

# **CONFIRMED MINUTES**

**FOR THE  
GREATER SHEPPARTON CITY COUNCIL**

## **DEVELOPMENT HEARINGS PANEL**

**Meeting No. 8/2012**

**HELD ON  
THURSDAY 22 NOVEMBER 2012  
AT 10.00AM**

**AT THE COUNCIL BOARD ROOM  
90 WELSFORD STREET**

**CHAIR  
DEAN ROCHFORD**

**COMMITTEE MEMBERS PRESENT: Dean Rochfort, Braydon Aitken, Claire Tarelli,  
Jonathan Griffin, Patricia Garraway**

**OFFICERS: Ronan Murphy – Senior Statutory Planner  
Andrew Dainton – Principal Statutory Planner  
Carl Byrne – Development Officer  
Steve Bugoss – Timer and Minute Taker**

## **1. ACKNOWLEDGEMENT**

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors”.

## **2. APOLOGIES**

Colin Kalms

Moved by Braydon Aitken and seconded by Claire Tarelli that the apology be accepted.

Carried

## **3. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Moved by Braydon Aitken and seconded by Jonathan Griffin that the minutes of previous meeting held on 9 August 2012 be adopted.

Carried.

## **4. DECLARATIONS OF CONFLICTS OF INTEREST**

None

## **5. MATTERS FOR CONSIDERATION**

Two items listed for consideration. Planning application 2012-101, 4 Welsford Street, Shepparton and Planning application 2012-169, 100 Ryan’s Road, Dookie.

## **6. LATE REPORTS**

None

## **7. NEXT MEETING**

13 December 2012.

## I N D E X

<b><u>Application No.</u></b>	<b><u>Subject Address:</u></b>	<b><u>Proposal:</u></b>	<b><u>Page No.</u></b>
2012-101	4 Welsford Street, Shepparton	Buildings and works for a staged office building in the Business 5 Zone, Land Subject to Inundation Overlay and Design and Development Overlay	3
2012-169	100 Ryans Road, Dookie	2 Lot Subdivision	42

At 10.32 am and after the motion was moved, seconded and carried in relation to application no. 2012-101, Dean Rochfort and Jonathan Griffin withdrew from the hearing. The duties of chair were transferred from Dean Rochfort to Acting Manager Planning, Braydon Aitken.

At 10.32 am the Chair (Braydon Aitken) asked that the panel to stand down; to allow discussions between all parties in relation to planning application 2012-169 to take place, with the view to finding a resolution.

At 10.46 am the Panel resumed the hearing.

Hearing was closed at 10.47 am.

## Amended Application Details:

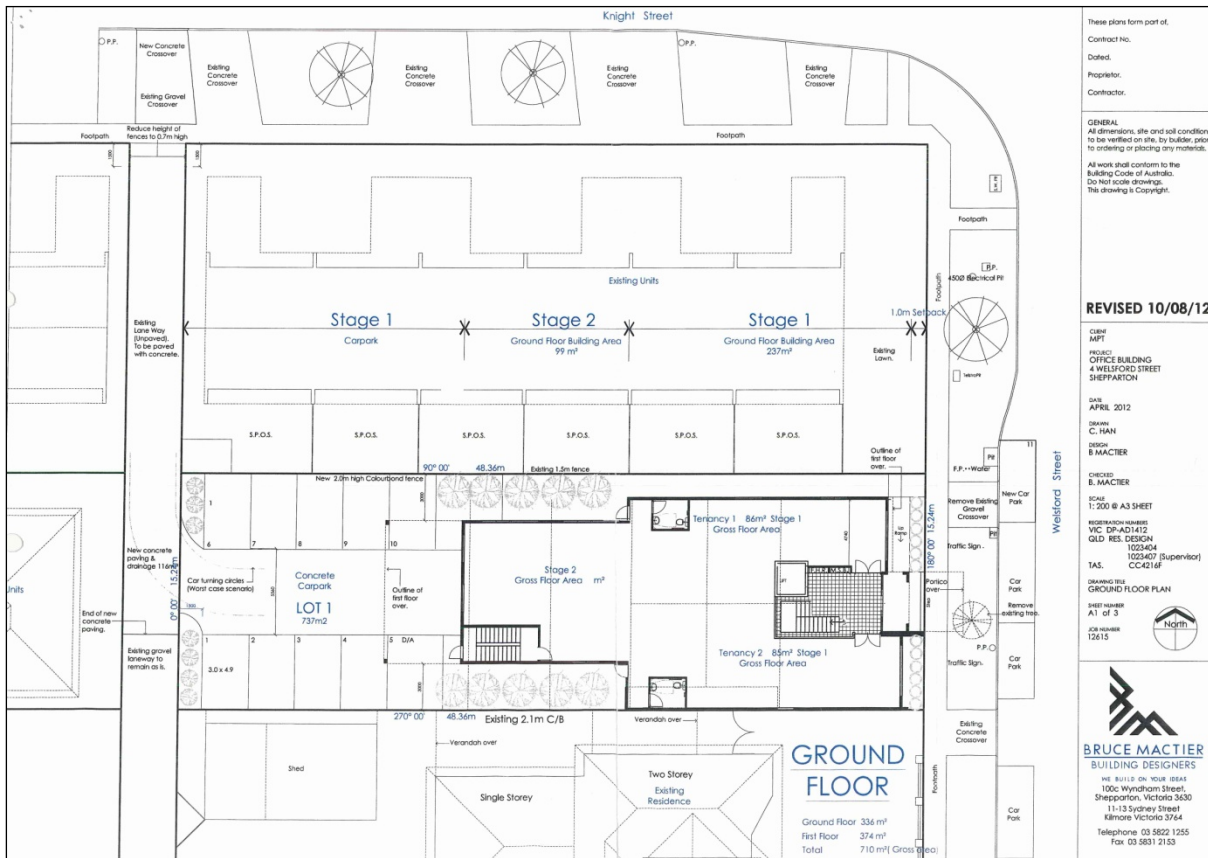
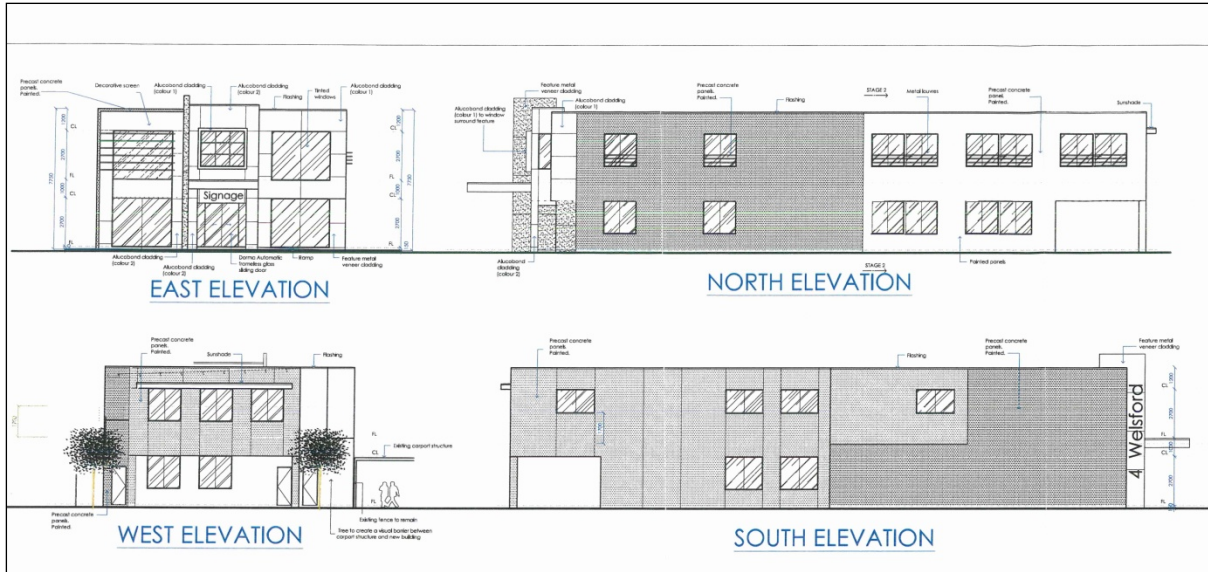
Responsible Officer:	Andrew Dainton
Amended Permit Number:	2012-101
Applicants Name:	Bruce Mactier Building Design
Date Amendment Received:	Application on 4 April 2012, last amended plan on 13 August 2012
Statutory Days:	94 days from amendment date to 15 November 2012
Land/Address:	4 Welsford Street SHEPPARTON VIC 3630
Zoning and Overlays:	Business 5 Zone, Design and Development Overlay 4, Land Subject to Inundation Overlay
Why was the amendment required?	Revised plans on 21 May 2012 responding to further information request and DDO requirements and revised plans on 13 August 2012 to respond to request of objector on southern boundary
Why is a permit required (include Permit Triggers):	Buildings and works in B5Z, DDO4 and LSIO
Are there any Restrictive Covenants on the title?	No

## Proposal

To construct a two-storey office building in two stages and associated car parking for 10 spaces at the rear of the land. The first stage is for two-storey building of 400m<sup>2</sup> leasable floor area and a car parking area which obtains access via a laneway to Knight Street.

The second stage comprises a two-storey addition to the rear giving a total leasable floor area of 624.4m<sup>2</sup> for stages 1 and 2 over the two floors. The proposed building floor plan shows a common entry foyer with stairs and a lift and the building can accommodate multiple tenancies. Refer to Elevations and Plans below.

The applicant's plan shows a car park for 10 vehicles and the access laneway to be paved and drained. The applicant proposes a payment-in-lieu contribution for an additional 9 vehicles under the Shepparton Central Business District Parking Precinct Plan provisions in the Schedule to Clause 52.06-6. This payment would be required for occupation of stage 2.



These plans form part of:  
 Contract No.  
 Dated:  
 Proprietor:  
 Contractor:

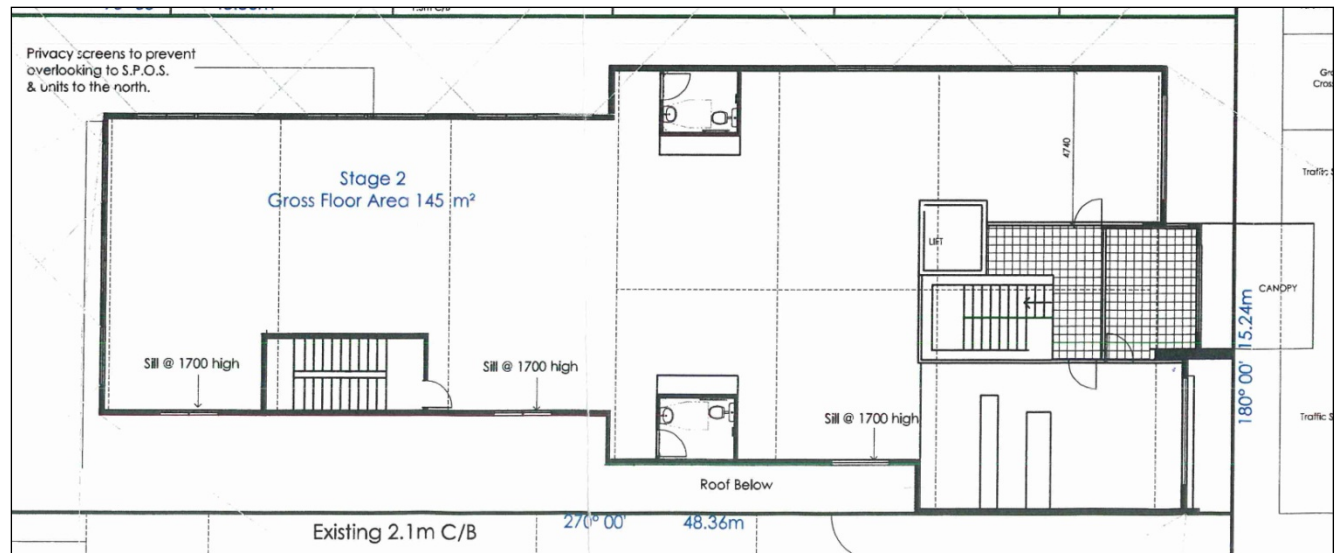
**GENERAL:**  
 All dimensions, site and soil conditions to be verified on site, by builder, prior to commencing or placing any materials.  
 All work shall conform to the Building Code of Australia. Do not scale drawings. This drawing is Copyright.

