

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 1/2013

**HELD ON
THURSDAY 10 JANUARY 2013
AT 10.00AM**

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

**CHAIR
COLIN KALMS**

COMMITTEE MEMBERS PRESENT: Colin Kalms, Patricia Garraway, Claire Tarelli,
Cr Les Oroszvary

OFFICERS: Andrew Dainton – Senior Statutory Planner
Tracey Mercuri – Timer and Minute Taker

APPLICANT REPRESENTATIVE: Ron Popelier

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

Simon Rose

Moved by Claire Tarelli and seconded by Patricia Garraway that the apology be accepted.

Carried

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved by Claire Tarelli and seconded by Patricia Garraway that the minutes of previous meeting held on 22 November 2012 July 2012 be adopted.

Carried

4. DECLARATIONS OF CONFLICTS OF INTEREST

None

5. MATTERS FOR CONSIDERATION

One item listed for consideration.

6. LATE REPORTS

None

7. NEXT MEETING

24 January 2013

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<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
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Draft Notice Of Decision to Amend a Permit

APPLICATION NO: 2006-325/C
PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO AMEND A PERMIT.

THE AMENDED PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 74-82 WYNDHAM STREET, SHEPPARTON

PERMIT FOR WHICH AMENDMENT WAS SOUGHT: 2006-325/A

WHAT AMENDMENT IS BEING MADE TO THE PERMIT?:

The permit and endorsed plans are proposed to be amended to remove vehicle access to the land from Wyndham Street and rely on Bowe Lane as the sole point of vehicle access. The application also seeks to increase the size of the building by 321sqm and associated reduction in car parking requirements.

TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT?:

Include new condition one plan requirements and associated timing of works in condition three (Works prior to the occupation of the development);

Plans required

Before the development starts on tenancy three, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies must be provided showing;

- a) No standing zone (weekdays and normal business hours only) from the western side of 27 and 28 Bowe Street to Bowe Lane
- b) No standing zone in Bowe Lane
- c) Provision of speed hump at the entry exit of the land to Bowe Lane
- d) Erection of directional signage directing vehicles to Lightfoot Street via Bowe Lane to access Wyndham Street

Works Prior to the Occupation of the Development

The occupation of tenancy three of the development must not start until:

- a) No standing street signs have been installed as shown on the endorsed plans

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- b) Directional signage erected as shown on the endorsed plans
- c) Installation of speed hump as shown on the endorsed plans
- d) Parking and roadway areas has been line-marked to the satisfaction of the responsible authority
- e) Garden and landscape areas shown on the endorsed plans have been planted to the satisfaction of the responsible authority
- f) Removal of all redundant vehicle crossings abutting the land on Wyndham Street

The landscaping shown on the endorsed plans must be maintained 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.

Amended Application Details:

Responsible Officer:	Andrew Dainton
Amended Permit Number:	2006-325/C
Applicants Name:	Pop Design Studios
Date Amendment Received:	17 August 2012
Statutory Days:	99
Land/Address:	74-82 Wyndham Street, Shepparton
Zoning and Overlays:	Business 5 Zone Road Zone Category 1 Design and Development Overlay 3
Why was the amendment required?	To amend endorsed plans and conditions of the permit
Why is a permit required (include Permit Triggers):	Buildings and works in the B5Z under 34.05-4 Reduction in on site car parking under 52.06-3
Are there any Restrictive Covenants on the title?	No

Proposal

The application proposes to amend the permit to remove the ultimate vehicle access from the land to Wyndham Street and rely on the existing access to the land from Bowe Lane.

The permit allowed a large office complex which has been developed over time, to date tenancies 1, 2, 4 and 5 have been constructed, of which tenancies 1 and 2 include a first floor.

An urban standard car park has been constructed at the rear of the land and provides 59 on site spaces.

The previously endorsed plans show the construction of a central access from the land to Wyndham Street. This amended application seeks to remove this proposed access and increase the size of the building. The building additions consist of 108sqm at ground level and 213sqm at first level, totalling 321sqm.

Based on the parking rate at 52.06-5 being 3.5 spaces per 100sqm, an additional 11 spaces are required. It is considered appropriate to reduce this rate to 3 spaces per 100sqm given the land is adjacent to Shepparton's CBD; therefore the number of additional spaces required is 10 spaces. The proposed amended plans provide for four extra spaces; therefore the amended application requires permission for a six car parking space reduction.

The amended application was advertised and three objections lodged (two of which were subsequently withdrawn), which predominately related to increase traffic movements using Bowe Lane and Bowe Street as a result of the proposed amendment.

