from the site and transport of freight and goods.

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, health and wellbeing.

The proposed amendment facilitates social and economic inclusion and environmental sustainability by ensuring the proposed development is accessible in terms of walkability, cycling and public transport use. Bicycle parking is provided as part of the proposed development. The development is also required to provide appropriate pedestrian access from the entrance to the public footpath network. This will enhance individuals' access to social and economic opportunities, and will minimise harm to the environment and health through the decrease of transport-related emissions.

The proposed amendment supports economic prosperity by seeking to improve access to places of employment, markets and services with increased efficiency.

The proposed amendment enhances safety, health and wellbeing by facilitating the provision of active transport, which has the greatest benefits and the least negative impacts on general health and wellbeing.

In addition, the proposed amendment results in the consolidation of highway development. This aims to increase economic and employment opportunities at a central 'hub', which, in turn, can have positive impacts on the use of public and active transport systems.

The proposed amendment addresses the relevant requirements of the *Transport Integration Act 2010* and supports the Act's objectives for transport and land use integration through changes to the planning scheme ordinance to prioritise the above-mentioned objectives.

Traffic Impact Assessment Report

A Traffic Impact Assessment Report (TIAR) has been prepared by O'Brien Traffic Pty Ltd. Traffix Group Pty Ltd was engaged by Council to undertake a peer review of the TIAR.

The agreed intersection treatment for the Benalla Road requires traffic signals for eastbound traffic turning right into the site.

The proposed access points and alterations to the highway have been agreed to by VicRoads, which has been consulted throughout the drafting of the planning permit. VicRoads has responded with conditions for inclusion in the draft planning permit.

VicRoads (being the Road Safety Authority) has deemed, in providing consent to the application, that the proposal will not impact on public safety, including the distance between the proposed traffic lights and the existing traffic lights at the Shepparton Marketplace Shopping Centre entrance. The authority has also deemed, in providing consent to the application, that any effect of the proposal on the operation of the road is acceptable.

Two access points are to be provided onto Fordyce Street. The first is designed to cater for the loading area and the other, further to the south, is intended for alternative public access to the main carpark. The northern section of Fordyce Street is already a designated B-Double route.

A total of 417 car spaces are proposed to be provided on site. This will exceed the number required by the provisions of the planning scheme.

Additional car and trailer spaces are also to be provided on site.

It is proposed to include 12 bicycle parking spaces as part of the proposed development. This includes six bicycle spaces for staff and six for customers. The TIAR found that this is an acceptable provision of bicycle parking spaces.

Resource and administrative costs

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

The amendment will not have a substantial increase on administration and resource costs for 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 Environment, Land, Water and Planning website at www.dtpli.vic.gov.au/publicinspection; and
- the Greater Shepparton City Council website at www.greatershepparton.com.au.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **Tuesday, 9 June 2015**.

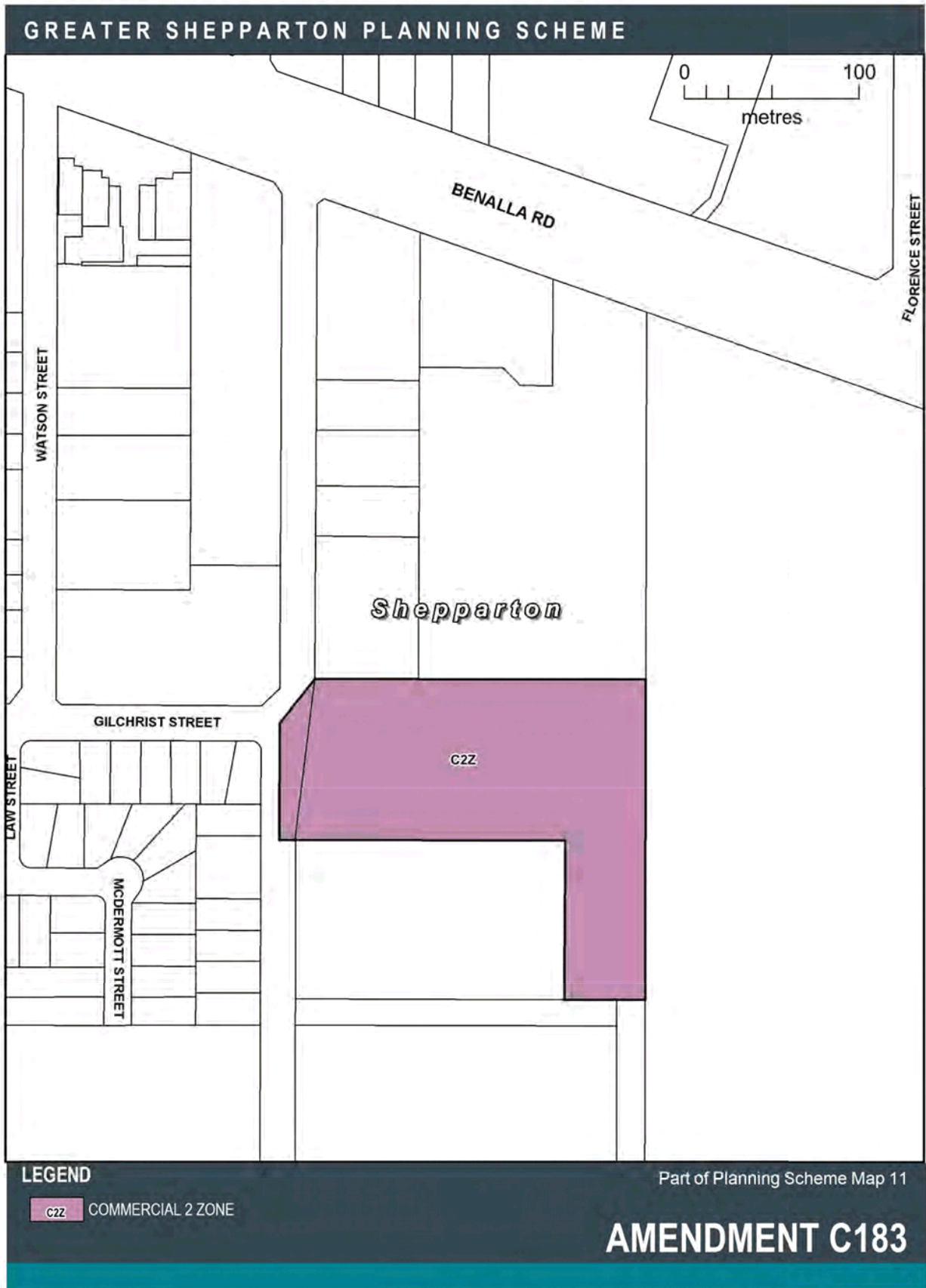
A submission must be sent to:

Greater Shepparton City Council
Locked Bag 1000
SHEPPARTON VIC 3632

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: week commencing 29 June 2015
- panel hearing: week commencing 27 July 2015

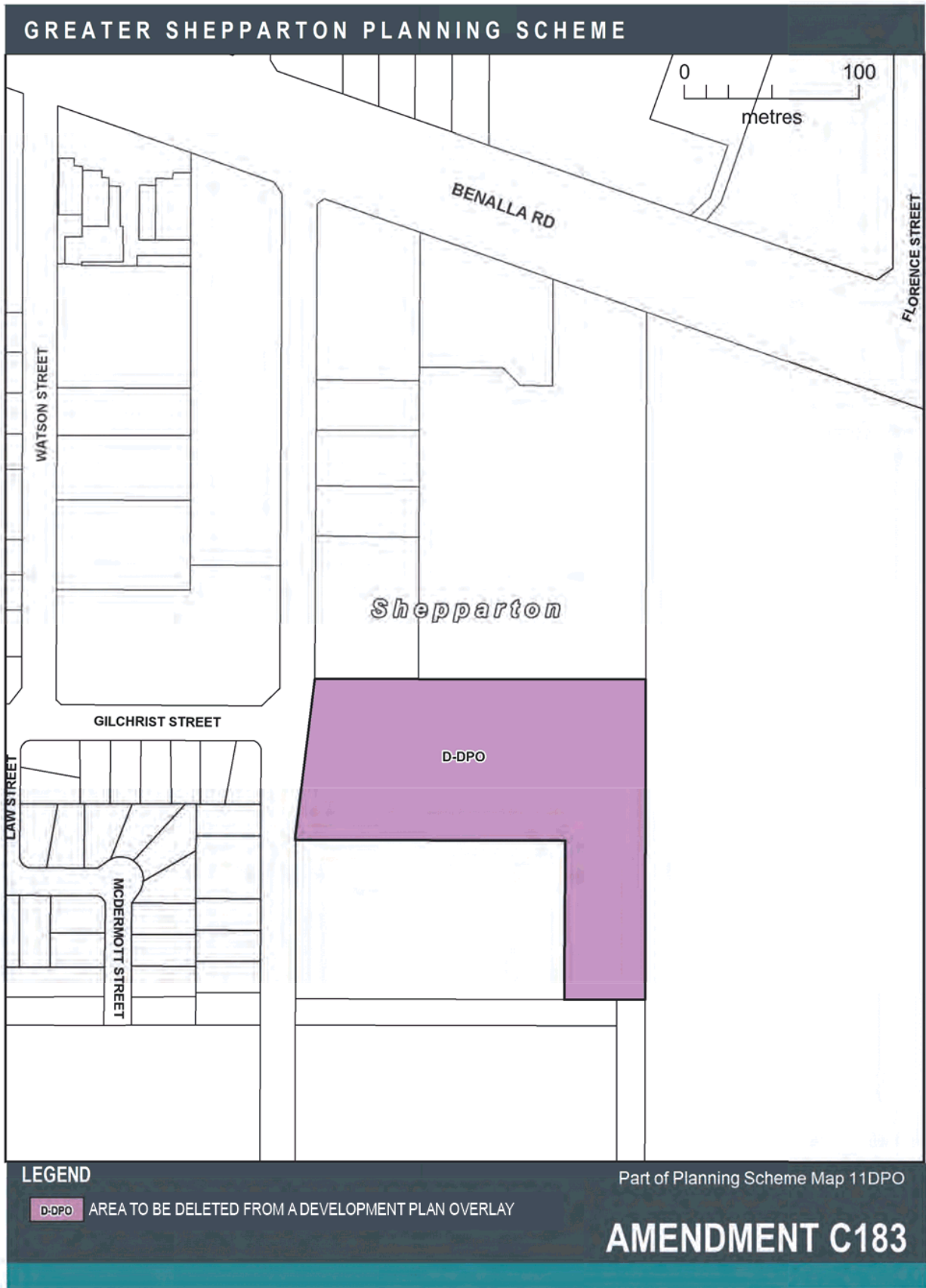


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| Planning Information Services |
| Planning |



Department of
Environment, Land,
Water & Planning **Victoria**

001



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Environment, Land,
Water & Planning **Victoria**