**REVISED 10/08/12**

PROJECT: OFFICE BUILDING 4 WELSFORD STREET SHEPPARTON  
 DATE: APRIL 2012  
 DESIGNER: C. HAN  
 DESIGN: B. MACTIER  
 CHECKED: B. MACTIER  
 SCALE: 1:200 @ A3 SHEET  
 REGISTRATION NUMBER: VIC. DP421412  
 QLD RES. DESIGN: 1023484  
 1023407 (Supervisor)  
 CC42148  
 T.A.S.  
 DRAWING TITLE: GROUND FLOOR PLAN  
 SHEET NUMBER: A1 of 3  
 JOB NUMBER: 12615

**BRUCE MACTIER**  
 BUILDING DESIGNERS  
 HE BUILD ON YOUR IDEAS  
 1000 Windham Street,  
 Shepparton, Victoria 3430  
 11-13 Sydney Street  
 Remora Victoria 3744  
 Telephone 03 5822 1255  
 Fax 03 5851 2153

Site Plan showing ground floor of proposed building, car parking and surrounding properties



First Floor Plan of Building

## Summary of Key Issues

- That the proposed development satisfies the purpose and decision guidelines of zone and overlays including the Design and Development Overlay requirements.
- That the provision of car parking for employees on site and payment-in-lieu contribution for the remaining spaces is a satisfactory provision under the Schedule to Clause 52.06.
- That the development proposes a satisfactory provision of amenity for adjacent properties including for privacy, sunlight and daylight and building bulk and appearance, and movement and parking of vehicles likely to be generated by the development.
- That the remaining objection is properly considered with an assessment of any material detriment that may be caused by the development, any reasonable measures possible to lessen or ameliorate detriment, and whether the proposal would achieve an acceptable outcome and a net community benefit.

## Moved by Colin Kalms and Seconded by Braydon Aitken

### Notice of Decision to Grant a Permit

That Council having caused notice of Amended Planning Application No. **2012-101** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having

considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clauses 34.05, 43.02 and 44.04 of the Greater Shepparton Planning Scheme in respect of the land known and described as **4 Welsford Street SHEPPARTON VIC 3630**, for the **Buildings and works for an office building in the Business 5 Zone, Design and Development Overlay and Land Subject to Inundation Overlay** in accordance with the Notice of Decision and the endorsed plans and added and amended conditions as follows:

- Addition of a condition for underground power connection.
- Addition of condition 1. l) Provision of traffic control signage in the laneway.
- Addition of condition 1. m) Incorporate access to laneway with existing apron and match layback in kerb for safe access.
- Addition of condition 3. g) Erection of traffic control signage as per endorsed plans.

**Discuss key Conditions (including Referral Authorities):**

- 1) Amended plans generally in accordance with the plans dated 10 August 2012 but required to include changes to disabled parking space and show outdoor waste storage area and stormwater retention arrangements, detailed drainage plans, and landscape plan (including mature trees to the rear landscaping area)
- 2) Car parking provision including payment-in-lieu requirement for stage 2 and construction of rear car park and laneway.
- 3) Detailed drainage design for land and laneway incorporating best practice
- 4) Building appearance including no roof plant, and privacy screening of windows before building is occupied.
- 5) Provision of waste management plan
- 6) Construction phase requirements
- 7) Floor level requirements of Goulburn Broken Catchment Management Authority

## **CARRIED**

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### **Subject Site & Locality**

A number of inspections of the site and the surrounding area has been undertaken, on 26/4/2012, 22/8/2012 and during November 2012.

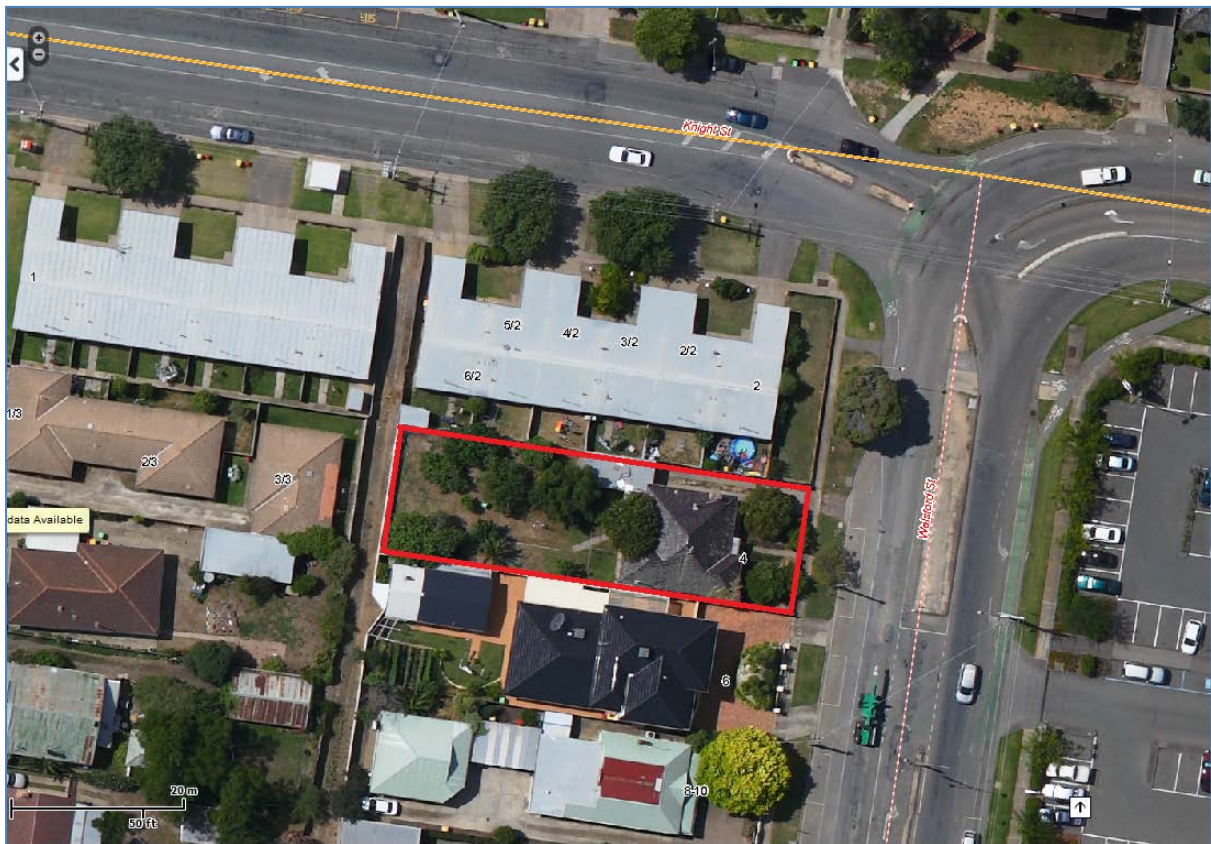
The site has a total area of 737 square metres and currently contains one detached dwelling to be removed.

The main site/locality characteristics are:

- Two-storey detached dwelling abutting to the south side.



- A row of six single-storey flats with small private open space areas abutting to the north side.
- A laneway of 3.66m width abutting the west (rear) boundary with residential development on the west side of the laneway, these properties having direct vehicle access from Welsford Street or Marungi Street. The laneway is unconstructed and shows signs of infrequent use as secondary access to the rear yard of some abutting properties where these have been configured with back gates with access to sheds or yards.
- The car park for the RSL Clubrooms and Bowling Green across Welsford Road to the east.
- The aerial photo below shows the land and surrounding area:





- The Photos below show the existing site and surrounds:



View from Knight Street across laneway entrance to flats at 1 Marungi Street



View south along laneway between Unit 6 of 2 Welsford St and Flat 6 of 1 Marungi Street



View from laneway entrance across unconstructed vehicle crossing to Knight Street



View to Flat 6 at 2m above ground from laneway at rear of 4 Welsford Street



View to Unit 3 of 3 Marungi Street at 2m above ground from laneway at rear of 4 Welsford Street





Rear Gateway into 6 Welsford Street (immediately south of the subject land)



Rear gateway from lane into 15 Marungi Street 120m south of Knight Street



View west from Welsford Street looking between 4 and 2 Welsford Street





View north-west across Welsford Street towards 2 and 4 Welsford Street



View west across Welsford Street towards 6 Welsford Street



View north along Welsford Street of traffic through lanes, right turn into RSL club car park and street parking in front of 6 and 4 Welsford Street



View south along Welsford Street showing carriageways, turning lane, street parking including centre of road parking extending from 12 Welsford Street onwards to the south

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## Permit/Site History

The history of the site includes:

- No relevant previous history

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## Further Information

Further information was requested on 26 April 2012 requesting detail on staging, coloured elevations, survey of natural ground levels, overshadowing plans, and response to DDO4 requirements in regard to the front building setback and proposed signage envelope. The requested information including amended plans and elevations was received on 21 May 2012.

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## Public Notification

Following receipt of amending plans the application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:



- Sending notices to the owners and occupiers of adjoining land as well as to 8 Welsford Street nearby to the south, to the land across and diagonally across the rear laneway, and to the RSL club opposite the site across Welsford Street.
- Placing a sign on site.

The application for buildings and works in the LSIO is exempt from being advertised in accordance with Clause 44.04 of the planning scheme.

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## Objections

The Council has received two objections to date.

The first objection received 12 June 2012 was from the owner of land abutting on the south side. That objection raised issues of effect on sunlight and privacy, with concerns regarding amenity, solar access, devaluation of property with impact on health and wellbeing. Following consideration of amended plans submitted in response to these issues, this objection was withdrawn on 30 August 2012.

The second objection received on 25 June 2012 is from the owner of land at 1 and 3 Marungi Street. 1 Marungi Street contains six tenanted flats and 3 Marungi Street contains three tenanted units. These properties are on the west side of the rear laneway with flat 6 or 1 Marungi Street and unit 3 of 3 Marungi Street being the dwellings that abut the laneway. The key issues that were raised in the objection are.

- Development disregards the zone purpose of encouraging offices or multi-dwelling units 'with common access from the street'.
- The traffic engineering and design response to the interface between office and residential land use fails to protect the amenity of adjoining residential properties, in the following respects:
  - The extent of building form, bulk and setbacks adjacent to private open space areas, car parking for business use adjacent to private open space areas and amenity impacts from access arrangements.
- Laneway should be discontinued and sold to abutting land owners.
- New crossover required to the laneway is inappropriate in dual width, the laneway is not wide enough to allow passing manoeuvres and integrates poorly with Knight Street.
- Noise impact of laneway to windows and private open space areas.
- Car parking should be provided via Welsford Street.
- Traffic movement from laneway impacts on safety of pedestrians.
- Poor design response to neighbouring buildings and properties when viewed from secluded private open space of adjoining residences.

- Design is poor in relation to setback from Welsford Street, safe access to and from the site, location of parking, and for solar penetration, energy efficiency and water use.
- Design arrangement has been to maximise building footprint and exposure to the front.

On 31 August 2012 the applicant responded to the items raised by the objector including providing a further traffic engineering review by Bob Citreon of Traffic Works which supported the use of the laneway for access to the car park for the development. This response was provided to the objector.

The objector provided an additional submission on 1 October 2012 which reiterated previous concerns, rejecting the conclusions of Bob Citreon and further claiming that the car parking area prevents a full 1.5m landscaping across the rear of the property and the usability of individual spaces on the basis of dimensions and support columns. The suggestion of discontinuing the laneway and sale to adjoining owners was repeated along with the development obtaining vehicle access from Welsford Street.

On 23 October 2012 the applicant submitted a revised Traffic Report to include turning templates and comments on the objection. The applicant believes there would be minimal loss of amenity of properties to the west as the car park is for business use by occupiers and would take place during business hours. If the car park was for a residential development the movements would be likely over an extended period including early morning and late at night. The applicant also pointed out that the owner directly abutting the northern boundary had not objected to the development. No further changes to the plans beyond the amendment in August were offered.

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## Title Details

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

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## Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Enquiry regarding an assessment suitability of using the rear laneway for access. The Council response on 28 November 2011 was:

*The Council's engineer Steve Cobden has inspected the laneway and informs the following:*

- *Preferable to access the land from the rear laneway*
- *Laneway needs to be upgraded with an all weather seal coat*
- *Laneway works to incorporate underground drainage*
- *High fences abutting the laneway at the Knight Street intersection to be reduced in height to provide for sight lines to comply with the relevant Australian Standard*

- Pre-application advice by submission of preliminary plans for the proposed development on 6 February 2012 for review by the Council's Planning Department. The response given on the 28 February 2012 was:

Design and Development Overlay 4

*The following requirements of the DDO4 cannot be varied, please ensure your proposal is compliant:*

- *Buildings must be a minimum of two storeys (7 metres) and a maximum of three storeys (11.5 metres) above natural ground level.*
- *The street wall height of a building frontage must not exceed 8 metres from natural ground level.*
- *Building setback must be a minimum of 1 metre and a maximum of 3 metres from the front lot boundary with an average setback of 1.5 metres.*
- *Building setbacks must be a minimum of 14 metres from the rear boundary.*
- *Require 1.5 metre of landscaping along western boundary which includes medium size trees*
- *Turning circles in car park and laneway to show vehicles can enter and exit in a forwards direction*
- *Submission of landscape plan as required by DDO4*
- *Removal of the existing street tree will require approval from the Council's Gifted Assets Group*

Rear Access

*The Council engineers preference is that the laneway from Knight Street to the land be improved with a concrete surface.*

Car Parking

*The schedule to clause 52.06 requires that an office provide three car parking spaces per 100sqm. Based on the proposed 789sqm office 24 on site car parking spaces are required.*

*The development proposes to provide nine on site spaces plus one additional one street space, therefore a shortfall of 10 spaces exist. To comply with 52.06 a parking contribution of \$53,970 will be required.*

The application was submitted with changes including increased front setback and altered arrangement of car parking at the rear.

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## Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Goulburn Broken Catchment Management Authority (GBCMA) – no objection subject to finished floor level of at least 300mm above the 100-year ARI flood level of 112.1m AHD, i.e. 122.4 AHD
Section 52 Notices	Goulburn Valley Water – no objection or comment

Internal Council Notices	Advice/Response/Conditions
Development Engineer	Usual construction conditions for drainage, landscaping and for paving of car park, laneway and vehicle crossover and for construction phase. Important points were maximum discharge rate for drainage from the site of 37 l/sec/ha, and paving of laneway from Knight Street to the southern boundary of the property.
Traffic Engineer - Brendan Walsh – Senior Design & Traffic Engineer	<p>Response: <i>I've read through the Traffic Works report and agree with the findings – there are no traffic-related problems expected from the development. The following comments are provided:</i></p> <p><b>Safety</b></p> <ul style="list-style-type: none"> <li>○ <i>The safety of pedestrians on Knight St is the only concern created by this development. The number of vehicle movements generated is expected to be very low but sight distance is compromised by the fencing on each side of the lane. If the last few metres of fencing are reduced in height, sight distance is greatly improved and the risk to pedestrians is greatly reduced.</i></li> </ul> <p><b>Pavement</b></p> <ul style="list-style-type: none"> <li>○ <i>The surface of the length of laneway likely to be used because of this development should be sealed to ensure it is usable in all weather conditions. It is noted that the developer plans to concrete the lane – this is acceptable and supported.</i></li> </ul> <p><b>Drainage</b></p> <ul style="list-style-type: none"> <li>○ <i>The runoff from the concreted laneway should be directed to Council's underground drainage system.</i></li> </ul> <p><b>Impact on Abutting Properties</b></p> <ul style="list-style-type: none"> <li>○ <i>As the only likely users of this laneway are employees, the impact of the traffic movements generated by this development will be minimal and will probably only occur at the morning and evening peak times. As such, the impact on abutting properties is negligible.</i></li> </ul>

## Assessment

### The zoning of the land

Business 5 Zone – Office is a Section 1 use as the proposal satisfies the condition of not being in the same building as a dwelling. A permit is required to construct a building or carry out works.

### Zone Purpose

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage the development of offices or multi-dwelling units with common access from the street.*

### Decision guidelines

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

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking for customers, staff and residents.*
- *The interface with adjoining zones, especially the relationship with residential areas.*
- *The streetscape, including the conservation of buildings, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.*
- *The storage of rubbish and materials for recycling.*
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
- *The availability of and connection to services.*
- *The design of buildings to provide for solar access.*
- *The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of four or more storeys, excluding a basement.*

#### **Relevant overlay provisions**

The land is included in Design and Development Overlay Schedule 4 and Land Subject to Inundation Overlay.

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

The relevant purpose of the DDO is: - *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

Decision Guidelines are: (my numbering for convenient referencing)

- i. The design objectives of the relevant schedule to this overlay.*
- ii. The provisions of any relevant policies and urban design guidelines.*
- iii. Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- iv. Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*
- v. Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- vi. The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking*
- vii. Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*
- viii. Any other matters specified in a schedule to this overlay.*

*Schedule 4 of the DDO is SHEPPARTON CIVIC NORTH PRECINCT*

**Design objectives** are: (my numbering for convenient referencing)

- a) *To implement design and development guidelines for the Shepparton Civic – North along Welsford Street extending from Knight Street to Nixon Street in accordance with the ‘Urban Design Framework – Shepparton North & South Business Areas’.*
- b) *To establish a ‘town centre’ character by encouraging increased density to take advantage of the close proximity to the central activities district and to the Civic Centre.*
- c) *To establish a ‘town centre’ character by encouraging commercial use and community services that reinforce and contribute to the existing civic character.*
- d) *To encourage larger buildings with smaller street setbacks to create a denser urban form.*
- e) *To encourage new buildings of larger visual mass, at least two storeys in height, and with small street setbacks should be encouraged to contribute to an increased urban density of this precinct.*
- f) *To ensure the new buildings reinforce the predominance of civic buildings offering civic use and community services, so as to impart a civic character to the precinct.*
- g) *To encourage the market forces to lead to increasingly larger built form in this precinct to take advantage of the proximity to the town centre and the civic centre.*
- h) *To ensure that new developments have proper regard for the preferred streetscape and development pattern in terms of building height, mass, scale, and siting.*
- i) *To ensure a sensitive and an appropriate interface is provided with adjoining developments and residential areas.*
- j) *To encourage environmentally sustainable designs that incorporate solar orientation, natural ventilation, efficient use of energy and water.*
- k) *To encourage contemporary architectural outcomes in terms of building facades, roof forms and lines, colours and materials that reinforces the ‘town centre’ character that is preferred for this precinct.*
- l) *To ensure safe and efficient parking and vehicular/pedestrian access is provided on site.*
- m) *To encourage front landscape treatment and built form that will soften the visual bulk of new developments.*

Decision guidelines of DDO4 are:

- a) *The affect of the development of proposed buildings on the amenity of abutting residents.*
- b) *The character of the area as a whole including a design that is responsive to the streetscape and the neighbouring buildings.*
- c) *The architectural quality and innovative response of the building design.*
- d) *The interface with existing residential dwellings.*
- e) *Any loss of privacy caused by overlooking of developments to residential dwellings.*

- f) *Whether building setbacks provided along Welsford Street demonstrate appropriate consideration of the streetscape and the residential interface.*
- g) *The inclusion of design elements which reflect a commercial or civic character.*
- h) *Use of building setbacks and landscaping that complements the existing civic and public domain.*
- i) *Whether the layout allows for safe access and egress from the site.*
- j) *The location of any proposed car parking.*
- k) *Whether the design of the developments provides opportunities for solar penetration and efficient energy and water use.*
- l) *If the proposal is in accordance with the Urban Design Framework - Shepparton North & South Business Areas, July 2006.*

### Land Subject to Inundation Overlay

The relevant purpose of the Land Subject to Inundation Overlay is:

*To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

An application under this overlay is exempt from notice requirements and the application must be referred to the relevant floodplain manager, which is Goulburn Broken Catchment Management Authority. This referral occurred – see relevant section of report, and a minimum floor level above the flood protection level was specified. Under the schedule to the LSIO any new office building within a business zone of Shepparton where the floor level is at least 300mm above the 100-year ARI flood level is exempt from needing a permit in accordance with the relevant Greater Shepparton Local Floodplain Development Plan – Precinct of Goulburn River (2006). A condition requiring the minimum floor level will be placed on any permit issued and the overlay will not be further considered. The above consideration also satisfies the need for consideration under Clause 65 decision guidelines.

### **The State Planning Policy Framework (SPPF)**

#### **11.05 Regional development**

##### **Objective**

- *To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.*
- *Support sustainable development of the regional cities including Shepparton*
- *Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.*



- *Balancing strategic objectives to achieve improved land-use and development outcomes at a regional, catchment and local level.*

#### **13.02-1 Floodplain management**

*To assist the protection of:*

- *Life, property and community infrastructure from flood hazard.*

#### **14.02-3 Water conservation Strategies**

- *Encourage the use of alternative water sources such as rainwater tanks, stormwater and recycled water by governments, developers and households.*

#### **15.01-1 Urban design**

- *Promote good urban design to make the environment more liveable and attractive.*
- *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.*
- *Require development to respond to its context in terms of urban character*

#### **Objective**

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

#### **15.02-1 Energy and resource efficiency**

#### **Objective**

- *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

#### **17.01-1 Business**

#### **Objective**

- *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

#### **Strategies**

- *Locate commercial facilities in existing or planned activity centres.*

#### **18.02 Movement networks**

#### **Strategies**

- *Encourage the use of walking and cycling by creating environments that are safe and attractive.*

- *Ensure provision of bicycle end of trip facilities in commercial buildings.*

**Car parking  
Objective**

- *To ensure an adequate supply of car parking that is appropriately designed and located.*
- *Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.*
- *Encourage the efficient provision of car parking through the consolidation of car parking facilities.*

**19.03 Development infrastructure**

- *Plan urban stormwater drainage systems to:*
  - *Coordinate with adjacent municipalities and take into account the catchment context.*
  - *Include measures to reduce peak flows and assist screening, filtering and treatment of stormwater, to enhance flood protection and minimise impacts on water quality in receiving waters.*
  - *Prevent, where practicable, the intrusion of litter.*
- *Incorporate water-sensitive urban design techniques into developments*