002

PROPOSED EAST ELEVATION
SCALE 1:200

PROPOSED WEST ELEVATION
SCALE 1:200

PROPOSED SOUTH ELEVATION
SCALE 1:200

PROPOSED NORTH ELEVATION
SCALE 1:200

PROPOSED OUTDOOR NURSERY ELEVATION (INTERNAL)
SCALE 1:200

PROPOSED FIRE SPRINKLER PUMP ROOM FRONT ELEVATION
SCALE 1:200

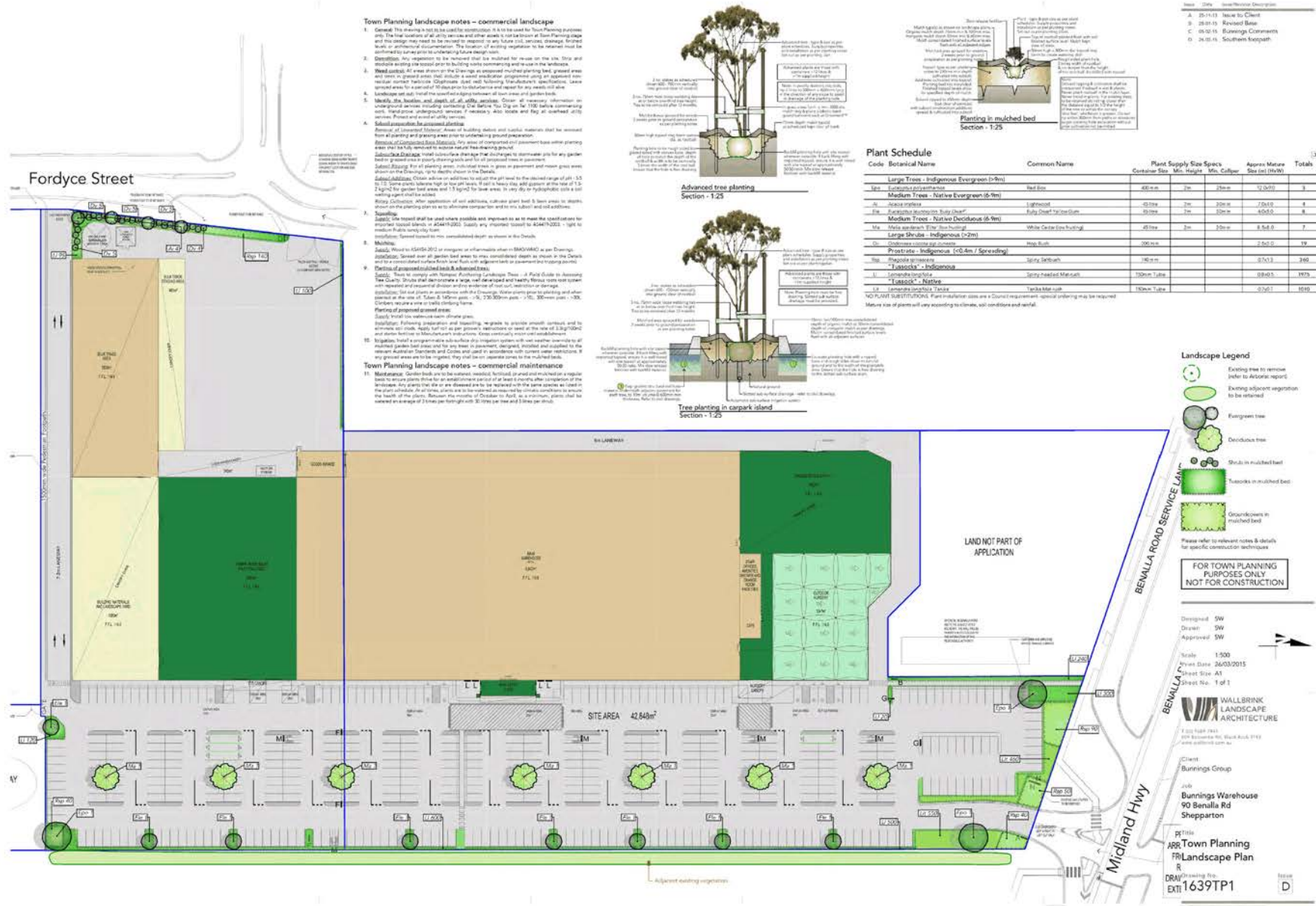
PROPOSED FIRE SPRINKLER PUMP ROOM SIDE ELEVATION
SCALE 1:200

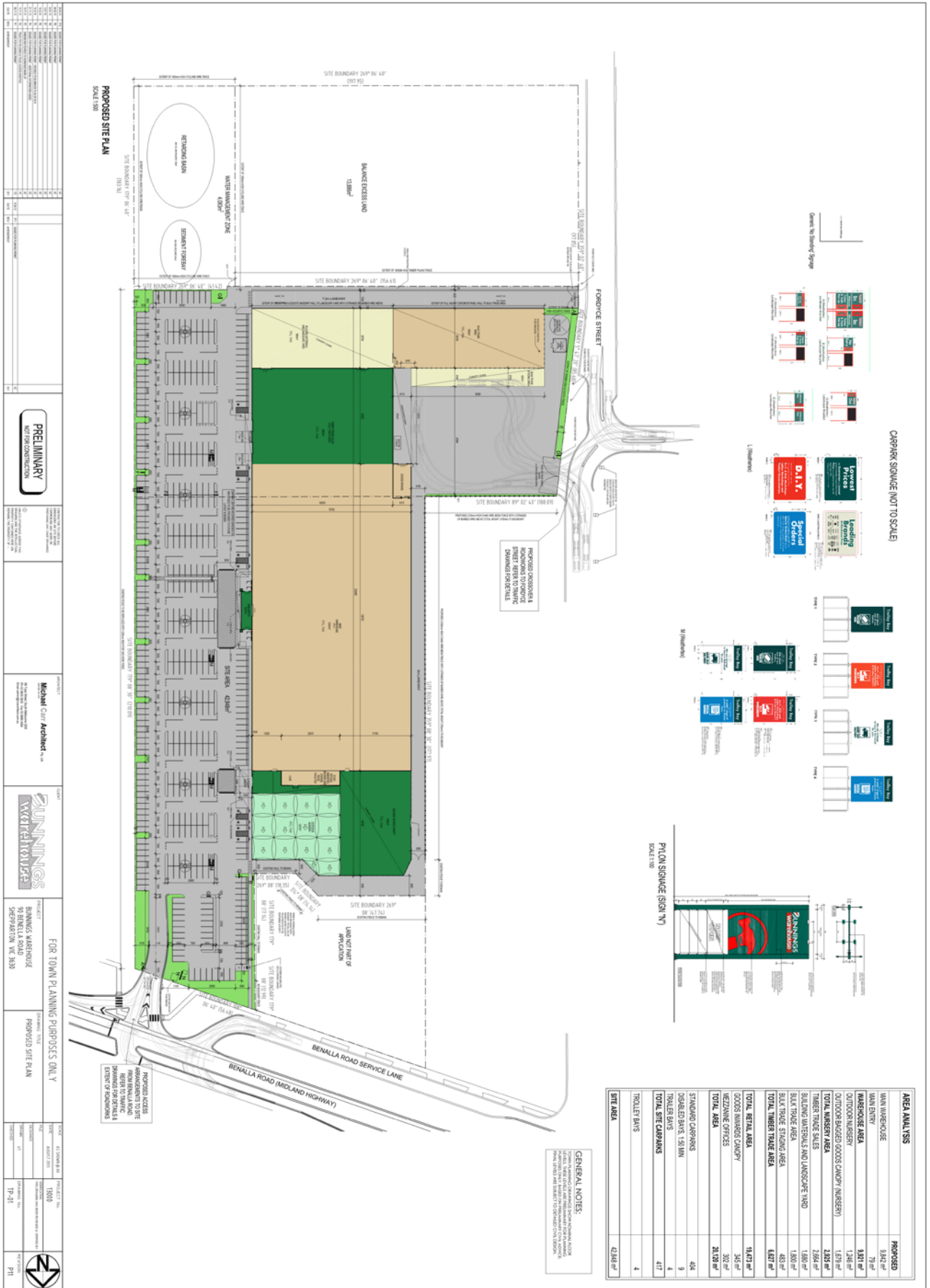
PROPOSED WEST ELEVATION (BULK TRAOE)
SCALE 1:200

COLOUR SCHEDULE	
BUNNINGS RED	POWDERCOAT DULUX SHADE REFERENCE 8774 - BUNNINGS BUILDING RED
BUNNINGS STUCCO	PAINT DULUX SHADE REFERENCE 8774 - BUNNINGS STUCCO
BUNNINGS GREEN	PAINT DULUX SHADE REFERENCE 8774 - BUNNINGS BUILDING GREEN
BUNNINGS WHITE	PAINT DULUX SHADE REFERENCE 8774 - BUNNINGS BUILDING WHITE
CATPA GREEN	COLORBOND COLORING BPP - CATPA GREEN

PRELIMINARY
NOT FOR CONSTRUCTION

Project Information:
 PROJECT: BUNNINGS WAREHOUSE SEPARATION, VIC 3039
 ARCHITECT: Michael Orr Architects
 FOR TOWN PLANNING PURPOSES ONLY
 DRAWING TITLE: PROPOSED ELEVATIONS
 DATE: 10/09/2015
 SCALE: 1:200
 SHEET NO: TP-42
 PROJECT NO: P10





Planning and Environment Regulations 2005 Form 9

DRAFT PLANNING PERMIT

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

Permit No.: 2013-307

Planning Scheme: Greater Shepparton

Responsible Authority: Greater Shepparton
City Council**ADDRESS OF THE LAND:**15-33 Fordyce Street and 90-94 Benalla Road
SHEPPARTON VIC 3630**THE PERMIT ALLOWS:**

- Buildings and works in the Commercial 2 Zone
- Two lot subdivision (boundary re-alignment) in the Commercial 2 Zone
- removal of easement (E-1 on PS341831B)
- erect and display floodlit free standing sky sign and floodlit business identification panel signs
- Creation of and alteration to an access onto a Road Zone (category 1)
- Subdivision adjacent to a Road Zone (category 1)
- Reduction in bicycle facilities
- removal of native vegetation (1 River Red Gum)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**1. Layout Not Altered**

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

2. Drainage Discharge Plan

Before construction works commence or as otherwise agreed to, a drainage plan with computations prepared by a suitably qualified person 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 three copies must be

Date Issued: 14-Apr-2015**Date Permit comes into operation:**

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provided. The plans must be in accordance with Council’s Infrastructure Design Manual and include:

- a) how the land will be drained;
- b) underground pipe drains conveying stormwater to the legal point of discharge;
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) a maximum discharge rate from the site no greater than pre-development flows;
- e) documentation demonstrating approval from the relevant authority for the legal point of discharge; and
- f) the provision of gross pollutant and/or litter traps installed before the basin to ensure that no effluent or polluted water of any type may be allowed to enter the Council’s stormwater drainage system.
- g) 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.

Prior to occupation of the building all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority

Within one month of occupation of the building, as constructed drainage plans must be submitted to the satisfaction of the Responsible Authority.

3. Landscape Plan

Before construction works commence (or as otherwise agreed in writing by the responsible authority) a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided and 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) the method of preparing, draining, watering and maintaining the landscaped area;
- c) garden bed heights above car-park surface;
- d) specific details of any filter mediums to be used in associated with water quality treatment facilities;
- e) the provision of street trees in Fordyce Street and the southern side of the

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service lane to Benalla Road.

- f) the landscaped treatment of the public land abutting the site fronting Fordyce Street and Benalla Road

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

The landscape plan must be consistent with the drainage plans associated with the development.

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

Before the occupation of the developments starts or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

4. Civil Works Construction

Before construction works commence (unless otherwise agreed to in writing by the responsible authority), detailed design and construction plans must be submitted to and approved by the responsible authority. These plans must detail the following works:

- a) detailed design of the Fordyce/Gilchrist intersection;
- b) kerb and channel on eastern side of Fordyce Street and Gilchrist Street;
- c) kerb and channel on the western side of the Gilchrist/Fordyce Street intersection;
- d) a trafficable end wall on the culvert on the service lane near the Benalla Road entry to the site;
- e) the footpath on the Benalla Road to be of a trafficable standard;
- f) pedestrian traffic light signals at the crossing of the sites entrance/exist from Benalla Road;
- g) car, bicycle access and parking areas. The access and parking areas must be constructed, sealed and drained to ensure compliance with the approved/endorsed drainage plans;
- h) internal and external access ways, loading bays and pedestrian paths;
- i) undergrounded power connection to the building;

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- j) the relocation of the concrete power pole at the proposed site entrance on Fordyce Street;
- k) vehicle turning movements from the Fordyce Stree to the land for delivery vehicles.

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

Before the occupation of the development the civil construction works set out in this condition and shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

Before the building is occupied vehicular crossings to Council roads shall be constructed in accordance with the endorsed plan to the satisfaction of the responsible authority, and must be in accordance with standard drawing SD250 within the Infrastructure Design Manual.

5. Car Park, Bicycle, Loading and Pedestrian Requirements

Before construction works commence (unless otherwise agreed to in writing by the responsible authority) plans must be submitted to and approved by the responsible authority detailing the provision of car parking areas in accordance with AustRoads 'Guide to Traffic Management: Part 11 Parking', AS/NZS 2890.1, AS/NZS 2890.6 and Clause 52.06 to the satisfaction of the responsible authority. The plans must be drawn to scale and fully dimensioned. When approved the plans will be endorsed and form part of the permit and show:

- a) detailed plan of the car park with no less than 319 on site car parking spaces, including nine accessible bays unless a lesser number of car parking spaces is approved in writing by the responsible authority on account of accommodating landscaping pursuant to the landscape plan requirements and pedestrian walkways under this permit
- b) provision of energy efficient lights within the car park in accordance with AS/NZS1158 to standard P11b
- c) removal of all redundant vehicle crossings and replacement with kerb and channel
- d) the location of tactile ground surface indicators provided in accordance with Australian Standards 1428.4.
- e) provision of not less than 12 on site bicycle spaces and rails and one end of trip facility for employee use including change room with shower
- f) lighting at the entries to the land

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- g) provision of a signage and line marking plan for the internal access ways
- Before the occupation of the development starts, the area set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) surfaced with an all-weather seal coat
 - b) drained in accordance with an approved drainage plan;
 - c) line-marked to indicate each car space and all access lanes;
 - d) properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land;
 - e) 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;
 - f) treated with traffic control signage and or structures as required;
 - g) all redundant vehicle crossings be removed and replaced with concrete kerb and channel.

to the satisfaction of the responsibility authority.

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

The loading and unloading of goods from delivery vehicles in association with the use on the land, must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.

6. Operation Management Plan

Prior to the occupation of the building, an operational management plan must be submitted and endorsed by the responsible authority. The plan must include, but not limited to the details on the operation of the loading area, including delivery times, use of forklifts and the recommendations of the acoustic report.

7. Construction Phase

Before the development starts, a construction management plan shall be submitted to and approved by the responsible authority. The plan must detail measures to be employed for the effective management of matters including, mud on roads, dust generation and erosion and sediment control on the land, during the construction phase. When approved the plan will be endorsed and form part of the permit. The construction management plan must provide contact details of the site manager.

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During the construction of buildings and/or works approved by this permit, measures must be employed to minimise mud, crushed rock or other debris being carried onto public roads and/or footpaths from the land, to the satisfaction of the responsible authority.

Dust suppression must be undertaken to ensure that dust caused on the land does not cause a nuisance to neighbouring land to the satisfaction of the responsible authority.

8. **Council Assets**

Unless identified in 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 or use.

9. **Electrical layout plan**

Before construction works commence the developer must supply the electrical layout plan that includes any transformer sub-station (if required to the site) and the location of all external lights. The layout plan must be drawn to scale and show the dimension, location, and appropriate screening to the transformer sub-station to the satisfaction of the responsible authority. The location and screening of the transformer sub-station must be approved by the responsible authority.

The electrical connection to the development must be undergrounded to the satisfaction of the responsible authority.

10. **Siting of Air Conditioning**

Prior to the occupation of the development, all roof top utilities, air conditioning, plant, refrigeration, services and equipment must be designed and sited in accordance with the endorsed plans to ensure that they are integrated into the overall design and not visible from other parts of centre, streets and neighbouring properties to the satisfaction of the Responsible Authority. Wherever possible, such features should be located between the roofline and ceiling and included in building elements.

11. **Outdoor Display**

Outdoor display is limited to the areas shown on the endorsed plans to the satisfaction of the responsible authority.

12. **Loading and Unloading Times and Operation**

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

- 7:00am to 10:00pm on Monday to Friday;

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- 7.00am to 1.00pm on Saturdays;
- No deliveries on Sunday or public holidays.

to the satisfaction of the Responsible Authority, unless otherwise agreed to.

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;
- No waste collection on Sunday or public holidays

to the satisfaction of the Responsible Authority, unless otherwise agreed to.

13. **Noise Control**

Prior to occupation of the building the following noise attenuation measures must be completed:

- A 2 metre high acoustic barrier (perimeter fence) surrounding the outdoor loading bay and bulk trade services area and along the southern boundary of the carpark as shown on the endorsed plans.
- The construction, must be solid and include the following minimum requirements:
 - The barrier must have a minimum mass of 14kg/m²;
 - The barrier must be free of any holes or gaps;
 - Any proprietary products must be constructed in accordance with the manufacturer's specifications;
 - The height of the acoustic barrier is to be determined from ground level on the residential side of the interface.
- The provision of acoustically absorptive linings to the underside of the service area canopy and to the wall areas within the canopy.

The noise from mechanical services equipment (excluding any emergency/stand-by equipment) must be designed such that the overall noise associated with the mechanical services operating at full capacity does not exceed the daytime, evening and night-time effective noise levels (L_{eff}).

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).

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In the event of reasonable complaints from a nearby property of disturbance from noise caused by the cooling units allowed by this permit, then within two month of a request by the responsible authority or such reasonable further time that may be granted by the responsible authority in writing in the event that one month is impractical, 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 recommended measures that are required by the responsible authority to be undertaken by the permit holder must then be implemented as soon as practical to the satisfaction of the responsible authority.

Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm or the Victoria Police.

14. Advertising Signs

- a) The signs to be erected must be in accordance with the endorsed plan and must not be altered or modified without the prior written approval of the Responsible Authority.
- b) Any lighting of signs must be baffled and designed so that it does not dazzle road users.
- c) All signs must be constructed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.

15. Health Requirements

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

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and the name and accreditation details of their nominated Food Safety Supervisor.

16. VicRoads Requirements

1. Public access to the proposed development site must be constructed to the satisfaction of the Responsible Authority (VicRoads) as per the following:
 - Midland Highway Ingress
 - i. Eastbound via signal controlled right turn.
 - ii. Westbound via left turn.
 - Midland Highway Egress via left turn.
2. Service vehicle access to the proposed development site must be constructed to the satisfaction of the Responsible Authority (VicRoads and Greater Shepparton) as per the following:
 - Ingress and Egress only via Fordyce Street
3. Prior to the commencement of the development hereby approved a detailed functional layout must be submitted to the Responsible Authority (VicRoads) for approval.
4. Prior to commencement of use allowed by this permit all works must be completed to the satisfaction of the Responsible Authority (VicRoads).

17. Payment in Lieu of Open Space

Before the statement of compliance is issued under the Subdivision Act 1988, the owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all land in the subdivision.

The owner must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

18. Native Vegetation Offsets

Native vegetation offsets are required to offset the removal of 1 native tree approved as part of this permit. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries)*:

The offset must:

- contribute gain of at least 0.002 biodiversity equivalence units
- be located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton City Council Municipal district

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- have a strategic biodiversity score of at least 0.080

19. Native Vegetation Offset Evidence

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries)*.

Offset evidence can be either:

- An allocated native vegetation credit register extract from the Native Vegetation Credit Register; or
- A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority.
Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

The Offset Management Plan must be in accordance with *Permitted clearing of native vegetation; First party general offset kit (Department of Environment and Primary Industries)* and include:

- The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions
- Location of where offsets are to be provided and size of area (to be drawn to scale)
- Type of offsets to be provided
- If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density
- Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses
- Management actions that will be undertaken to ensure long term sustainability of offset(s) such as permanent fencing, weed control, revegetation maintenance, retention of timber/branches and other habitat management actions
- Method of permanent protection for offset(s) such as a formal agreement
- Person(s) responsible for implementing and monitoring the Offset Management Plan
- Time frame for implementing the Offset Management Plan
- Other actions (to be specified)

20. Form 13

Before a Statement of Compliance is issued under the Subdivision Act 1988 by the

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Responsible Authority the owner must provide a completed Form 13.

21. Standard 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 easement 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.

22. Telecommunications Referral Condition

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

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

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

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

23. Time for Starting and Completion

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

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- a) the development (including certification) is not started within **five (5) years** of the date of this permit;
- b) the development (including Statement of Compliance) is not completed within **seven (7) years** of the date of this permit; or
- c) the use is not started within **seven (7) years** of the date of this permit.

DRAFT

Date Issued:14-Apr-2015	Date Permit comes into operation: (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)	Signature for the Responsible Authority
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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.
-

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 C183****INSTRUCTION SHEET**

The planning authority for this amendment is Greater Shepparton City Council.

The Greater Shepparton Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 2 attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No. 23 is amended in the manner shown on the 1 attached map marked "Greater Shepparton Planning Scheme, Amendment C183".

Overlay Maps

2. Amend Planning Scheme Map No. 23DPO is amended in the manner shown on the 1 attached map marked "Greater Shepparton Planning Scheme, Amendment C183".