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

**21.04-4 Urban Design – objectives and strategies include:**

- *To achieve a high standard of sustainability in the design and development of new buildings and subdivision.*
- *To promote a high standard of architectural, landscaping and urban design for built form and public spaces throughout the municipality.*
- *To ensure development implements the “Urban Design Framework- Shepparton North and South Business Areas”.*
- *Ensure the design of new development contributes to local character and enhances the public realm while minimising impacts on neighbouring properties.*
- *Ensure the scale, mass and height of new commercial developments respects the prevailing neighbourhood character.*
- *Ensure building frontages avoid long expanses of solid walls and incorporate design elements and a variety of materials that create articulation and visual interest.*
- *High quality architectural design for built form that enhances the image and aesthetics in precincts including “Urban Design Framework – Shepparton North and South Business Areas”, including Shepparton Town Entry-North Precinct, and Shepparton Civic North Precinct.*

**21.05-2 Floodplain and Drainage Management**

*Sound floodplain management is the means by which the economic, social and environmental risks associated with floodplain use and development can be minimised,..... and this level of management is provided by six "local floodplain development plans (LFDP)" incorporated into the scheme at Clause 81.*

#### **21.06-4 Commercial/Activity Centres**

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

#### **21.07-1 Transport**

- *Planning for car parking is important for the continuing development of Shepparton's business and retail sector.*
- *In order to help facilitate public car parks, it is proposed to implement a cash-in-lieu contribution scheme whereby contributions for unmet parking requirements can be used to acquire land for car parking and to develop and improve car parks to support the consolidation and growth of the CBD.*
- *Council has prepared the Shepparton Central Business District Parking Precinct Plan 2003 to guide future decisions in relation to parking in the town centre, particularly in making provision for cash-in-lieu contributions.*
- *To ensure parking that meets the demand and supply requirements of the CBD.*
- *To ensure that adequate parking is provided for all new uses and developments.*

#### **21.07-3 Urban Stormwater Management**

- *To ensure that new development complies with the Infrastructure Design Manual.*
- *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.*

#### **Relevant Particular Provisions**

##### **52.06 Car Parking – purpose includes:**

- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Prior to a new use commencing or a new building being occupied the parking required under Clause 52.06-5 must be provided. In the case of this development for office use within Shepparton CBD the applicable requirement is according to the schedule to clause 52.06 – Shepparton Central Business District Parking Precinct Plan, April 2003.

Under the schedule the parking for office use or development must be provided at a rate of 3.0 Car spaces to each 100 m<sup>2</sup> of leasable floor area. For the proposed development of 624.4m<sup>2</sup> leasable floor area the requirement is for 19 spaces to be provided. The application proposes 10 spaces to be provided on site and that payment –in-lieu be made for 9 spaces to allow the spaces to be provided off site by Council. Such a provision is supported by the purpose of Clause 52.06 whereby part of the demand for parking generated by the office use should be provided in consolidated form where accessibility to other businesses in the area achieves greater efficiency in the use of those spaces.

As the development has been proposed to proceed in 2 stages, the 12 car spaces required for stage 1 can be provided on the site. Prior to occupation of stage 2 the car park will have been reduced to 10 spaces and at that time the required payment-in-lieu of 9 spaces would be required.

The CBD Strategy shows a number of sites throughout the CBD where additional off-street parking will progressively be provided in future. The most recent additional provision of parking by use of the payment-in-lieu parking precinct plan in close proximity to the site is the re-engineering of Marungi Street to provide cost efficient centre of the road parking spaces with landscaping. Additional parking has also been progressively provided in three of the streets that surround the subject land, being Welsford, Nixon and Marungi Streets and these spaces are well used during business hours.

The most likely next provision of public car parking would be by re-engineering in Knight Street, which is the boundary street of the CBD area to the north. Such works could provide at least the number of additional spaces required for this development.

It is considered that the proposal for provision of parking by the application is satisfactory and appropriate and complies with the requirements of Clause 52.06 and the Schedule and therefore no permit for reduction is required. A condition of any permit issued would require the payment-in-lieu to be made in accordance with the Parking Precinct Plan in the Schedule to Clause 52.06-6 prior to the occupation of the building.

#### **The decision guidelines of Clause 65**

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

The following decision guidelines are relevant to this application:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*

- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

**Relevant incorporated or reference documents**

*Greater Shepparton 2030 Strategy Plan*

**Other relevant adopted State or local policies or strategies policies**

*Shepparton CBD Strategy - October 2008*

*Urban Design Framework Shepparton North & South Business Areas – July 2006*

**Relevant Planning Scheme amendments**

Amendment C145 - Removes restrictive mandatory controls to building heights and setbacks in DDO4. The reason for this 'anomalies' amendment has been prepared and authorised by the Minister as a 20(2) Amendment is that the requirements in the DDO4 that cannot be varied with a permit have proved to be too restrictive in the past and have stifled good design outcomes that satisfy objectives of the DDO4. Unnecessary rigidity in the requirements for height and setbacks have limited architectural interest where greater articulation could be achieved to add interest and soften the appearance of a development without compromising basic needs for creation of spaces to be landscaped and for building separation.

**Are there any significant social & economic effects?**

None applicable

**Discuss any other relevant Acts that relate to the amended application?**

None applicable

**Assessment on the Decision guidelines of both zone and overlays**

Zone Purpose

1. The permit trigger under the B5Z is for buildings and works. The application is considered to satisfy the zone purpose of encouraging the development of offices. The proposed development replaces an older single detached dwelling with a modern two-storey office development that can provide a number of office tenancies via a common foyer with stairs and lift that has direct access from Welsford Street.
2. The first decision guideline of the zone relates to consideration of State and local policy.

3. The SPPF promotes sustainable growth of regional Victoria and supports sustainable development in Shepparton as a regional city.
4. The objectives to guide the structure and character of Shepparton and to balance strategic objectives to achieve improved land-use and development outcomes at the local level, is reflected in Council's local policy for the CBD being the *Shepparton CBD Strategy - October 2008* and in the DDO4 objectives which are designed to implement the *Urban Design Framework Shepparton North & South Business Areas – July 2006*.
5. Floodplain management is achieved through the LSIO provisions to observe the Local Floodplain Development Plan. This objective is satisfied by specification of a minimum floor level as a development requirement.
6. State objectives for water conservation and energy efficiency are reflected in DDO4 objectives to be considered and can be satisfied by detailed stormwater drainage requirements in the form of on-site retention and retardation. The east-west orientation of the building and positioning and treatment of windows achieves appropriate solar access.
7. The State objective of good urban design and architecture, and appropriate response to context is reflected in the more detailed objectives of the DDO4. The development has been assessed as making a positive contribution to the preferred local urban character in this office precinct of the CBD while minimising detrimental impact on neighbouring properties. The performance of the application in meeting these objectives will be discussed in more detail in respect of the DDO4.
8. The proposed development satisfies the State business objective of encouraging development to meet communities' needs for office services and this existing CBD location provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. This objective is also reflected in local policy Clause 21.06-4 for Commercial/Activity Centres.
9. In relation to State objectives under Clause 18.02, the CBD location with contribution to Council's Parking Precinct Plan and the provision of on-site parking satisfies the projected demand for car parking and represents efficient provision by consolidation of car parking facilities. Local policy Clause 21.07-1 expands the objectives for provision of car parking and refers to the Incorporated document *Shepparton Central Business District Parking Precinct Plan 2003* which is the basis of the Parking Precinct Plan in the Schedule to Clause 52.06. It is considered that the development meets the State and local policy objectives and car parking provision is further discussed in relation to the particular provision.
10. The State objective for urban stormwater drainage system measures to reduce peak flows, treat stormwater and incorporate water-sensitive urban design techniques into developments are achieved by the Council requirement for all development to submit a drainage design that incorporate best practice measures.

The State objective is expanded in the local policy Clause 21.07-3 which refers to compliance with the Infrastructure Design Manual which is a reference document in the Greater Shepparton Planning Scheme and has become a common document to most rural councils. The local policy also refers to best practice in both the Greater Shepparton Stormwater Management Plan and the Urban Stormwater Best Practice Management Guidelines for the design of new developments.

11. Local Policy Clause 21.04-4 contains objectives in relation to urban design and these are discussed in detail in the section on Design and Development Overlay 4 requirements. The clause refers to achieving a high standard of sustainability and architecture and implements the *“Urban Design Framework- Shepparton North and South Business Areas”*.

#### Decision Guidelines

##### Deliveries of office supplies and waste storage, removal and recycling

12. While there is no requirement in Clause 52.07 for an office development to provide a loading bay on site, for practical purposes a loading bay should be available within the road reserve at a convenient distance from the development. In this locality considering the surrounding developments and carriageway and turning lanes, the most suitable place for such a bay is at the front in Welsford Street as a new bay at the northern end of the car parking spaces.
13. Most office developments rely on the Council wheelie bin service for waste and recycling. The bins could be stored within the development or along the northern side of the building.

##### Car parking provision

14. The provision of car parking is considered in detail under the particular provisions section.

##### Interface with the Residential 1 Zone

15. The common zone boundary with R1Z runs down the centre of the laneway at the rear of the property. The proposed building is setback from the rear boundary 13.4m for the first floor and 18.5m for the ground floor. Taking into account the 3.66m wide laneway the setbacks to the closest residential zoned property is 17.06m first floor and 22.06m ground floor. For practical purposes the measurement of 17.06m first floor to residential property is the most relevant.
16. The DDO4 requirements specify a setback from the rear boundary of 14m. At present any approval would need to require an amendment to the plan prior to endorsement to set the first floor back a further 0.8m. It is likely that by the time a permit could be issued for this development, proposed Am C-145 which has been authorised by DPCD as a Section 20(2) (Ministerial amendment) will allow this and the other ‘mandatory’ requirements for building height and setbacks to be varied with a permit. See Amendments Section of Report.



17. As this requirement assumes the rear boundary is the interface which is not the case with this lot, it is worthwhile considering whether the proposed setback of 13.2m (16.2m to the adjoining property at the rear) should be allowed on its merits and the amended plan condition allow the 13.2m setback provided that Am C145 has been approved.
18. The preferred landscaping for new developments within DDO4 of 1.5m along the rear of the lot is relevant to this development and is expected to provide some screening from residential properties to the west. Of relevance to the interface at the rear of the lot is that the DDO4 allows a multi-deck parking facility to be constructed to the rear boundary of a lot that abuts a laneway or with a landscaped setback of 1.5m where the rear boundary directly abuts the residential lot. The proposed development provides car parking only at ground level and these spaces are not visible to residential properties to the rear and have the width of the laneway plus a landscape strip of 1.5m. This landscaping will be required to include medium sized trees (mature height 8 metres) which will provide some screening of the first floor and also shade some of the paved area at the rear of the site.
19. The most western part of the upper floor of the western elevation is 9.3m wide on a 15.24m wide lot. The elevation provides two tone painted tilt slab surfaces with 3 windows at first floor level for natural light and includes sunshades. Two windows at ground floor level are irrelevant to overlooking. The windows are 17m from the nearest private open space area of a dwelling at the rear and this greatly exceeds the distance required for privacy under ResCode, which is a relevant standard to consider in respect of overlooking.
20. It is considered that the proposed development as it presents to the rear boundary and the lots on the west side of the laneway is a reasonable design and response to objectives of the planning scheme. Provided that the proposed setback can be approved at the time of endorsing plans under any permit then it is considered that the proposed building setback to the rear of the lot is satisfactory.
21. The Business 5 Zone and DDO4 objectives encourage larger buildings, increased density, and smaller setbacks to encourage efficiency of site usage for commercial development to contribute to and reinforce civic character and take advantage of close proximity to the town centre. The stepping (difference in height) of only one storey to the rear and to the north and matching the building height of the dwelling to the south are appropriate to the interface.
22. The two closest residential developments located adjacent to north and south side boundaries do not object to the proposed development.