End of document

Planning and Environment Act 1987

Panel Report

Greater Shepparton Planning Scheme Amendment C183
and Planning Permit Application No 2013-307

Bunnings Warehouse Proposal

9 September 2015



Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Greater Shepparton Planning Scheme Amendment C183 and
Planning Permit Application No 2013-307

Bunnings Warehouse Proposal

9 September 2015



William O'Neil, Chair



Des Grogan, Member

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List of Abbreviations

C2Z	Commercial 2 Zone
EPA	Environment Protection Authority
GRZ	General Residential Zone
SPPF	State Planning Policy Framework

Greater Shepparton Planning Scheme Amendment C183 and Planning Permit Application No 2013-307
 Panel Report | 9 September 2015

Overview

Amendment Summary	
The Amendment	Greater Shepparton Planning Scheme Amendment C183 and Planning Permit Application No 2013-307
Common Name	Bunnings Warehouse Proposal
Subject Site	90-94 Benalla Road and 15-33 Fordyce Street, Shepparton
The Proponent	Benalla Road Enterprises Pty Ltd
Planning Authority	Greater Shepparton City Council
Exhibition	7 May to 9 June 2015
Submissions	15 Submissions: <ul style="list-style-type: none"> - 8 no objection - 4 submissions raise issues but not oppose - 3 submissions oppose elements of the proposal
Panel Process	
The Panel	William O'Neil (Chair) and Des Grogan.
Directions Hearing	3 July 2015
Panel Hearing	Quest, Welsford Street, Shepparton on 28 and 29 July 2015
Site Inspections	Unaccompanied, 27 and 29 July 2015
Appearances	See Table 1
Date of this Report	9 September 2015

Executive Summary

(i) Summary

Amendment C183 to the Greater Shepparton Planning Scheme seeks to rezone land from the General Residential Zone Schedule 1 to the Commercial 2 Zone and remove Development Plan Overlay Schedule 1 from part of a 4.6ha site on Benalla Road to facilitate the development of a Bunnings Warehouse. A concurrent application for a planning permit was made in conjunction with the Amendment.

At the time of the hearing, a number of submissions concerned about or opposed to the proposal have been withdrawn. The key concerns remaining related to traffic considerations and potential amenity and noise impacts. The Panel has considered all written and verbal submissions and evidence.

The Panel found that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework and that it is well founded and is strategically justified. According the Panel concluded that the Amendment should be adopted. In relation to traffic considerations the Panel concluded that:

- The arterial road network adjacent to the site will cater for the traffic anticipated to be generated by the Bunnings development, Masters Store and future traffic growth.
- An amended intersection design proposed for the Bunnings access at Benalla Road will adequately addresses potential internal vehicle conflict movements.
- A right-turn lane for vehicles exiting Bunnings is not required at this time.
- Adequate car, trailer and bicycle parking will be provided on site.
- Delivery vehicle access arrangements are satisfactory.
- The proposed development will not result in an adverse impact upon the local road network.
- The improvements proposed at the Fordyce Street/Gilchrist Street intersection are satisfactory.
- There is no nexus between the provision of footpaths on Fordyce Street and the proposed development.
- No standing restrictions, should be provided on the west side of Fordyce Street for a limited distance.

The Panel determined that the potential adverse amenity and noise impacts can be adequately controlled through appropriate conditions on the Permit.

(ii) Recommendation

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

1. **Greater Shepparton Planning Scheme Amendment C183 be adopted as exhibited.**
2. **Replace the exhibited version of Planning Permit No 2013-307 with the Panel Recommended version contained in Appendix C of this report.**

1 Introduction

1.1 Panel process

Greater Shepparton Planning Scheme Amendment C183 and Planning Permit Application No 2013-307 (the Amendment) was prepared by the Greater Shepparton City Council as Planning Authority. As exhibited, the Amendment proposes to:

- Rezone the part of the subject land that is within the General Residential Zone Schedule 1 (GRZ1) to the Commercial 2 Zone (C2Z)
- Remove Development Plan Overlay Schedule 1 from the land for the purpose of facilitating the development of a Bunnings Warehouse.

A concurrent application for a planning permit pursuant to Division 5 of Part 4 of the *Planning and Environment Act 1987* is made in conjunction with the Amendment.

By letter from Greater Shepparton City Council dated 11 June 2015 Planning Panels Victoria was informed that Greater Shepparton Council Officers had decided that submissions to the Amendment could not be resolved and it was necessary to refer the submissions to a Panel. A Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 18 June 2015 and comprised Kathy Mitchell (Chair), and William O'Neil. At the Directions Hearing on 3 July it became apparent that traffic considerations were a dominate issue and the Panel would benefit from having a Member with traffic engineering experience. A newly constituted Panel was appointed on 13 July 2015 and comprised William O'Neil (Chair) and Des Grogan.

Those in attendance at the Panel Hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Greater Shepparton City Council	William Bartley of Russell Kennedy Lawyers who called the following expert witnesses: <ul style="list-style-type: none"> - Henry Turnbull, Traffic Engineer, Traffix Group An evidence statement was also filed by the following witness who was not called: <ul style="list-style-type: none"> - Neville Goddard, Acoustics, Watson Moss Growcott
VicRoads	Eliza Bergin of the Victorian Government Solicitors Office who called the following expert witness: <ul style="list-style-type: none"> - Bob Citroen, Traffic Engineer, Traffic Works
Benalla Road Enterprises Pty Ltd	Susan Brennan SC and Emily Porter of Counsel, instructed by Rory O'Connor of Norton Rose Fulbright who called the following expert witnesses: <ul style="list-style-type: none"> - Deborah Donald, Traffic Engineer, O'Brien Traffic - Hilary Marshall, Traffic Engineer, Cardno Evidence statements were also filed by the following witnesses who were not called:

	- Stuart McGurn, Town Planner, ERM
	- Gavin Duane, Economist, Location IQ
Shepparton Transit	Lawrence Fallon and Trish Barr

1.2 The proposal

(i) The subject site

The subject site is comprised of two land parcels approximately 4.7 ha in area described as Nos 90-94 Benalla Road (Lot 2 on PS 341831B) and part of Nos 15-33 Fordyce Road (Part of PC 353316Q), Shepparton. The site is located on the south side of Benalla Road and east of Fordyce Street (refer Figure 1).

The site is irregular in shape with a frontage to Benalla Road of approximately 56.5 metres, a frontage to Fordyce Street of approximately 92 metres and has an overall site area of approximately 4.7 hectares.

The site is flat and generally devoid of significant vegetation along the eastern boundary of the site.

The northern portion of Nos 90-94 Benalla Road is occupied by several single storey buildings. The southern portion of the site (being part of Nos 15—33 Fordyce Street) is predominantly vacant, with the exception of an older dwelling located adjacent to Fordyce Street.

The site is affected by various easements. There is a 2.5 metre wide easement aligned east/west located central to the site and a 3.5 metre wide easement along the western boundary of Nos 90-94 Benalla Road both in favour of Goulburn Valley Water, and a Shepparton Sewerage Authority easement along the southern boundary of Nos 15-33 Fordyce Road.

To the north of the site (across Benalla Road) are a number of bulky goods retail premises, showrooms and shops. A “Masters” store has been approved on a site on the corner of Florence Street and Benalla Road, to the north-east of the site.

Directly to the east of the site is the Shepparton Marketplace Shopping Centre which contains various retail premises, including a Big W and a Woolworths Supermarket. The at-grade car park associated with the Shopping Centre directly abuts the eastern boundary of the subject site.

To the south of the site is vacant residentially zoned land.

Residential development is located to the west of the southern portion of the site (across Fordyce Street). These dwellings are predominantly single storey.

To the north of these dwellings and west of Fordyce Road is land occupied by ‘Boral Concrete’ which comprises a concrete batching plant and open storage yard.

To the west of the northern portion of the site is a range of trade supplies, motor repairs and car sales yards which are accessible from Benalla Road or Fordyce Street.



Figure 1 Subject area
 (Source: Evidence Statement of Deborah Donald, O'Brien Traffic, Page 6)

(ii) The Proposed Development

The proposed Bunnings Warehouse will have a total retail area of 19,818 sq. metres with a mezzanine office level of 302 sq. metres. The balance of the site is to be largely used for car parking (refer Figure 2).

The Panel was advised that the proposed development is to replace the existing Bunnings Warehouse located on the north side of Benalla Road to the east of the proposed site. The Permit application and amendment documents included:

- an existing conditions layout plan
- a site context layout plan
- a landscape plan
- a traffic impact assessment
- a planning report
- a noise assessment
- an economic impact assessment
- a vegetation assessment
- a cultural heritage due diligence
- a storm water management plan
- a geotechnical assessment
- an environmental assessment
- a geotechnical investigation report
- an environmental site assessment
- draft planning scheme amendment documents.

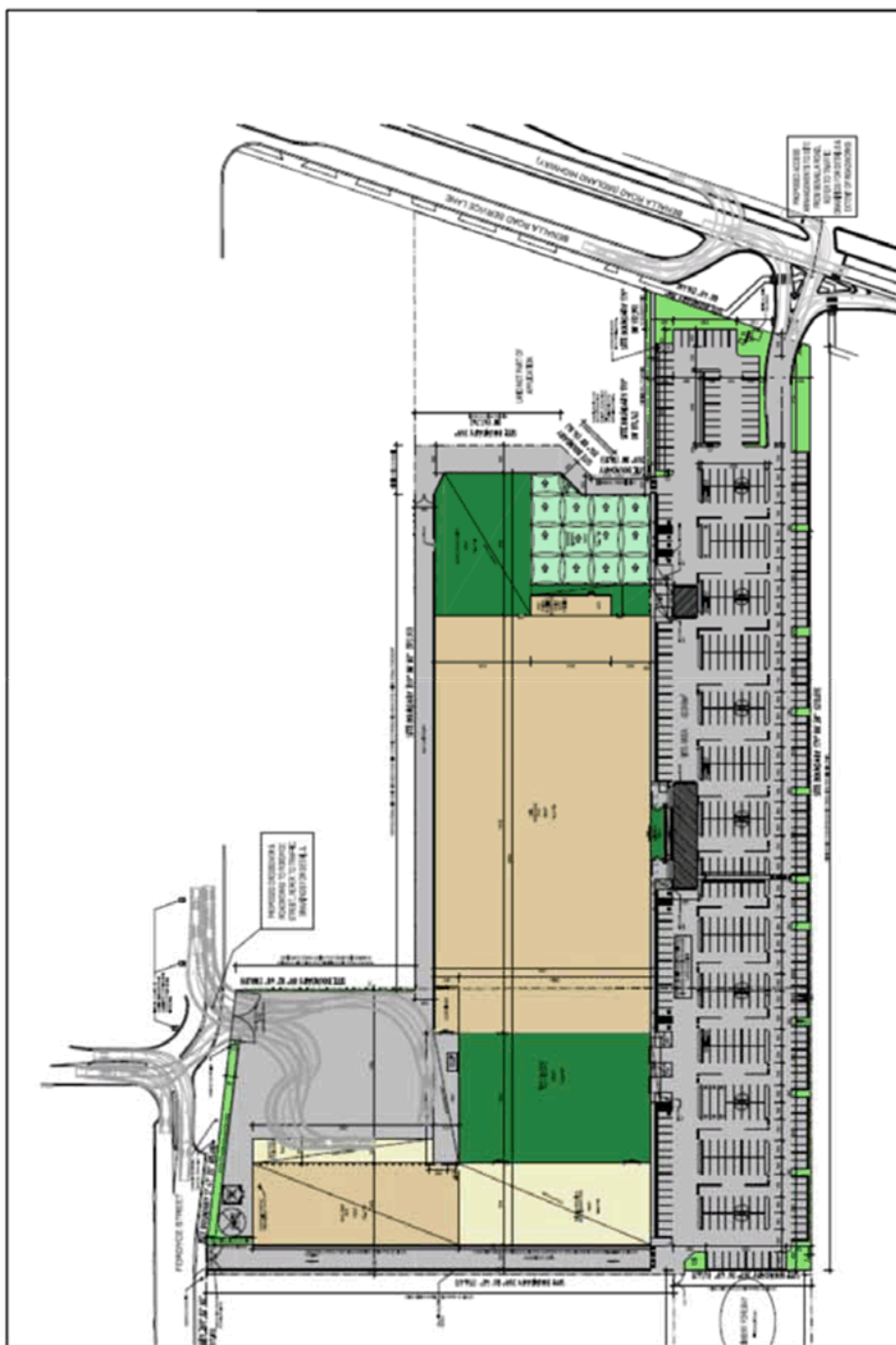


Figure 2 The Proposed Development (extract from TP-1 Rev P11)
(Source: Evidence Statement of Deborah Donald, O'Brien Traffic, Page 4)

1.3 Background to the proposal

In November 2013 Peninsula Planning Consultants requested a concurrent planning scheme amendment and application for a Planning Permit under section 96A of the *Planning and Environment Act 1987*. Following extensive consultation with Council, relevant service authorities and agencies a further planning submission dated April 2015 was lodged. The submission notes:

Benalla Road Developments Pty Ltd is initiating this opportunity to establish a new and larger Bunnings Warehouse to service Shepparton and the surrounding region.

The proposed new Bunnings Store will replace the existing Bunnings Warehouse that has been operating approximately 700 metres to the east since 2000. The existing store will close and Bunnings Shepparton will be re-located to the new Bunning Warehouse to be developed on the subject site.

Relocation and expansion of Bunnings Shepparton will allow the development of a modern format hardware warehouse and trade supplies that has a greater product range and enhanced customer amenity relative to the existing store with dedicated trade access.

In particular, the proposed new store will have a significantly enhanced capacity to provide a wide range of trade supplies and services aimed at meeting the needs of local businesses. This includes a new bulk trade area and expanded timber and trade yard.

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 the issues under the following headings:

- Strategic Planning Context
- Traffic Considerations
- Amenity Impacts and Noise

2 Strategic Planning Context

Council provided a response to the Strategic Assessment Guidelines as part of the 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 Settlement

Planning is to anticipate and respond to the needs of existing and future communities.

This includes through the provision of zoned and serviced land for commercial and is to take full advantage of existing settlement patterns.

Clause 11.10 Hume regional growth

Tourism and related activities, agriculture, rural industries and earth resource industries feature in the strategies.

At clause 11.10-3, one of the growth strategies is to facilitate growth and development in the regional cities which includes Shepparton.

Shepparton is identified as a "Major growth location" and identified as a "Regional City" in a state wide context (Map 6 Hume Regional Growth Plan).

Map 12 of the Growth Plan at page 48 shows the general area to the east of the subject site as "Key residential growth front" as well as identifying a Sub-regional node.

The plan identifies that the major urban growth and development for the Goulburn Valley Sub-Region will be focussed in the major regional city of Shepparton.

Clause 15

Planning should ensure all new land use and development appropriately responds to its context and planning should achieve high quality urban design and architecture.

The urban design principals of clause 15.01-2 apply to proposals for non-residential development.

Clause 17 Economic Development

One of the overarching policy considerations is:

Planning is 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.

The objective for 17.01-1 Commercial - Business is:

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 at clause 17.01-1 include:

Provide outlets of trade-related goods or services directly serving or ancillary to industry and which have adequate on-site car parking. The Amendment responds to *Clause 11 Settlement* by providing for land zoned for commercial use and expansion.

(ii) Local Planning Policy Framework

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

Clause 21.04 Settlement

The population of the municipality is predicted to grow from 59,202 in 2006 to 71,509 by 2026.

The Greater Shepparton Housing Strategy 2011 outlines Council's approach to housing delivery and growth in the municipality.

The Shepparton South Framework Plan at page 19 of 34 shows the GRZ1 part of the subject site as being part of the identified urban growth area.

Clause 21.06-5 Economic Development - Commercial/Activity Centres

This identifies the Shepparton Marketplace as a Sub-Regional Centre.

The strategies include consideration of the expansion of the Shepparton Marketplace, subject to economic impact assessment and its relative role in relation to the Shepparton CBD.

The strategies also include encouraging and promoting the location of peripheral sales, bulky goods and restricted retail as shown on the Framework Plan.

The Framework Plan in clause 21.06 shows the Shepparton Marketplace as a "Major activity centre" and the subject locality as "Highway business – consolidate and redevelopment".

(iii) Other planning strategies or policies used in formulating the Amendment

Council submitted that the Amendment is supported by the following other planning strategies:

Greater Shepparton 2030 Strategy Plan

This is a high level strategy plan adopted by Council in October 2006.

Amongst other things, it is to serve as a vision and strategy to guide planning in the future.

It is a reference document in the Scheme (clause 21.09).

The strategy identifies five directions, one of which relates to economic development. This direction is:

Promote economic growth, business development and diversification, with a focus on strengthening the agricultural industry.

The Background and Analysis Report No 5: Economic Development identifies the Shepparton Marketplace as a sub-regional centre in terms of the strategy.

At clause 6.1.6 (p40) the report identifies bulky goods as a growing retail market and that there is a need to plan for bulky goods retail in Shepparton.

The report notes (p42):

Bulky goods retailing can be located in connection with a shopping centre, subject to a retail/floorspace economic impact study and rezoning of part/all of the land.

Key objectives for activity centres include (Part 6.2):

To develop and maintain a hierarchy of viable activity centres by retaining local and visitor spending in the municipality.

To encourage and promote the location of bulky goods/peripheral sales and highway services in locations which are accessible and appropriately serviced.

This is reflected at Objective 5 in Table 7 in clause 6.2.

The business framework plan (Part 6.3) includes the following:

Existing areas to be consolidated for highway sales/peripheral sales developments, along arterial and main roads.

The Business Framework Plan at Figure 5a (p50) identifies the subject locality as a "Major activity centre" and "Highway business consolidation and redevelopment".

Shepparton South East Growth Corridor Structure Plan (draft)

A draft Shepparton South East Growth Corridor Structure Plan and a draft Development Contributions Plan were prepared in 2009.

This growth corridor is one of the four growth corridors identified in the Greater Shepparton 2030 Strategy Plan.

The growth corridor which extends from Benalla Road in the north to Channel Road in the south is estimated to accommodate an additional 1435 dwelling.

The draft South East Growth Corridor Structure Plan identifies Fordyce Street as a collector street level 2.

The subject land abuts the land to which the structure plan applies.

The structure plan reflects the current zoning of the subject land.

The structure plan shows the land within the GRZ1 that is to the south of the Shepparton Marketplace being rezoned to a commercial zone.

The draft strategy currently has no formal status in terms of the Scheme.

2.2 Planning scheme provisions

(i) Zones

The planning scheme amendment rezones part of the rear of the subject land from the General Residential Zone (GRZ) to the Commercial 2 Zone (C2Z). The front part of the subject land is already zoned C2Z.

The purpose of the C2Z is to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

The development of bulky goods retailing such as Bunnings Warehouse is consistent with the purpose of the zone.

(ii) Overlays

The Amendment removes Development Plan Overlay (Schedule 1) from land. Development Plan Overlay Schedule 1 requires the preparation of a development plan prior to the granting of a permit for a residential dwelling. As the land is to be rezoned from GRZ to C2Z, Development Plan Overlay Schedule 1 is redundant.

(iii) Planning Permit Permissions

The C2Z does not require a permit for a restricted retail premises (in this instance a Bunnings Warehouse).

With approval of the Amendment, the application requires the following permissions:

- Buildings and works in the C2Z (clause 34.02-4)
- Subdivision (clause 34.02-3)
- Removal of easement E-1 on PS341831B (clause 52.02)
- Erection and display of a floodlit free standing sky sign and floodlit business identification panel signs (clause 52.05-7)
- Creation of and alteration to an access onto a Road Zone Category 1 (clause 52.29)
- Reduction in bicycle facilities (clause 52.34-2).

2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

Ministerial Direction 11 - Strategic Assessment Guidelines

The proposed combined planning scheme amendment and planning permit is consistent with Ministerial Direction 11 (Strategic Assessment Guidelines)

The Form and Content of Planning Schemes (s7(5))

The Amendment and proposal are consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

Ministerial Direction 1 – Potentially Contaminated Land requires Council to consider the potential for the site to be contaminated, given historical uses, and to satisfy itself that the land is suitable for the proposed use. Council submitted that an Environmental Site Assessment has been undertaken by Cardno Lane Piper Pty Ltd. The assessment concluded that “the site is suitable for proposed commercial use”.

(ii) Practice and Advisory Notes

Council submitted that the following practice and advisory notes are relevant to the Bunnings Warehouse proposal:

- PPN46 – Strategic Assessment Guidelines
 - AN34 – Addressing the Transport Integration Act 2010 in a planning scheme amendment.
- Council stated that the Bunnings Warehouse proposal complies with all relevant technical requirements of the relevant Practice and Advisory Notes.

2.4 Discussion

The original submission on behalf of Masters Home Improvement and Hydrox Nominees Pty Ltd (submission 8) questioned the strategic justification for rezoning the subject site and commented that:

- the location of the subject site has been ignored
- part of the subject site is identified to be developed for residential purposes in the short term (ie 5 to 10 years)
- there is no detailed analysis of Commercial 2 zoned land.

The Panel notes that the submissions on behalf of Masters Home Improvement and Hydrox Nominees Pty Ltd have been unconditionally withdrawn by letter dated 21 July 2015 forwarded by their legal counsel Mr John Cicero of Best Hooper:

Benalla Road Enterprises Pty Ltd, has now confirmed that it does not contest the Council position as summarised in the email from Mr Ian Pridgeon of Friday 17 July 2015 at 4:40 pm. On that basis, our clients withdraw their submissions.

The Council submission noted that given the withdrawal of Masters Home Improvement and Hydrox Nominees Pty Ltd (Submission 8) and Woolworths (Submission 9):

it appears not in dispute that there is sufficient strategic justification for the Bunnings Proposal, both on planning grounds and economic grounds.

The Council submission noted that the Statement of Town Planning Evidence, dated July 2015, prepared by Stuart McGurn of Environmental Resources Management Australia which was served on all parties on behalf of the Owner includes a relatively detailed assessment of the Bunnings proposal against the relevant state and local planning policy frameworks and the relevant planning controls. The evidence of Mr McGurn states that the reduction in the area of residentially zoned land is negligible and that:

- There is sound strategic support for the rezoning of the land at 15-33 Fordyce Street to the Commercial 2 Zone to facilitate the development of a Bunnings Warehouse.
- The layout and design of the proposal appropriately responds to the site's context and will result in an appropriate built form outcome.
- The proposal will not result in unreasonable impacts on neighbouring residential properties.
- The proposed rezoning and development represents an appropriate planning outcome for the site and its surrounds and the proposed amendment/application will result in an overall net community benefit.