#### Streetscape and appearance

23. The streetscape including design requirements and landscaping is considered under the zone and is also specified in DDO4. The policy *Urban Design Framework – Shepparton North & South Business Areas* is also relevant.

24. The front appearance is two toned coloured 'Alucobond' cladding with contrasting window surrounds and decorative screens to windows and a protruding entrance verandah. The faces of the building are articulated with varying setbacks between 1.5m and 2.5m with a landscape strip across the frontage and a ramp for disabled access.
25. The appearance is consistent with other similar new build office developments along Welsford Street. The two storey dwelling to the south side is painted render but differs by a low pitch tile roof. The proposed office building has varying setbacks to this boundary ranging from zero for the first 8.5m (front third), 1.5m setback for the centre section at upper floor level and 3m for the rear third of the building.
26. The single storey units on the north side have frontage to Knight Street and are old in appearance with the 60's 'motel style' brick party walls and large timberframe front windows with AC sheet infills to chair-rail height. This is not an appearance to replicate. The proposed development provides a 1.5m setback to this boundary at the front and 3m setback further west along the side boundary. The units are setback 5.5m from the common boundary.
27. The design objectives of DDO4 encourage buildings of at least two storeys in height, of larger visual mass and with smaller setbacks to contribute to increased urban density in the precinct. Contemporary architectural outcomes are encouraged to reinforce the 'town centre' character that is preferred for this precinct. The height of 2 storeys with a parapet wall height of 7.95m to the main frontage and side walls meets the DDO4 requirements.
28. The front of the building has excellent articulation with three main faces of varying widths and setbacks, with the centre section having a recessed entry foyer at ground floor level with glass foyer at first floor projecting out 1.7m with a portico/canopy projecting out over the footpath to provide weather protection and a visual statement of entrance to the office development. A feature blade projects out from the face of the building to have metal veneer cladding with '4 Welsford' in large print to identify the building and to add a contemporary architectural feature to reinforce the 'town centre' character as encouraged by DDO4 objectives.
29. The top of the centre face scales as 0.1m above the 8m. This section is 4m wide compared to the 13.75 total building width across the frontage. The remaining faces are marginally below the maximum height and the average is below the maximum height.
30. The different heights add to the articulation and interest of the building, and as the centre section is away from the side boundaries it is an acceptable design which meets the objectives of the DDO if not the strict mandatory requirement. Provided that Am C145 is approved before any permit is issued or plans endorsed then the design solution is deemed to be acceptable, otherwise the permit will require an amendment to the front elevation.

Storage for recycling – see above

Responsibility for common areas

31. No subdivision is proposed. Maintenance of common areas would remain the responsibility of the owner. In the event of separate tenancies the option of responsibility for some items could be included in lease agreements.

#### Services

32. All urban services are available and appropriate conditions would be included in any permit for development.
33. Water storage of stormwater can be incorporated in this building by permit condition as part of the retention requirements of water sensitive urban design of the drainage solution.

#### Solar Access

34. The building is oriented east-west on the lot to allow for optimum solar access. The windows along the north face of the building will allow for solar gain and are shielded to provide privacy to open space areas of adjoining residential development. Sunshades are provided to the windows in the western wall at upper floor level.

#### Design and Development Overlay including Schedule 4 – Shepparton Civic North Precinct

35. Many of the decision guidelines particularly in relation to bulk, location, appearance being in character with adjacent buildings and the area have been considered above in the context of interface with residences and of streetscape.
36. The design objectives and the decision guidelines have been designed to encourage market forces to provide increasingly larger built form in this precinct to take advantage of and contribute to the town centre. To require smaller buildings, greater setbacks and all parking on site would make redevelopment uneconomic and would lead to re-use of older dwellings for office use as the predominate provision in this precinct. This would not accord with the desired future for the Shepparton Civic North Precinct. Evidence of purpose built office developments can be observed on a number of lots within Welsford Street and also Wyndham Street between Nixon Street to the south and Knight Street to the north.
37. A zero setback has been provided along the south boundary at ground floor level for 18m which complies with the DDO4 requirement which allows for up to 19.65m for this lot boundary. The zero setback only applies to 8.9m at first floor level and is for the front section of the office building and is opposite the front setback area of the adjoining dwelling. The remainder of the south wall of the building is setback either 1.5m or 3m. The building will not unduly shadow the neighbouring dwelling which is setback 3m from the side boundary for the front portion and 4.2m for the rear part of the dwelling. The dwelling has its secluded private open space at the rear of the lot. The parts of the boundary setbacks not required for pedestrian pathways are landscaped.
38. There is a 1.5m landscape buffer along the rear boundary between the car parking and the laneway. A permit condition should require the landscaping to include medium size

trees in accordance with the DDO4 as this will provide some screening in future for lots on the east side of the laneway.

39. The application showed consideration to overlooking in respect of neighbouring buildings. Appropriate treatment is shown for windows where screening is necessary.
40. The building design does not allow for roof plant which is to be avoided. This requirement should be included as a condition of any permit issued.
41. The materials and finishes comply with the requirements for building design which are specified in detail in the DDO4.
42. The vehicular access point is via the rear laneway to Knight Street. This provides convenient, safe and efficient access for about half of the car parking demand and will be used on a daily basis by occupiers of the office development who are familiar with the arrangements. Public parking is more efficiently provided in the street in a consolidated fashion that allows sharing by all users.
43. To provide all parking on site or require vehicle access from Welsford Street on this lot would hinder the achievement of a good design that satisfies the requirements of the DDO4 and would be likely to make redevelopment uneconomic.
44. All of the decision guidelines of DDO4 have been considered in the context of achieving the objectives for the precinct. A redevelopment that satisfies the objectives of encouraging market forces to provide office redevelopment of increased density, civic type buildings with larger visual mass of at least two storeys in height, will necessarily have some impact on remaining buildings. The overlay seeks to achieve a preferred character rather than maintain the existing.
45. It is considered that the development is sufficiently sensitive to its interface with adjoining development while still achieving a contemporary architectural outcome as envisaged by the overlay provisions and the *Urban Design Framework – Shepparton North and South Business Areas, July 2006*.

Further consideration of objection – using my summary of objection

*Development disregards the zone purpose of encouraging offices or multi-dwelling units 'with common access from the street'.*

46. The proposed development satisfies the zone purpose by providing an additional office development to replace an existing single dwelling. It is considered that the phrase refers to common access for multi-dwelling units not offices because of the construction of the statement.
47. In addition the phrase 'multi-dwellings with common access' is considered to be a reference to pedestrian access and the predominately business purpose to be reflected in the streetscape rather than to the movement of vehicles. Common access is desired

- for the design of multi-dwelling development in a Business 5 Zone to achieve a more efficient use of the business street-front than having individual frontages for dwellings.
48. Conversely the development of small individual office tenancies with direct and separate access to the street, much like the individual shops in a B1Z streetscape could be considered an acceptable provision of office development.
  49. It is usual and appropriate for efficient provision of offices (and even for multi-dwellings) that vehicle access for tenants might occur at the rear from a laneway, and access for pedestrians visiting the development would occur directly from the front street as is the case with the proposed development.
  50. It is informative that the Minister's proposal for a Commercial 1 Zone, which would replace both B1Z and B5Z does not have any zone purpose statement about 'common access', only to create a vibrant mixed use commercial centre which would include office and high density residential uses. The proposed Commercial 1 Zone would still have a condition for a dwelling in Section 1 that the frontage at ground floor level must not exceed 2 metres. This supports the proposition that the 'common access' purpose is not supported going forward and also that limiting dwelling frontages within the business streetscape remains a priority.
  51. In relation to the objection regarding zone purpose it is interesting that the Minister's proposal for a Commercial 1 Zone which incorporates Business 5 Zone

*The traffic engineering and design response to the interface between office and residential land use fails to protect the amenity of adjoining residential properties, in the following respects:*

*The extent of building form, bulk and setbacks adjacent to private open space areas, car parking for business use adjacent to private open space areas and amenity impacts from access arrangements.*

52. The matters of building form, bulk and setbacks have been adequately considered already in this report. The crux of the objection appears to be opposition to car parking being provided at the rear of the development (which is envisaged in the DDO4) and in particular that the access arrangements in the use of the laneway would impact on the units and flats and private open space areas of the objector's properties at 1 and 3 Marungi Street.
53. The applicant has provided a traffic report prepared by TrafficWorks Pty Ltd (Bob Citreon) which considers this matter and concludes that provision of access to the proposed office development via the rear laneway:
  - Is consistent with Council's Access and Mobility Management Policy for Welsford Street.

- Can be achieved in a convenient, safe and efficient manner, subject to the paving of the laneway, installation of underground drainage and modification to boundary fences at the northern end adjacent to the footpath to improve sight triangles for drivers and pedestrians.
  - Is expected to have minimal noise impact on other properties backing onto the laneway.
54. Council's Development Engineer has examined the access arrangements and has expressed the same conclusion.
55. The planning department considers that the access arrangements are both desirable to achieve the development and will have minimal if any amenity impacts. The majority if not all of the vehicle movements would be expected to occur around business hours. Any incidental out of hours movement would be less than expected from residential property where residents can come and go at all hours for a variety of reasons including leaving or returning for shift work, and returning from entertainment late at night.
56. The laneway is no different to vehicle access that occurs along a side driveway and is often adjacent to private open space areas of dwellings.
57. The photographs in the report show the situation of the laneway, fencing and adjacent buildings. The fence between 3 Marungi Street and the laneway is higher than standard. The rear yard of the end flat at 1 Marungi Street has an old brick building near the fence that stands between the main rear yard area and the laneway and provides an additional buffer to the yard and dwelling if one was necessary.
58. The side wall of the flat is brick and has no windows. The front (north side) of the flat has the majority of the windows and is adjacent to Knight Street which is a main collector road and there is a bus stop at the front of flat 6.
59. The fences already have some measure of height reduction adjacent to the footpath however this should be cut further to achieve the required visual condition between pedestrian and car. This should occur whether the development proceeds or not.
- Laneway should be discontinued and sold to abutting land owners.*
60. The laneway provides access to the rear of a number of other properties which have gates. The newest development in Marungi Street has recently provided gates for rear access. The wear marks in the laneway show that the rear access is used frequently.
61. Some years ago the Council attempted to close the laneway. This was successful at the southern end but not achievable for the northern half where owners of lots desired their access to continue. Given the level of usage and provision of rear gates, it is apparent that this section of laneway will not be closed. There are other similar situations in the north of Shepparton where developments have relied on use of laneways for access to parking and these have been paved and drained.

*New crossover required to the laneway is inappropriate in dual width, the laneway is not wide enough to allow passing manoeuvres and integrates poorly with Knight Street.*

62. Dual width at the vehicle crossing while not essential is an advantage to allow passing of vehicles. Passing or holding can also occur at the development end of the laneway which is only one lot width from Knight Street.

*Noise impact of laneway to windows and private open space areas.*

63. This matter has been considered above. In addition, the application was notified to the occupiers of each of the flats and units owned by the objector and no other objections were received. While a vehicle accessing the laneway may be heard from an adjacent dwelling, such vehicle is travelling a short distance at low speed and is most usually going to be within business hours. The area is an urban area including main roads and a business zone and some noise from a variety of sources is to be expected.

64. The noise is unlikely to cause detriment or loss of amenity to any extent that would warrant that the laneway should not be used for access to assist the development achieve a beneficial outcome in the precinct.

*Car parking should be provided via Welsford Street.*

65. Council is satisfied to have the access from Knight Street via the laneway and this was communicated to the applicant during pre-development consultation. The proposed access arrangement allows a better design outcome for the office development. There is no engineering, safety or amenity reason why the access cannot occur via the laneway.

*Traffic movement from laneway impacts on safety of pedestrians.*

66. This matter has been adequately considered. The situation is not unique and occurs in countless situations in commercial areas where vehicles have to emerge from between buildings via laneways that are often only 3m wide, and proceed across footpaths. Often the buildings abut the footpath, whereas in this case the laneway is 3.6m wide and the fences can be reduced in height to achieve satisfactory view between vehicles and pedestrians, without affecting privacy of secluded open space areas.

*Poor design response to neighbouring buildings and properties when viewed from secluded private open space of adjoining residences.*

67. As described previously there are privacy fences to the objectors properties. The proposed buildings achieve more than adequate separation distance. Privacy to the closer abutting properties to the north and south sides has been considered in the design response and there is no objection from those properties.

*Design is poor in relation to setback from Welsford Street, safe access to and from the site, location of parking, and for solar penetration, energy efficiency and water use.*

68. The development has been designed in accordance with the preferred character of the streetscape for this precinct including for setbacks from Welsford Street. The other

matters raised have been considered in this report and are considered to be satisfactory.

*Design arrangement has been to maximise building footprint and exposure to the front.*

69. The design meets the preferred character to be achieved for new office development in this precinct. The development is for commercial purposes and has to produce a viable leasable floor area. The objectives of the DDO4 'encourage the market forces to lead to increasingly larger built form in this precinct to take advantage of the proximity to the town centre and the civic centre'.

*Car parking area prevents a full 1.5m landscaping across the rear of the property and the usability of individual spaces on the basis of dimensions and support columns.*

70. The layout of the car spaces comply with the design requirements of Clause 52.06 of Greater Shepparton Planning Scheme. The spaces are all usable. It is desirable that the space for disabled is swapped to the street kerbside at the front of the premises and this is currently being investigate by Council's Traffic Engineer.
71. There is a 1.5m landscaping area across the rear of the property with the exception of the width of the access driveway. This landscape area will be required to include trees that can mature to a height of 8m. There is a privacy screen fence that precludes direct viewing down to the car park area.

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## Conclusion

It is considered that the identified key issues having been addressed satisfactorily. The application satisfies State and Local Policy, zone and overlay purpose and requirements, particular provisions (Clause 52.06 – Car parking) and relevant decision guidelines. In terms of policy, there will be a net community benefit by the provision of a new two-storey office development which is designed to meet the requirements of the DDO4 and is well located in the precinct area identified in both the *Shepparton CBD Strategy - October 2008* and the *Urban Design Framework Shepparton North & South Business Areas – July 2006*.

In respect to the objection, it is considered that the use of the laneway for access to a parking area designed for office employees during mainly business hours is unlikely to have a detrimental impact sufficient to warrant refusal of the application. The other matters of objection relate to the design of the proposal which has been assessed against the requirements and decision guidelines of the planning scheme and are considered to be satisfactory and of little or no impact on the objector's property or to adversely affect the amenity of the area.

The proposed development is satisfactory to the desired streetscape as expressed in the DDO4 and achieves the zone purpose while being sympathetic to the interface to remaining residences.



Based on the assessment detailed in this report the proposed development represents an acceptable outcome for the site and precinct, and a net community benefit. A Notice of Decision to grant a Planning Permit should be issued subject to conditions as indicated in the recommendation.

# Notice Of Decision

**APPLICATION NO:** 2012-101

**PLANNING SCHEME:** GREATER SHEPPARTON PLANNING SCHEME

**RESPONSIBLE AUTHORITY:** GREATER SHEPPARTON CITY COUNCIL

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.**

**THE PERMIT HAS NOT BEEN ISSUED.**

**ADDRESS OF THE LAND:** 4 WELSFORD STREET SHEPPARTON VIC 3630

**WHAT THE PERMIT WILL ALLOW:** BUILDINGS AND WORKS FOR A STAGED OFFICE BUILDING IN THE BUSINESS 5 ZONE, LAND SUBJECT TO INUNDATION OVERLAY AND DESIGN AND DEVELOPMENT OVERLAY

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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### 1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plan must be generally in accordance with the plan submitted on 10/8/2012 but modified to show:

- a) Separate site plans and elevations for stage 1 and for stage 2 showing for each stage the extent of the building (noting that the building in stage 1 must be a two-storey building), car parking for each stage including 12 car spaces required for occupation of stage 1 and landscaping, other paving, any fencing, mechanical plant, outdoor waste storage/recycling areas. Plans and elevations for both stages must be submitted prior to the commencement of construction of stage 1.
- b) In the event that plans are endorsed prior to approval of Am C145 then the setback of the rear 2<sup>nd</sup> storey portion of stage 2 must be shown as a minimum of 14m from the rear boundary, and the street wall height of the building frontage reduced to 8m. Such setback may be reduced to 13.2m and the street wall height remain as shown on the applicant's plan dated 10/8/2012 on a subsequent plan to be endorsed provided that Am C145 has been approved and such reduction may be permitted under amended provisions for DDO4.
- c) All mechanical plant intended to be located outside the building, noting that no plant is permitted to be generally visible above the roof of the building and that the

front part of the building is subject to a maximum height of 8m under the DDO4 provisions.

- d) Outdoor area/s intended for storage/recycling of waste.
- e) Any fencing proposed at the front or rear of the site, noting the operating arrangements if gates are proposed.
- f) Landscaping plans as required by DDO4, including the provision of mature trees in the 1.5m width landscape area across the rear of the site, excluding the access driveway. An open 'pool type' fence or barrier kerb must be provided between the landscape area along the rear property boundary and the laneway.
- g) Drainage plans including detention arrangements for the land, building, car park and access areas and including the laneway access from Knight Street to the south boundary of 4 Welsford Street.
- h) Any signage proposed to be located on the building or freestanding.
- i) Subject to approval of Council Assets Department, the provision of a loading bay and car space for disabled in the Welsford Street road reserve at the front of the site (thereby enabling the disabled space shown at the rear of the site to revert to a standard car space).
- j) Details of materials and colours for the finishes of the building and privacy and shade screening of windows in accordance with the specifications of the DDO4.
- k) Floor level in relation to site level to accord with the requirements of GBCMA.

All the above items must be designed and shown to the satisfaction of the responsible authority.

## **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. Works Prior to the Occupation of the Development**

The occupation of the either stage of the development must not start until:

- a) Parking area, accessway and laneway shown on the endorsed plan(s) have been constructed as required by permit conditions to the satisfaction of the responsible authority;
- b) Parking and roadway area(s) has been line-marked and signed to the satisfaction of the Responsible Authority;
- c) Drainage has been constructed in accordance with the approved Drainage Discharge Plan as required by this permit
- d) Garden and landscape area(s) shown on the endorsed plan(s) have been planted and barrier kerb or fence as required by permit conditions has been constructed to the satisfaction of the Responsible Authority;
- e) No removal of vegetation from council land prior to council consent;
- f) No alteration to any footpaths or council infrastructure without endorsed plans or prior council consent.

#### **4. Car Spaces Required**

- a) Before stage 1 of the building is occupied no fewer than 3 car spaces per 100m<sup>2</sup> of leasable floor area must be provided on the land.
- b) Before stage 2 of the building is occupied no fewer than 3 car spaces per 100m<sup>2</sup> of leasable floor area must be provided, of which 10 car spaces must be provided on the land and the balance of car parking spaces required (calculated as 9 spaces based on a total leasable floor area of 624m<sup>2</sup>) must be provided by payment-in-lieu to Council in accordance with the Schedule to Clause 52.06.
- c) Unless one car space for the disabled is provided within Welsford Street in reasonable proximity to the front entrance of the building, then one of the car spaces at the rear of the site must be constructed for and clearly marked for use by people with disabilities.

#### **5. Payment in Lieu of Car Spaces**

Before the occupation of stage 2 of the proposed building, a payment-in-lieu for car parking spaces contribution is required under the provisions of the Schedule to Clause 52.06-6 (Shepparton Central Business District Parking Precinct Plan April 2003 / Development Contributions Plan). The contribution is required to be made for the difference between the number of car parking spaces required to be provided for office development under the Schedule to Clause 52.06-6 and the number of car parking spaces that are constructed and available for use on the land. The payment is to be the indexed amount as provided by the clause provisions to the satisfaction of the responsible authority.

#### **6. Vehicle Turning**

Prior to occupation of any stage of the building, all car parking spaces and accessways must be designed to allow vehicles to enter and exit the land via the laneway to Knight Street in a forward direction.

#### **7. Car Park Construction Requirements**

Before the development starts 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 Engineering Practice : Part 11 Parking' 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.

Prior to the occupation of stage 1 of the building, the access lane from Knight St to the Southern-most boundary of the development lot must be drained and sealed and signed at the cost of the permit holder to the satisfaction of the responsible authority.

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

- a) For a minimum of 10 car parking spaces and including any space for the disabled, surfaced with an all-weather seal coat. For temporary car spaces in excess of 10 that are provided for stage 1 and are located within the ground floor footprint of the proposed stage 2 building those spaces may be a gravel surface treated to prevent dust and suitably marked to show the spaces.
  - 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) signed to direct drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. Signs must not exceed 0.3 square metres;
- 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.

## **8. Drainage Discharge Plan**

Before the development starts, 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 PDF copy (or as specified) 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 of 37 l/sec/ha.;
- 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 at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.

Before each stage of the building is occupied all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority.

Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.

#### **9. Urban Vehicle Crossing Requirements**

Before stage 1 of the building is occupied a vehicular crossing to Knight Street from the laneway shall be constructed at the cost of the permit holder in accordance with the endorsed plan(s) to the satisfaction of the responsible authority and must be constructed at right angles to the road. The redundant crossing to Welsford Street shall be removed and replaced with a nature strip to match the adjacent conditions and the permit holder must provide or pay the cost of planting a replacement street tree to the requirements of Council, all to the satisfaction of the responsible authority.

#### **10. Landscape Plan**

Before the development starts a landscape plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

- 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) the sewer and water supply connection points;
- d) garden bed heights above car-park surface;
- e) all areas where vehicle overhang will occur;
- f) all landscaped areas to be used for stormwater retardation;

All species selected must be to the satisfaction of the responsible authority. The 1.5m landscape strip across the rear of the site must include trees that will mature to a height of 8m to provide some screening from properties west of the laneway.

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

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. Thereafter the landscaping shown on the endorsed plans must be maintained by the permit holder to the satisfaction of the responsible authority. Any dead, diseased or damaged plants and/or trees must be replaced to the satisfaction of the responsible authority.

**11. 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. Details of hours of construction, and use of roadways including Welsford Street and the rear laneway must also be submitted. 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.

Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority.

**12. Council Assets**

Unless identified in a written report prior to construction commencing, any damage to public infrastructure adjacent to the land or laneway 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.

No alteration to existing council infrastructure or footpath levels is to occur without the written approval of the relevant authority.

**13. Care and Management of Private Roads**

The Permit Holder and Responsible Authority acknowledge that the laneway is a private road for the benefit of lots on the original plan of subdivision and will at all times remain private and that the laneway will not be or become dedicated for public use and will not become vested in the Greater Shepparton City Council (the "Council") or under the care and management of the Council.

The permit holder must at its cost –

- a) care for and maintain the private road and keep the private road between Knight Street and the southern boundary of 4 Welsford Street in good and proper repair,
- b) ensure that the private roadway is kept open for use by residents, visitors and other persons lawfully using the private road; and
- c) keep the private road clear of obstructions, including but not limited to parked vehicles.