The submissions by Ms Brennan SC on behalf of Benalla Road Enterprises noted that the subject land is adjacent or in close proximity to:

- a number of bulky good retail premises, showrooms and shop to the north including an existing Bunnings Warehouse to the east on the northern side of Benalla Road, and an approved Masters store on the corner of Florence Street and Benalla Road and Shepparton Market Place;
- Shepparton Marketplace Shopping Centre directly to the east, including a Big W discount department store and a Woolworths supermarket;
- Trade supplies, motor repairs and car sales yards, and a Boral concrete batching plant and open storage yard, to the west; and
- Vacant residentially zoned land to the south.

In respect of the strategic justification of the Amendment Ms Brennan submitted:

Clause 21.06–5 of the Greater Shepparton planning scheme identifies Shepparton Marketplace as a sub-regional centre, and describes the Benalla Road as having a concentration of bulky goods retailing. Peripheral sales (bulky goods) uses are specifically directed to existing highway locations.

A relevant strategy for commercial/activity centres is to "encourage and promote the location of peripheral sales, bulky goods and restricted retail as shown on the Framework Plan", which depicts Midland Highway (Benalla Road) within an area designated "highway business – consolidate and redevelopment."

This strategy is supported by section 6.1.5 and Tables 6 and 7 of the Greater Shepparton 2030 Strategy Plan, which was adopted by Council in October 2006.

While clause 21.04 identifies the Fordyce Street parcel as part of a broader "urban growth area" there is currently 890 ha of broad acre residentially zoned land in Shepparton. The Fordyce Street parcel represents approximately 0.2% of that supply. An additional 233 ha of land in the South East Growth Corridor, immediately to the south of the land, will be rezoned to a residential zone. The rezoning of Fordyce Street parcel will have a negligible impact on the supply of residential land in the region.

The proposed rezoning is a logical extension to the existing commercially zoned land comprising the sub-regional centre of Shepparton Marketplace, in order to facilitate an upgraded Bunnings warehouse within an existing bulky goods precinct.

The strategic merits of the proposed rezoning are:

- (a) strongly supported by clause 21.06 of the Scheme;
- (b) supported by council;
- (c) supported by Mr McGurn's independent planning assessment; and
- (d) not disputed by the submitters participating in this hearing or any contrary evidence.

The Panel agrees with the above submissions on behalf of Council and the Benalla Road Enterprises.

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework. The Panel concludes that the Amendment is well founded and is strategically justified and should be supported.

Matters concerning the concurrent Planning Permit Application are dealt with in Chapters 3 and 4 of this report.

2.5 Recommendation

The Panel Recommends:

1. **Greater Shepparton Planning Scheme Amendment C183 be adopted as exhibited.**

3 Traffic Considerations

3.1 The issue

Traffic engineering reports have been prepared by four separate companies in relation to this proposed amendment and development application. O'Brien Traffic (OBT) was retained by Benalla Road Developments Pty Ltd (BRD) and prepared reports dated November 2013, April 2015 and 20 July 2015.

Cardno, also retained by BRD prepared a report dated 20 July 2015 and a follow up letter dated 27 July 2015.

Traffic Group retained by Greater Shepparton Council in December 2013 to undertake a peer review of the OBT report and have prepared plans and reports dated January 2014 (not available to the Panel), June 2014 and 20 July 2015.

Traffic Works Pty Ltd were engaged by VicRoads to provide an expert witness report which is dated 20 July 2015.

At the request of the Panel all four traffic companies held a conclave to discuss the key issues and assumptions and determine areas of agreement and disagreement. The conclave was held on 22 July 2015 and was attended by:

- Deborah Donald, OBT
- Hilary Marshall, Cardno
- Jodie Place, Traffic Group, on behalf of Henry Turnbull
- Bob Citroen, Traffic Works.

A summary of the discussion and conclusions, dated 24 July 2015 and signed by all parties was presented to the Panel (Hearing Document 13).

A letter from GTA consultants to Mr Richard Lonergan of Masters Home Improvement, dated 19 December 2013, relating to a proposed Masters Store on Benalla Road opposite Shepparton Marketplace, was also provided to the Panel (Hearing Document 22).

Traffic related matters were also raised by a number of submitters who own residential properties or operate businesses within the immediate environs.

The following traffic related issues were raised by submitters:

- Benalla Road/Bunnings access intersection
- The ability of Benalla Road U turns to cope with additional traffic
- Pedestrian connection between Bunnings and Shepparton Market Place
- Traffic calming- Gilchrist Street and Fordyce Street
- Parking restrictions on Fordyce Street
- Delivery vehicles blocking the driveway into Shepparton Transit site
- Additional traffic on Fordyce Street south of the site.

3.2 Evidence and submissions

Initially there was some confusion among the traffic engineers about where U turns were permitted on Benalla Road. Messrs Turnbull and Citroen incorrectly assumed U turns were permitted at Mitchell Street while other errors were resolved at the traffic conclave.

All experts agreed that a signalized intersection on Benalla Road at the Bunnings entrance would operate with a “good” to “very good” degree of saturation now and in 10 years’ time for the majority of time periods. However, during the Saturday peak period in 10 years’ time with a Masters Store operating opposite the Marketplace site the degree of saturation would increase to 0.89, which represents a “poor” rating, which in this instance is acceptable.

Mr Turnbull indicated that provision should be made for a right turn out of the site at the new signalized intersection rather than requiring eastbound vehicles to turn left out and then make a U turn west of the site. He stated that it is good practice to restrict U turns rather than encourage them. He also suggested that the Bunnings development may not commence operation for 10 years and therefore the new intersection design should be based on a 20 year time frame not 10 years.

Mr Citroen raised the matter of the length of queues for exiting traffic onto Benalla Road.

A number of different assumptions were made by the traffic consultants about critical gap and headway timings for safe U turn movements on Benalla Road.

Ms Donald indicated that following discussions with VicRoads officers the SIDRA default values of 3.8 seconds for the follow up headway was adopted. Ms Bergan of Counsel, acting on behalf of VicRoads confirmed that these values were acceptable.

All experts agree that the U turn at Watson Street will cater for movements generated by the Bunnings development and that other U turn options are available further to the west if there were queuing problems at Watson Street.

The owners and major tenants of Shepparton Marketplace objected to vehicular or pedestrian connections between the proposed development and their site.

Mr Citroen suggested that “*Council considers the installation of traffic calming treatments in Gilchrist Street and Fordyce Street South as a condition in the permit*”. The other experts disagreed with this proposal and suggested that the proposed upgrade to the Fordyce Street/Gilchrist Street intersection would perform a traffic calming role.

The owners of Shepparton Transit were concerned over the introduction of parking restrictions on the west kerb of Fordyce Street and the potential of delivery vehicles accessing the Bunnings service yard blocking their driveway.

A local resident objected to the development on the basis of increased traffic in Fordyce Street and safety concerns regarding the lack of footpaths on Fordyce Street.

3.3 Discussion

Although there were differences of opinion in relation to certain traffic issues the Panel was assisted by the outcome of the conclave and the presentations of the four traffic experts.

The Panel understands Mr Turnbull's philosophy with regard to U turn movements, however, agrees with Ms Donald that in some locations a U turn is better than a right turn. On the Midland Highway (Benalla Road) in the vicinity of the site observations suggest that the relevant road Authority has chosen a limited or restricted access philosophy, prohibiting right turns at some intersections and banning U turns at others. U turns are generally permitted on the approach to the signalised intersection, rather than at the intersection. The access arrangements proposed for this development continue this philosophy. The Panel is satisfied with the proposed intersection design and dismisses the suggested inclusion of a right-turn lane for vehicles exiting Bunnings as advanced by Mr Turnbull.

Mr Citroen was the only traffic witness to raise the issue of queue length on the Bunnings access road. Ms Marshall's evidence indicated that in all three intersection scenarios tested for the Saturday peak the 95th percentile queue length would be 82 metres. The plans submitted with the application indicated that the internal aisle and the closest parking bay to the stop line at the signalized intersection is located 55 metres from the stop line. Exiting queues would therefore block the access aisle and impact upon parking manoeuvres. At the request of the Panel, a revised car parking layout was prepared and submitted on Day 2 of the Hearing (Hearing Document 26). The Panel is satisfied with the revised layout and supports the inclusion of a requirement in Condition 1 of the Permit that the amended plans must show *"the car parking layout in accordance with the plan prepared by O'Brien Traffic, sheet 1 of 1, drawing number 14787109 (Job No 14787), dated 29 July 2015"*.

The Panel accepts the evidence of the traffic witnesses that the U turn at Watson Street and beyond, combined with the new signalized intersection, will not result in an unacceptable impact upon the surrounding road network.

The Panel accepts that Woolworths and Bunnings are competitors and therefore would not wish to facilitate anything that may provide an advantage to them by way of providing a pedestrian link between the two sites. Pedestrian links are however, two way, enabling Bunnings customers parked in their car park to access the Woolworths store, thereby benefiting Woolworths.

The lack of a pedestrian link between the two sites would require a Bunnings customer to walk 400 metres from the Bunnings store entrance to a point in the Woolworths car park 70 metres from the Bunnings Store entry. Clearly the same distance applies for a Woolworths customer wishing to make a purchase at Bunnings.

The Panel notes that all traffic witnesses agreed that in the future, common sense may prevail and the proposed fence may be breached to facilitate a pedestrian link between Bunnings and Shepparton Marketplace.

Fordyce Street provides a connection between the residential precinct and Benalla Road, with a change in priority at the Gilchrist Street intersection. It is a long, generally straight road with potential for speeding traffic. However, the Panel does not support the evidence of Mr Citroen that the local road network function is compromised by the proposed

development and agrees with the other three traffic witnesses that traffic calming is not required on Fordyce Street south of the site as a result of the proposed development.

If resident complaints occur in the future, Council can review the situation and take appropriate action.

Kerbside parking in Fordyce Street north of Gilchrist Street is currently unrestricted. During site inspections the Panel observed vehicles on the west side of the street parking on the nature strip rather than on the road pavement. Submitters indicated that motorists were concerned about the proportion of trucks using Fordyce Street and preferred to park on the nature strip rather than the road pavement.

When asked by the Panel, all traffic witnesses indicated that Shepparton Transit staff vehicles should be parked on their site rather than on the street.

Plans submitted with the application indicated that no standing signs are proposed to be installed on the west side of Fordyce Street immediately north of Gilchrist Street. The no standing area only applies to a limited length of Fordyce Street. Following a further site inspection by the Panel, the Panel concludes, as did Ms Marshall, that the no standing restrictions are appropriate to facilitate B –double egress from the site. However, the Panel considers that the restrictions should only apply as far north as the northern edge of the southern driveway serving Shepparton Transit.

The issue of delivery vehicles blocking the Shepparton Transit driveway was only ventilated on the last day of Panel hearing when no traffic witnesses were present. The site inspection by the Panel revealed that this was very unlikely and therefore not an issue.

3.4 Conclusions

The Panel concludes:

- The arterial road network adjacent to the site will cater for the traffic anticipated to be generated by the Bunnings development, Masters Store and future traffic growth.
- The intersection design proposed for the Bunnings access at Benalla Road will operate satisfactorily accept during the peak hour on a Saturday when exiting queues will extend 82 metres into the site clashing with parking vehicles and a car park aisle. The modified car parking layout in accordance with the plan prepared by O'Brien Traffic, sheet 1 of 1, drawing number 14787109 (Job No 14787) [Hearing Document 26] adequately addresses the potential conflict.
- The provision of a right-turn lane for vehicles exiting Bunnings is not required at this time.
- Adequate car, trailer and bicycle parking will be provided on site.
- Delivery vehicle access arrangements are satisfactory.
- The proposed development will not result in an adverse impact upon the local road network.
- The improvements proposed at the Fordyce Street/Gilchrist Street intersection are satisfactory.
- There is no nexus between the provision of footpaths on Fordyce Street and the proposed development.

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- No standing restrictions should be provided on the west side of Fordyce Street for a limited distance.

3.5 Recommendations

The Panel recommends:

- 2. Replace the exhibited version of Planning Permit No 2013-307 with the Panel Recommended version contained in Appendix C of this report.**

4 Amenity Impacts and Noise

4.1 The issue

The issue is whether the proposal will result in unacceptable amenity impacts for nearby residents and whether the proposed acoustic treatments are adequate.

4.2 Evidence and submissions

Submitter 15 (Lynette and Norman McPhee) was concerned with the potential loss of amenity including:

- the potential for noise emissions and the inadequate height of the proposed acoustic wall
- loss of privacy and compromised security due to increased numbers of people within the vicinity of the relevant residence
- inadequate landscaping proposed along the boundaries of the subject site.

Amongst other things, the submission requests that the proposed acoustic barrier be increased in height to at least 3.0 m to 3.5 m in order to ensure that there will be no unreasonable impacts on the residential area to the south west and south of the subject site.

In terms of traffic they are concerned regarding the increase in the proportion of trucks that will use Fordyce Street as a result of the proposal, congestion at the Fordyce Street/Benalla Road intersection (particularly turning right on to Benalla Road) as well as the safety of the Fordyce Street/Gilchrist Street intersection (These matters have been addressed in Chapter 3 of this report).

Ms Brennan submitted that the potential amenity issues can be remedied by:

- restrictions on delivery and waste collection hours in accordance with EPA Guideline 1254; and
- An acoustic fence at the south west corner of the land and along the southern boundary.

Further Ms Brennan noted that Mr Marks of Marshall Day Acoustics was engaged by Benalla Road Enterprises Pty Ltd to assess the concerns of the submitter (refer Document 4). His response was then peer reviewed by Mr Goddard of Watson Moss Growcott Acoustics for Council (Refer Hearing Document 5). Mr Marks and Mr Goddard then met to discuss their respective findings and a Joint Statement was prepared for the Panel Hearing (Refer Hearing Document 6).

4.3 Discussion

Council's Part B submission noted that, as a consequence of the joint statement of Mr Marks and Mr Goddard dated 23 July 2015, (Document 6) Council understands the only remaining unresolved issue related to potential noise emissions is the height of the acoustic wall shown on the site plan at the south western extent of the subject site.

The experts agreed that further noise measurements should be conducted at the residential premises at the corner of Fordyce Street and Gilchrist Street and these measurements should be used to determine the height of the acoustic wall. Both Council and the

proponent considered it to be reasonable for this to be dealt with by way of a condition on the planning permit.

Based on the joint statement of Mr Marks and Mr Goddard Council and the proponent also agree that, subject to compliance with the conditions proposed for inclusion on the planning permit, the Bunnings proposal will not unreasonably impact on the amenity of any adjoining residential land.

The Panel accepts the acoustic evidence and submissions that the potential adverse amenity impacts can be adequately controlled via appropriate conditions on the Permit. Furthermore, the Panel is satisfied that the noise impacts from the proposal including cumulative noise impacts from other industry in the area, are able to comply with the relevant SEPP standard.

4.4 Conclusion

The Panel concludes that the proposed Condition 1 a) included in Appendix C of this report is appropriate, as agreed by all parties to the hearing. It requires that amended plans must be prepared, submitted and approved to the satisfaction of the responsible authority that show:

- the height of the acoustic wall along the western boundary and along the southern boundary of the outdoor loading bay area in accordance with the results of the further noise measuring conducted in accordance with condition 14(b).

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Appendix A Submitters to the Amendment

No	Submitter
1	Goulburn-Murray Water
2	APA Group
3	EPA Victoria
4	Goulburn Valley Water
5	VicRoads
6	Department of Environment, Land, Water and Planning
7	Jill Myers
8	Masters Home Improvement and Hydrox Nominees Pty Ltd
9	Woolworths Ltd
10	Dexus Property Group
11	McNeill Holdings Pty Ltd
12	Goulburn Broken Catchment Management Authority
13	Public Transport Victoria
14	Shepparton Transit
15	Lynette and Norman McPhee

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Appendix B Document list

No	Date	Description	Presented by
1	28/7/2015	Revised Permit	Mr Bartley
2	"	Further analysis of u-turn movements by Hilary Marshall	Ms Brennan
3	"	Additional acoustics advice by Marshall Day Acoustics dated 16 April 2015	Ms Brennan
4	"	Additional acoustics advice by Marshall Day Acoustics dated 20 July 2015	Ms Brennan
5	"	Noise Emission Assessment Peer Review and Witness Statement by Neville A J Goddard	Mr Bartley
6	"	Joint Statement by Acoustics Experts	Mr Bartley
7	"	Revised Site Plans and Elevations	Mr Bartley
8	"	Council's Part B Submissions	Mr Bartley
9	"	Evidence Statement of Deborah Donald OBT	Ms Brennan
10	"	Evidence Statement of Hilary Marshall of Cardno	Ms Brennan
11	"	Evidence Statement of Henry Turnbull of Traffix Group	Mr Bartley
12	"	Evidence Statement of Bob Citroen of Traffic Works	Ms Bergin
13	"	Joint Statement by Traffic Engineers	Mr Bartley
14	"	Intersection Design Plans by OBT	Ms Brennan
15	"	Submissions and attachments on behalf of the Roads Corporation	Ms Bergin
16	"	Revised Permit Condition requested by the Roads Corporation	Ms Bergin
17	"	Submissions on behalf of Benalla Road Enterprises	Ms Brennan
18	"	Extract from Shepparton South East Growth Corridor Structure Plan	Ms Brennan
19	"	Extract from Greater Shepparton Freight and Land Use Study 2013 – Framework Plan	Ms Brennan
20	"	Guidelines for Transport Impact Assessment Reports	Ms Brennan
21	"	Planning Permit 2013-314	Ms Brennan
22	"	Traffic and Transport Design Review 2013 Re Masters Home Improvement Application	Ms Brennan
23	29/7/2014	Addendum to the Statement of Town Planning Evidence prepared by Stuart McGurn	Ms Porter

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No	Date	Description	Presented by
24	"	Updated Tracked Changes Version of Draft Planning Permit No 2013-307	Ms Porter
25	"	Updated Clean Skin Version of Draft Planning Permit No 2013-307	Ms Porter
26	"	Proposed Bunnings Signalised Right Turn Lane, Drawing No 14787109, Dated 29/07/15 (CAD FILE: 14787109.DGN)	Ms Porter
27	"	Pre-Exhibition Section 173 Agreement between Greater Shepparton City Council and Benalla Road Enterprises Pty Ltd	Mr Bartley
28	30/7/2015	Post Hearing Version of Draft Planning Permit No 2013-307 with amended condition regarding Public Open Space Contribution	Mr Bartley

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Appendix C Panel Recommended Version of Planning Permit No 2013-307

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PLANNING PERMIT

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

Permit No: 2013-307

Planning Scheme: Greater Shepparton

Responsible Authority: Greater Shepparton
City Council**ADDRESS OF THE LAND:**15-33 Fordyce Street and 90-94 Benalla Road
SHEPPARTON VIC 3630**THE PERMIT ALLOWS:**

- Buildings and works in the Commercial 2 Zone
- Two lot subdivision (boundary re-alignment) in the Commercial 2 Zone
- removal of easement (E-1 on PS341831B)
- erect and display floodlit free standing sky sign and floodlit business identification panel signs
- Creation of and alteration to an access onto a Road Zone (category 1)
- Subdivision adjacent to a Road Zone (category 1)
- Reduction in bicycle facilities

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**1. Amended Plans**

Prior to the commencement of the development, amended plans prepared 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 form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. The amended plans must be generally in accordance with the plans submitted with the application (TP-01 revision P11; TP-02, revision P10) but must show:

- a) the height of the acoustic wall along the western boundary and along the southern boundary of the outdoor loading bay area in accordance with the

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results of the further noise measuring conducted in accordance with condition 14(b);

- b) the car parking layout in accordance with the plan prepared by O'Brien Traffic, sheet 1 of 1, drawing number 14787109 (Job No 14787), dated 29 July 2015;
- c) the following notation on the plans: "The vehicular accessway along the southern boundary of the subject site must be closed to all vehicular access between **10:00pm and 7:00am** on all days".

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. Drainage Discharge Plan

Before construction works commence or as otherwise agreed to, a drainage plan with computations prepared by a suitably qualified person 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 three copies must be provided. The plans must be in accordance with Council's Infrastructure Design Manual and include:

- a) how the land will be drained;
- b) underground pipe drains conveying stormwater to the legal point of discharge;
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) a maximum discharge rate from the site no greater than pre-development flows;
- e) documentation demonstrating approval from the relevant authority for the legal point of discharge;
- f) the provision of gross pollutant and/or litter traps installed before the basin to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system;
- g) 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.

Prior to occupation of the building all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority.

Within one month of occupation of the building, as constructed drainage plans must be submitted to the satisfaction of the Responsible Authority.

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4. Landscape Plan

Before construction works commence (or as otherwise agreed in writing by the responsible authority) a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided and 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) the method of preparing, draining, watering and maintaining the landscaped area;
- c) garden bed heights above car-park surface;
- d) specific details of any filter mediums to be used in associated with water quality treatment facilities;
- e) the provision of street trees in Fordyce Street and the southern side of the service lane to Benalla Road;
- f) the landscaped treatment of the public land abutting the site fronting Fordyce Street and Benalla Road.

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

The landscape plan must be consistent with the drainage plans associated with the development.

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

Before the occupation of the developments starts or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Due to the potential for plants and lawns in garden beds and open space to be affected by the presence of contamination, the upper soils in these areas alone must be replaced with a 0.5m thick 'clean fill' barrier in accordance with the Addendum for Environmental Site Assessment prepared by Cardno Lane Piper Pty Ltd, dated 29 November 2013, to the satisfaction of the responsible authority.

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5. Civil Works Construction

Before construction works commence (unless otherwise agreed to in writing by the responsible authority), detailed design and construction plans must be submitted to and approved by the responsible authority. These plans must detail the following works:

- a) detailed design of the Fordyce/Gilchrist intersection;
- b) kerb and channel on eastern side of Fordyce Street and Gilchrist Street;
- c) kerb and channel on the western side of the Gilchrist/Fordyce Street intersection;
- d) a trafficable end wall on the culvert on the service lane near the Benalla Road entry to the site;
- e) the footpath on the Benalla Road to be of a trafficable standard;
- f) pedestrian traffic light signals at the crossing of the sites entrance/exist from Benalla Road;
- g) car, bicycle access and parking areas. The access and parking areas must be constructed, sealed and drained to ensure compliance with the approved/endorsed drainage plans;
- h) internal and external access ways, loading bays and pedestrian paths;
- i) undergrounded power connection to the building;
- j) the relocation of the concrete power pole at the proposed site entrance on Fordyce Street;
- k) vehicle turning movements from the Fordyce Street to the land for delivery vehicles.