**14. No additional signs**

Except signs permitted as-of-right within the Greater Shepparton Planning Scheme, no additional signs, including flags, banners, bunting, streamers, sandwich-boards, windvanes or other devices considered to be used as advertising media shall be erected on the site without the prior written approval of the Responsible Authority.

**15. Goulburn Broken Catchment Management Authority Requirements**

The finished floor level of the proposed office building must be constructed at least 300 millimetres above the 100-year ARI flood level of 112.1 metres AHD, *ie* 112.4 metres AHD, or higher level deemed necessary by the Responsible Authority.

**16. Time for Starting and Completion**

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

- a) the development is not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **six (6) years** of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

**NOTATIONS**

**Road Opening/Crossing Permit Required**

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

**Access for People with Disabilities**

The facilities approved by this permit must be constructed and maintained in accordance with relevant legislation (Federal or State), Australian Standards, and any other design requirements relating to access for people with disabilities.



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## Application Details:

Responsible Officer:	Ronan Murphy
Application Number:	2011-169
Applicants Name:	B Montgomery
Date Application Received:	18 June 2012
Statutory Days:	
Land/Address:	100 Ryans Road, Dookie, Vic 3646
Zoning and Overlays:	Township Zone (TZ) Farming Zone (FZ) Salinity Management Overlay (SMO)
Why is a permit required (include Permit Triggers):	Subdivision in TZ under clause 32.05-4 Subdivision in LSIO under clause 44.02-2
Are there any Restrictive Covenants on the title?	No

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## Proposal

The original application proposed a 3 lot subdivision of the land, which creates 2 residential lots larger than 3500sqm within the Township Zone and a balance lot of 13.54ha in the Farming Zone. The proposed subdivision would be accessed from Dookie Street.

The original application was notified to the neighbouring properties and three objections were lodged. The objectors are largely concerned about potential flooding from storm water runoff arising from the development of the proposed residential lots.

In response to the concerns of the objectors the applicant amended the application to provide for a two lot subdivision. The amended lot configuration would provide for the following:

1 Residential lot of 6,975m<sup>2</sup> (lot 1)

1 lot in the Farming Zone of 13.54ha (lot 2)

The amended application was re notified with one of the original objectors submitting a new objection.

The objection to the amended application raised the same issues as the objections to the original application as set out below:

- The runoff from any development on the site would end up in front of the objectors house;
- Illegal drain from the recreation reserve to lot of the proposal should be filled in.

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## Summary of Key Issues

- The original application comprised of a 3 lot subdivision of land within the Township Zone and within the Farming Zone.
- The application was advertised and three objections were lodged. The objections related to concerns potential drainage issues if the lots within the Township Zone were developed.
- The objectors also raised concerns regarding sewerage outfall and view of Mount Major would be interrupted.
- One of the objectors also notes that should a table drain be inserted it would restrict the ability to park on the nature strip outside his dwelling.
- Having regard to the objections the application was amended to a 2 lot subdivision (one lot in the Township Zone and 1 lot in the Farming Zone).
- The application was renotified and none of the objections were withdrawn and one of the objectors resubmitted an objection.
- The resubmitted objection highlighted the same concerns relating to stormwater run off and views of Mount Major.
- The Council engineers are of the opinion that subject to the applicant formalising or shaping a table drain to the front of Lot 1 to take the run off that the drainage situation would be improved in the area as a table drain in this area to an acceptable level.
- The application complies with the relevant planning provisions and the development is supported by the planning officer.

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## Moved by Patricia Garraway and Seconded by Claire Tarelli

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2011-169 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered

the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 32.05-4, 35.07-3 and 44.02-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 100 Ryans Road, Dookie, for a two lot subdivision in the Township Zone, Farming Zone and the Salinity Management Overlay in accordance with the Notice of Decision and the endorsed plans, with the following additions/alterations to the conditions:

- Addition of a condition to include a requirement for 'amended plans'

Before the plan of subdivision is certified, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) Increased size of Lot 1 so that its frontage to Dookie Street extends to the western boundary;
- b) Plan showing underground pipe from the legal point to the existing junction pit.

- Removal of parts b), c) and d) from the 'Drainage Discharge Plan' condition.
- Amendment to part c) of the 'Construction of Works' condition to read – Provision of stormwater treatment features in accordance with the drainage discharge plan.
- Removal of the condition 'Section 173 Agreement'.
- Addition of a condition to include a requirement for 'piped infrastructure'.

Before the issue of a Statement of Compliance, the piped drain must be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

Before the issues of a Statement of Compliance the Council reimburse to the developer the cost of the pipe drain works.

- Alteration to heading from 'Goulburn Valley Region Water Corporation' requirements to read 'Goulburn Murray Region Water Requirements'.
- Addition of a condition headed 'Goulburn Valley Region Water Requirements'.
  - (a) Payment of a new customer contribution for water supply to the development, such amount being determined by the Corporation at the time of payment;
  - (b) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the

developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation;

(c) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

## **CARRIED**

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### **Subject Site & Locality**

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

Date: 28 June 2012                      Time: 11.41am

The site has a total area of 14.5ha and currently contains:

The subject lands are currently vacant.

The main site/locality characteristics are:

- The land is located within a predominantly rural residential Township Zone area, with a number of single storey dwellings adjacent to the subject site.

The Photos below show the existing site:



Aerial Photo:



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## Permit/Site History

The history of the site includes:

- There is no Planning Permit which relates to the site. However the concept of a subdivision at this site has been the subject of numerous enquiries, including 27/1/2009, 3/6/2009 and 30/6/2009.

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## Further Information

Was further information requested for this application? No

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## Public Notification

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

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

## Objections

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

- The drainage is inadequate to accommodate the proposal and would lead to existing dwellings being flooded.
- Potential overflow of sewerage from the site, should it be developed;
- View of Mount Major would be interrupted;
- The potential creation of a table drain to service the site would restrict parking on the nature strip on Dookie Street;
- Proposal would lead to flooding of properties on the opposite site of Dookie Street, given the lack of drainage and the topography of the area.
- There is an illegal drain running from the Recreation Reserve;

It is noted that arising from the notification of the amended application the Council received one objection (none of the previous objections were withdrawn). The new objection reiterated the grounds of objection which were previously outlined i.e:

- The drainage is inadequate to accommodate the proposal and would lead to existing dwellings being flooded.
- Potential overflow of sewerage from the site, should it be developed;
- Illegal drain from the Recreation Reserve

### **Officer's response to the grounds of objection:**

Having regard to the above outlined issues, it is noted that the outstanding issue common in all of the objections is inadequate drainage to accommodate development on the site.

In this regard the notion of residential development on the site within the Township Zone has not been objected to and the objectors have suggested that if the drainage issues could be satisfactorily addressed, this would satisfy their concerns.

With regard to the drainage impacts the proposal has been the subject of close scrutiny of the Council's Engineering Department. In this regard it is noted that the Council's Engineering Department are satisfied that the proposal would not have a detrimental impact on the drainage in the area.

The Council's Engineering Department are of the opinion that subject to the applicants formalising the infrastructure to the front of Lot 1 that the run off situation would be improved having regard to the fact that nothing presently exists. The Council's Engineering



Department have noted that the existing table drain along Dookie Street may have been filled in over the years to provide parking within the nature strip.

In this regard it is noted that the permit will include a condition which requires an amended plan which shows drainage infrastructure for stage 1, which would be the table drain infrastructure to the front of Lot 1. This plan will be endorsed and will form part of the permit.

Further to this a condition will be placed on the Permit concerning a Section 173 Agreement which will formalise works required for stage 2 (the potential future subdivision of Lot 2), the Section 173 Agreement will request that the infrastructure to the front of Lot 1 be upgraded to kerb and channel and that vehicular access be provided to lot 2.

With regard to the illegal drain, the Council's Engineering Department inspected the area and noted that there is a drain at this location. There is no easement at this location and further to this Council records show that all drainage in the area flows towards the Recreation Reserve. It was most likely built to divert the flow of water from this land. It is also noted from the site inspection that the drain is overgrown and has most likely been there for some time. Further to this the drain is not within the subject site and as such cannot be considered under this application.

It is considered that the proposal achieves an acceptable planning outcome in terms of the Township Zone and Farming Zone. It is further noted that the Councils Engineering Department are satisfied that proposal would not exacerbate the drainage issues in the area.

It is the view of the officer that the objections should not prevent the issue of a Notification of Decisions to grant a permit.

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## Title Details

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

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## Consultation

Consultation was not undertaken.

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## Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	The application was referred to service authorities under clause 66.01, being Powercor, APA, Telstra and GVW, all of whom consented to the issue of a permit.  DSE No objection, no Conditions
Section 52 Notices	Nil



Internal Council Notices	Advice/Response/Conditions
Development Engineers	The Council's development engineers consented to the issue of a permit subject to conditions relating to drainage of the land.
EHO's.	The Council's EHO's consented to the issue of a permit subject to permit conditions relating to the onsite effluent disposal.

## Assessment

### The zoning of the land

The land is within the Township Zone and is also within the Farming Zone.

The purpose of the Township Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage residential development that respects the neighbourhood character.

Lot 1 is within the Township Zone. A Planning Permit is required pursuant to Clause 32.05-4 of the Planning Scheme.

Clause 32.05-9 of the Planning Scheme sets out decision guidelines which must be considered before granting a subdivision in the Township Zone as set out below:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The design of buildings, including provision for solar access.
- The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.
- Provision of car parking and loading bay facilities and landscaping.

The proposed subdivision would comply with the provisions of Clause 32.05-9 of the Planning Scheme in the following ways:

- The proposal would create a lot large enough for a dwelling and septic tank. It is noted that any dwelling on the site would

The subject site is also located within the Farming Zone. The purpose of the Farming Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.

- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To protect and enhance natural resources and the biodiversity of the area.

A Planning Permit is required for subdivision pursuant to Clause 35.07-3 of the Planning Scheme.

Clause 35.07-6 of the Planning Scheme sets out the following Decision Guidelines for subdivisions in the Farming Zone:

#### **Agricultural issues**

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

The proposal would comply with decision guidelines set out above in the following ways:

- The proposal would not inhibit the agricultural ability of the balance lot;
- The proposal would permanently remove the Township Zoned lands to the south of the site, however the balance lot would remain as it is.
- The proposal would not have a detrimental impact on the agricultural quality of the land.

Having regard to the above, it is considered that the proposal would comply with the provisions of the Farming Zone.

#### **Relevant overlay provisions**

The lands are affected by the Salinity Management Overlay. The purpose of the Salinity Management Overlay is

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
- To identify areas subject to saline ground water discharge or high ground water recharge;
- To facilitate the stabilisation of areas affected by salinity;
- To encourage revegetation of areas which contribute to salinity;
- To encourage development to be undertaken in a manner which brings about a reduction in salinity recharge;

- To ensure development is compatible with site capability and the retention of vegetation, and complies with the objectives of any salinity management plan for the area;
- To prevent damage to buildings and infrastructure from saline discharge and high watertable.

Having regard to the above, the application was referred to the Department of Sustainability and Environment who stated:

***“DSE has reviewed the documentation provided and has no objection to a permit being granted for this proposal”***

It is therefore considered that the proposal complies with the provisions of the Salinity Management Overlay.

### **The State Planning Policy Framework (SPPF)**

#### 16.02-1

The objective of Clause 16.02-1 of the Planning Scheme is

To identify land suitable for rural living and rural residential development.