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

Before the occupation of the development the civil construction works set out in this condition and shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

Before the building is occupied vehicular crossings to Council roads shall be constructed in accordance with the endorsed plan to the satisfaction of the responsible authority, and must be in accordance with standard drawing SD250 within the Infrastructure Design Manual.

6. Car Park, Bicycle, Loading and Pedestrian Requirements

Before construction works commence (unless otherwise agreed to in writing by the responsible authority) plans must be submitted to and approved by the responsible authority detailing the provision of car parking areas in accordance with AustRoads 'Guide to Traffic Management: Part 11 Parking', AS/NZS 2890.1, AS/NZS 2890.6 and Clause 52.06 to the satisfaction of the responsible authority. The plans must

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be drawn to scale and fully dimensioned. When approved the plans will be endorsed and form part of the permit and show:

- a) detailed plan of the car park with no less than 410 on site car parking spaces, including nine accessible bays unless a lesser number of car parking spaces is approved in writing by the responsible authority on account of accommodating landscaping pursuant to the landscape plan requirements and pedestrian walkways under this permit;
- b) provision of energy efficient lights within the car park in accordance with AS/NZS1158 to standard P11b;
- c) removal of all redundant vehicle crossings and replacement with kerb and channel;
- d) the location of tactile ground surface indicators provided in accordance with Australian Standards 1428.4;
- e) provision of not less than 12 on site bicycle spaces and rails and one end of trip facility for employee use including change room with shower;
- f) lighting at the entries to the land;
- g) provision of a signage and line marking plan for the internal access ways.

Before the occupation of the development starts, the area set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) surfaced with an all-weather seal coat;
- b) drained in accordance with an approved drainage plan;
- c) line-marked to indicate each car space and all access lanes;
- d) properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land;
- e) 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;
- f) treated with traffic control signage and or structures as required;
- g) all redundant vehicle crossings be removed and replaced with concrete kerb and channel.

all to the satisfaction of the responsibility authority.

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

The loading and unloading of goods from delivery vehicles in association with the use on the land, must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.

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7. Operation Management Plan

Prior to the occupation of the building, an operational management plan must be submitted and endorsed by the responsible authority. The plan must include, but not limited to the details on the operation of the loading area, including delivery times, use of forklifts and the recommendations of the acoustic report.

8. Construction Phase

Before the development starts, a construction management plan shall be submitted to and approved by the responsible authority. The plan must detail measures to be employed for the effective management of matters including, mud on roads, dust generation and erosion and sediment control on the land, during the construction phase. When approved the plan will be endorsed and form part of the permit. The construction management plan must provide contact details of the site manager.

During the construction of buildings and/or works approved by this permit, measures must be employed to minimise mud, crushed rock or other debris being carried onto public roads and/or footpaths from the land, to the satisfaction of the responsible authority.

Dust suppression must be undertaken to ensure that dust caused on the land does not cause a nuisance to neighbouring land to the satisfaction of the responsible authority.

9. Council Assets

Unless identified in 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 or use.

10. Electrical layout plan

Before construction works commence the developer must supply the electrical layout plan that includes any transformer sub-station (if required to the site) and the location of all external lights. The layout plan must be drawn to scale and show the dimension, location, and appropriate screening to the transformer sub-station to the satisfaction of the responsible authority. The location and screening of the transformer sub-station must be approved by the responsible authority.

The electrical connection to the development must be undergrounded to the satisfaction of the responsible authority.

11. Siting of Air Conditioning

Prior to the occupation of the development, all roof top utilities, air conditioning, plant, refrigeration, services and equipment must be designed and sited in

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accordance with the endorsed plans to ensure that they are integrated into the overall design and not visible from other parts of centre, streets and neighbouring properties to the satisfaction of the Responsible Authority. Wherever possible, such features should be located between the roofline and ceiling and included in building elements.

12. Outdoor Display

Outdoor display is limited to the areas shown on the endorsed plans to the satisfaction of the responsible authority.

13. Loading and Unloading Times and Operation

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

- 7:00am to 10:00pm on Monday to Friday;
- 7:00am to 1:00pm on Saturdays;
- No deliveries on Sunday or public holidays.

to the satisfaction of the Responsible Authority, unless otherwise agreed to.

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;
- No waste collection on Sunday or public holidays.

to the satisfaction of the Responsible Authority, unless otherwise agreed to.

14. Noise Control

a) Prior to occupation of the building the following noise attenuation measures must be completed:

- i. a 3.0 metre high acoustic barrier along the southern side of the Building Materials and Landscape Yard as shown on the endorsed plans;
- ii. an acoustic barrier (perimeter fence) along the western boundary and along the southern boundary of the outdoor loading bay area in the location shown on the endorsed plans;
- iii. a full height acoustic barrier along the southern elevation of the Bulk Trade Area as shown on the endorsed plans;
- iv. the provision of acoustically absorptive linings to the underside of the service area canopy and to the wall areas within the Bulk Trade & Services area and the Building Materials & Landscape area;

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- v. a 1.8 metre high timber paling fence along the southern boundary of the subject site adjoining the access laneway as shown on the endorsed plans.

all to the satisfaction of the responsible authority;

- b) The acoustic barrier required under condition 14(a)(ii) must be a minimum height of 2.0 metres and the height of the barrier must be increased to the extent necessary based on noise measurements assessed at residential premises in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1 (SEPP N-1) (Leff) allowing for contributions from all on-site and off-site noise sources.
- c) The construction of the acoustic barriers in accordance with conditions 14(a)(i), 14(a)(ii), 14(a)(iii) and 14(b), must be solid and include the following minimum requirements:
- i. The barrier must have a minimum mass of 14kg/m²;
 - ii. The barrier must be free of any holes or gaps;
 - iii. Any proprietary products must be constructed in accordance with the manufacturer's specifications;
 - iv. The height of the acoustic barrier is to be determined from the higher of the ground level on the residential side or on the Bunnings' side of the interface.
- d) The noise from mechanical services equipment (excluding any emergency/stand-by equipment) must be designed such that the overall noise associated with the mechanical services operating at full capacity is at least 6dB(A) below the daytime, evening and night-time noise limits when assessed at residential premises in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1 (SEPP N-1) (Leff), in order to allow for contributions due to other on-site and off-site noise sources;
- e) Noise levels emanating from all sources at the premises, in conjunction with noise contributions from other nearby Commerce/Trade/Industry premises, must not exceed noise limits under State Environment Protection Policy No N-1 as referenced by Noise from Industry in Regional Victoria (NIRV) when assessed at residential premises;
- f) In the event of reasonable complaints from a nearby property of disturbance from noise caused by the cooling units or other noise sources allowed by this permit, then within one month of a request by the responsible authority or such reasonable further time that may be granted by the responsible authority in writing in the event that one month is impractical, an acoustic report must be submitted to the responsible authority giving details of noise control measures 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;

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- g) Such recommended measures that are required by the responsible authority to be undertaken by the permit holder must then be implemented as soon as practical to the satisfaction of the responsible authority;
- h) Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm or the Victoria Police;
- i) The vehicular accessway along the southern boundary of the subject site must be closed to all vehicular access between **10:00pm and 7:00am** on all days.

15. Advertising Signs

- a) The signs to be erected must be in accordance with the endorsed plan and must not be altered or modified without the prior written approval of the Responsible Authority;
- b) Any lighting of signs must be baffled and designed so that it does not dazzle road users;
- c) All signs must be constructed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority.

16. Health Requirements

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

17. VicRoads Requirements

- a) Prior to the commencement of the development hereby approved a detailed functional layout plan generally in accordance with OBT Sheet 2 of 4 Drawing

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No 14787105 DGN 29/10/2014 must be submitted to the Roads Corporation for approval;

- b) Prior to the commencement of the use, access to the proposed development site from Midland Highway must be constructed to the satisfaction of the Roads Corporation as per the following:
 - a. Ingress
 - i. Eastbound via signal controlled right turn;
 - ii. Westbound via left turn.
 - b. Egress via left turn.

18. Payment in Lieu of Open Space

Before the statement of compliance is issued under the Subdivision Act 1988, the owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all land (15-33 Fordyce Street, Shepparton) in the subdivision.

The owner must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

19. 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.

20. Public Transport Victoria

The permit holder must take all reasonable steps to ensure that disruption to bus operations along Benalla Road are kept to a minimum during construction. Foreseen disruptions to bus operations must be communicated with mitigation measures to Public Transport Victoria and bus operators one (1) week prior. Any modifications to service provisions, and/or changes to stops are to be at the cost of the permit holder.

21. Goulburn Broken Catchment Management Authority Requirements

- a) The finished floor level is set at least 300 millimetres above the 100-year ARI flood level of 113.85, i.e. 114.15 metres AHD;
- b) The finished elevation of the car park shall be no higher than 113.6 metres AHD.

22. Goulburn Valley Region Water Corporation Requirements

- a) Payment of nonstandard new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) Provision of separate water services and individual water supply meters to each

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allotment within the development;

- c) Payment of nonstandard new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- d) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn valley Region Water Corporation.

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

- e) Provision of easements in favour of the Goulburn valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- f) The developer / owner will be required to supply surveyor's plans detailing the exact location of the existing sewer main on the property, to confirm that the proposed building is not located within the easement for the sewer and 1m from the sewer;
- g) The developer / owner will need to enter into discussion with Goulburn valley Region Water Corporation regarding building over a retired sewer main located on the property. the applicant shall be required to comply with the Corporation's policy for 'Structures Over Corporation Works' and the requirements of Section 148 of the Water Act 1989. It is recommended that the applicant contact the Corporation's Development Division to discuss siting options to avoid the Corporation's existing sewerage assets;
- h) 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 form the development into the Corporation's Sewer is granted.

Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.

23. Standard 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;

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- 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 easement 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.

24. 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;
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time;
- 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.

25. Time for Starting and Completion

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

- a) the development (including certification) is not started within two (2) years of the date of this permit; or
- b) the development (excluding subdivision) is not completed with four (4) years of the date of this permit; or
- c) the subdivision is not completed within five (5) years of the certification of the plan of subdivision.

Date Issued:

Date Permit comes into operation:

(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)

Signature for the Responsible Authority

Permit No.: 2013-307

Planning and Environment Regulations 2015 Form 9

NOTES:

VicRoads

Separate consent for works within the road reserve and the specification of these works is required under the Road Management Act.

Public Transport Victoria

The applicant is reminded that the provisions of the Commonwealth Disability Discrimination Act 1992 must be satisfied.

DRAFT

Date Issued:

Date Permit comes into operation:

(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)

Signature for the Responsible Authority

Permit No.: 2013-307

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment [insert amendment number] to the Greater Shepparton Planning Scheme.

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 REVIEWS?

- In accordance with section 96M of the Planning and Environment Act 1987, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.
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