The following strategies are outlined:

- Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.
- Reduce the proportion of new housing development provided in rural areas and encourage the consolidation in existing settlements where investment in physical and community infrastructure and services has already been made.
- Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.
- Ensure planning for rural living avoids or significantly reduces adverse economic, social and environmental impacts by:
- Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.
- Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.
- Minimising or avoiding property servicing costs carried by local and State governments.
- Discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.
- Maintaining an adequate buffer distance between rural residential development and intensive animal husbandry.
- Ensure land is not zoned for rural living or rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.
- Ensure land is only be zoned for rural living or rural residential development where it:
  - Is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.

- Can be supplied with electricity and water and good quality road access.

The proposed development complies with the objective and strategies of Clause 16.02-1 of the Planning Scheme in the following ways:

- The southern portion of the lands are within the Township Zone and are considered appropriate for residential development;
- The subdivision would allow for the consolidation of Dookie Township for residential development;
- The proposal would not promote the development of isolated small rural lots by encouraging residential development within Dookie Township;
- The subject site is in proximity to the Township centre of Dookie;
- The lands can be supplied with electricity, water and appropriate road access.

Having regard to the above, it is considered that the proposal would comply with the provisions of Clause 16.01-2 of the Planning Scheme.

#### Clause 19.03-2

The objective of Clause 19.03-2 of the Planning Scheme is:

To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.

The following strategies are outlined:

- Ensure water quality in water supply catchments is protected from possible contamination by urban, industrial and agricultural land uses.
- Provide for sewerage at the time of subdivision, or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.

Plan urban stormwater drainage systems to:

- Coordinate with adjacent municipalities and take into account the catchment context.
- Include measures to reduce peak flows and assist screening, filtering and treatment of stormwater, to enhance flood protection and minimise impacts on water quality in receiving waters.
- Prevent, where practicable, the intrusion of litter.
- Encourage the re-use of wastewater including urban run-off, treated sewage effluent and run-off from irrigated farmland where appropriate.

Having regard to the above, it is considered that the proposal would:

- Water quality would not be affected by the proposal;
- Lot 1 is capable of providing a Septic Tank;

It is considered that the proposal would comply with the provisions of Clause 19.03-2 of the Planning Scheme.

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

Clause 21.04-1 Urban consolidation and growth

Population forecasts predict that the population of the City of Greater Shepparton will grow from 59,202 persons in 2006 to 71,509 by 2026. It is expected that to accommodate this additional population, there will need to be a corresponding growth in the number of dwellings (a separate estimate suggests a further 9,100 dwellings will be required by 2031). At the same time, changing demographic trends such as an increase of persons aged 65 and over, smaller household sizes and an increase in non-Australian born persons will create demand for a broad range of housing types within the municipality.

In facilitating the future growth and development of the municipality's towns, the Council is concerned to achieve urban consolidation thereby promoting walking, the use of bicycles and reducing the dependence on car use. In proximity to the Shepparton CBD and other key activity centres, people will be encouraged to live at higher densities in environments that offer individual, lifestyle and community benefits.

The *Greater Shepparton Housing Strategy 2011* (GSHS) outlines Council's approach to housing delivery and growth in the municipality and provides the basis for the objectives, strategies and policy guidelines outlined below. It provides for sufficient land supply to accommodate housing demand within a consolidated and sustainable development framework. In doing so, it defines settlement boundaries for the extent of urban expansion to ensure the sustainability of the urban community and the well being of productive agricultural land.

In this regard it is noted that the Framework Plan for Dookie has identified the subject lands as being in a "potential low density" area.

It is therefore considered that the proposal complies with the strategic direction of the Council for Dookie.

Clause 21.07

**Strategies - Urban and Rural Services**

- Ensure new developments are connected to reticulated services or have provision for adequate on-site disposal with no adverse impacts on nearby watercourses.
- Provide cost efficient physical and social infrastructure to support growth.
- Establish appropriate buffer distances around existing waste water facilities to protect them from encroachment of unsuitable uses.
- Protect landfill sites from encroachment by inappropriate development.
- Ensure that development contributions plans are prepared for all growth areas or that a 'pre-development' agreement for the provision of infrastructure and community services is in place.
- Support an efficient water supply and distribution system throughout the rural areas in accordance with the Regional Catchment Strategy.
- Require developers to provide a Land Capability Assessment where sewer is not available.

It is considered that the proposal complies in the following ways:

- Lot of the proposal can provide appropriate on site disposal which would not affect any nearby water courses;
- A land capability assessment has been provided by the applicant.

It is considered that the proposal complies with the provisions of Clause 21.07 of the Planning Scheme.

#### **Relevant Particular Provisions**

There are no particular provisions which are relevant to the proposal.

#### **General Provisions for use and development of land**

##### **64.03 Subdivision of land in more than one zone**

If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

The following permit requirements are set out:

A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:

The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.

- The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:
  - To comply with the requirements of the Urban Floodway Zone.
  - To provide access to a road.
  - The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.

It is considered that the proposal would comply with Clause 64.03 of the Planning Scheme in the following ways:

- The proposed subdivision would not create lots which extend into more than one zone. Both lots would be fully within their respective zones;
- The lot in the Township Zone complies with the minimum lot area specified in the Township Zone.
- The lot in the Farming Zone does not comply with the minimum lot size, however this is permissible.

#### **The decision guidelines of Clause 65**

##### **Clause 65.02: Decision Guidelines: 'Approval of an Application to Subdivide Land'**

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

- The land is deemed to be suitable for subdivision into 4000sqm lots. The area has been identified as an area for potential low density residential development in Clause 21.04 of the Planning Scheme. The proposed subdivision also meets the provisions of Clause 56 of the Greater Shepparton Planning Scheme.
- The land to the west, and east and south is zoned and used for residential purposes and any future development would remain residential in the foreseeable future. To the south of the land is land in the FZ which is not developed.
- The subdivision pattern of the general locality is generally of low density lots.
- The Councils Engineering Department are satisfied that the proposal would not have a detrimental impact on drainage in the area.
- The density of the proposed subdivision is deemed to be reasonable as the proposed lot sizes reflect the existing residential pattern of the area and therefore the subdivision will reflect the surrounding neighbourhood character.
- The area and dimensions of each lot in the subdivision are deemed to be appropriate to cater for a dwelling on lot 1. Lot 1 is approximately 6975 m<sup>2</sup> and can provide appropriate space for a dwelling, parking, open space and a septic effluent area.
- The risk of fire is minimal as the land is within an urban area.
- The provision of off-street parking can be accommodated on lot 1.
- No common property is proposed and therefore there will not be any body corporate involved.

Based on the above the application complies with clause 65.02.

**Relevant incorporated or reference documents**

Council's Infrastructure Design Manual (reference document)

**Other relevant adopted State policies or strategies policies**

There is no other relevant adopted state or strategic policies that relate to this application.

**Relevant Planning Scheme amendments**

There are no relevant planning scheme amendments to this application.

**Are there any significant social & economic effects?**

The application does not raise any significant social or economic effects.

**Discuss any other relevant Acts that relate to the application?**

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



## Conclusion

The application to subdivide the land is recommended for approval by the planning officers as the application achieves a beneficial outcome. The objection by three land owners which related to the proposal adding to potential flooding in the area has been considered by the Councils Engineering Department as being without merit. It is considered that the proposed subdivision achieves acceptable planning outcomes.

# Draft Notice Of Decision

**APPLICATION NO:** 2012-169

**PLANNING SCHEME:** GREATER SHEPPARTON PLANNING SCHEME

**RESPONSIBLE AUTHORITY:** GREATER SHEPPARTON CITY COUNCIL

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.**

**THE PERMIT HAS NOT BEEN ISSUED.**

**ADDRESS OF THE LAND:** 100 RYANS ROAD DOOKIE VIC 3646

**WHAT THE PERMIT WILL ALLOW:** 2 LOT SUBDIVISION (AMENDED)

### **WHAT WILL THE CONDITIONS OF THE PERMIT BE?**

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**1. Drainage Discharge Plan**

Before the plan of subdivision is certified under the Subdivision Act 1988, an amended 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 PDF plan must be provided. The plans must be in accordance with council's Infrastructure Design Manual and include:

- a) how the land will be drained in Stage 1 (Table Drain to the front of Lot 1);
- b) the provision of kerb and channel for the entire length of Lot 1 and the provision of

vehicular access to Lot 2, to be constructed in stage 2 (Potential Subdivision of Lot 2 in the future);

- c) a detailed drainage plan which provides design and calculations for the potential extension of the drainage pipe from its existing location to the existing junction point on the southern side of Dookie Street, opposite 45 Dookie Street;
- d) Removal of the notation "proposed Council pipe" along Dookie Street;
- e) point of discharge and independent drainage of each lot;

## **2. Construction of Works**

Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must construct and complete drainage and other civil works, in accordance with endorsed plans and specifications approved by the Responsible Authority and in accordance with the Infrastructure Design Manual. Drainage and other civil works to be constructed must include:-

- a) vehicular crossing and access to each lot;
- b) Drainage in accordance with the endorsed Drainage Discharge plan; and
- c) Provision of stormwater treatment features or as otherwise agreed to in writing by the Responsible Authority;

to the satisfaction of the responsible authority.

## **3. Rural Vehicle Crossing Location**

Prior to the issue of the Statement of Compliance vehicle crossings providing access to Lot 1 & Lot 2 on Ryans Road must be constructed at a location and of dimensions and standard to the satisfaction of the responsible authority. Vehicle crossing(s) must be constructed at the owner's expense.

The vehicle crossing must be no less than 4.9 metres in length and include a pipe of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of 375 mm). Culverts located in the clear zone shall be installed with trafficable end walls (refer VicRoads standard drawing SD 1991). The final location of the crossing is to be approved by the responsible authority via an 'Works within the Roads Reserve' (Road Opening) permit.

## **4. Section 173 Agreement**

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

- a) If any future subdivision of Lot 2 is to commence, prior to the issue of the Statement of Compliance, the developer must construct infrastructure works including kerb and channel along the entire frontage of Lot 1 on Dookie Street and the provision of vehicular access to Lot 2 in accordance with stage 2 works shown on the endorsed plan forming part of this permit (2012-169)

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

## **5. Subdivision Development**

### **Form 23**

Before a Statement of Compliance is issued under the Subdivision Act 1988 by the Responsible Authority the owner must provide a completed Form 23.

### **Other Matters**

Before a Statement of Compliance is issued under the Subdivision Act 1988 the owner must provide to the satisfaction of the Responsible Authority

- 1. a vehicle crossing to each lot and**
- 2. Construction of the required drainage works as shown on the approved drainage plan**

## **6. 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.

## **7. Referral Authority Requirements**

- a) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

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

#### **8. Goulburn Valley Region Water Corporation Requirements**

Make application to G-MW pursuant to sections 224 and 229 of the Water Act 1989 to: terminate the delivery shares in relation to the property; make a declaration that the property cease to be a serviced property for supply of water or; make a declaration that the property cease to be a serviced property and excise from the irrigation district (where Council is to assume responsibility for all drainage from the subject land). **Or alternatively**

Demonstrate to G-MW's reasonable satisfaction the means by which a G-MW water supply will be metered and delivered to the lots created by the subdivision, bearing in mind requirements for water use licences and annual use limits.

#### **9. Powercor Requirements**

The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of the Act.

The applicant shall:-

- Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system as required by Powercor.
- Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical contractor and provide to Powercor Australia completed Electrical Safety Certificate in accordance with Electricity Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

- Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

**10. Time for Starting and Completing a Subdivision**

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

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

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards. Prior to approval being given for the extension of these periods the Responsible Authority may require the re-submission of Plans, Computations and other relevant information to assess compliance with current requirements, Acts and Regulations, Codes of Practice and Australian Standards, as may be relevant.

**NOTATIONS**

**Road Opening/Crossing Permit Required**

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