In response to these objections, proposed conditions are included such as:

- Installation of no standing signs on weekdays in Bowe Street from the western boundary of 27 and 28 Bowe Street to Bowe Lane

- Installation of no standing signs in Bowe Lane
- Installation of a speed hump on the land's exit to Bowe Lane

Subject to the inclusion of appropriate conditions, it is deemed the amended application is acceptable for the following reasons:

- Both the applicants and Council's traffic engineers are of the view that accessing the land from Bowe Lane is an acceptable traffic outcome
- The amended application removes a point of access to Wyndham Street which is supported by Vic Roads
- The reduction in parking for six on site car parking spaces is not fatal to the application
- Additional permit conditions improve the road environment in Bowe Street in close proximity to the land

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.
- The six car space reduction is deemed to be satisfactory as the provision of 67 on site car parking spaces and nearby all day parking can accommodate the parking demand generated by the development.
- 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 relating to increase traffic and associated noise in Bowe Lane is properly considered and it is deemed that the objection is not fatal to the application.

Moved by Patricia Garraway and Seconded by Claire Tarelli

Notice of Decision to Grant a Permit

That Council having caused notice of Amended Planning Application No. 2006-325/C 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 Greater Shepparton Planning Scheme in respect of the land known and described as 74-82 Wyndham Street, Shepparton, for the Amended application which seeks

to increase floor area by 321sqm, reduce car parking requirement, remove proposed vehicle access to Wyndham Street and use Bowe Lane as point of vehicle access in accordance with the Notice of Decision and the endorsed plans.

CARRIED

Subject Site & Locality

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

Date: 29 November 2012

Time: 4.25pm (camera not changed to EDST)

The site has a total area of 4518 square metres and currently contains:

- an existing office development, which comprises ground and first floor on the corner and dropping to ground floor only along Wyndham Street

The main site/locality characteristics are:

- Wyndham Street is changing from a residential area to an office precinct
- Bowe Lane to the rear of the land is a one way street to the south of Bowe Street and a two way street to the north of Bowe Street and to the south of Lightfoot Street. The laneway is constructed including drainage and traffic calming in the form of speed humps.
- Wyndham Street is a four lane divided road which forms part of the Goulburn Valley Highway and carries about 15,000 vehicles per day.

The Photos below show the existing site:



View of Bowe Street looking east, three cars are shown in the photo one of which was the car I used to attend the site



View of Bowe Lane looking south. Included in this photo is the entry point to the land



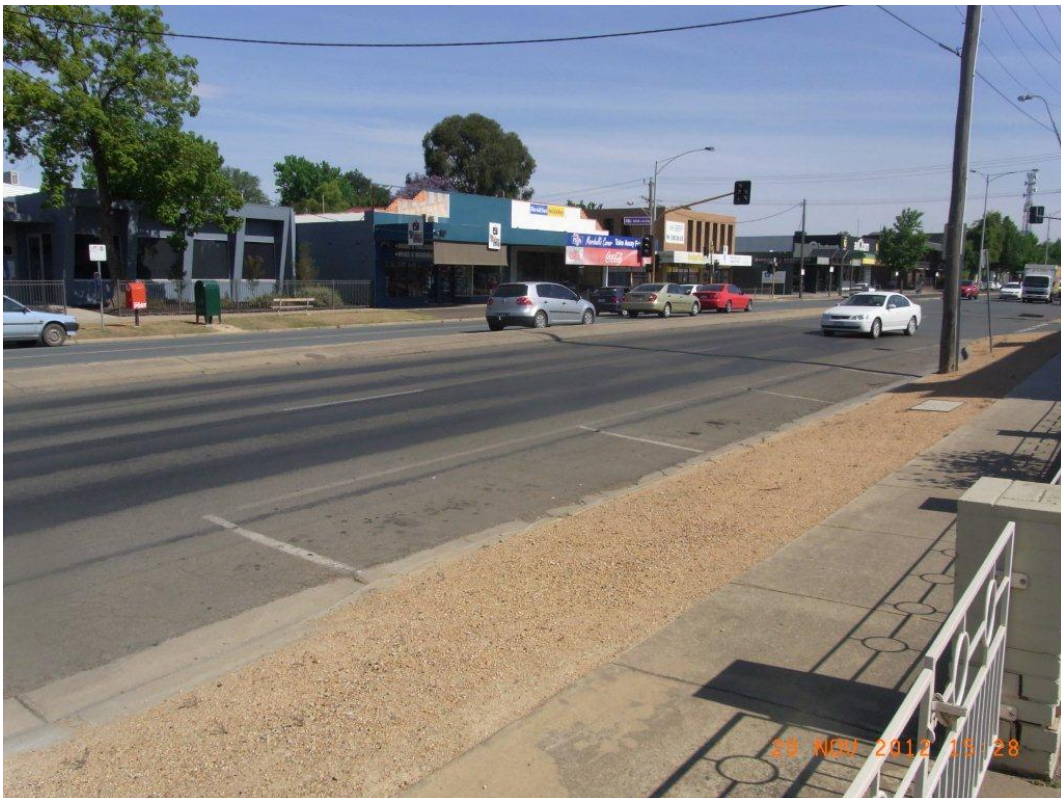
On site car parking, which during the site inspection was not at 100% occupancy



Intersection from the land to Bowe Lane and location of proposed speed hump



Area of the proposed works as part of the amended application including completion of the car park



View of the land to Wyndham Street and approximate location of the existing approved access from the land to Wyndham Street



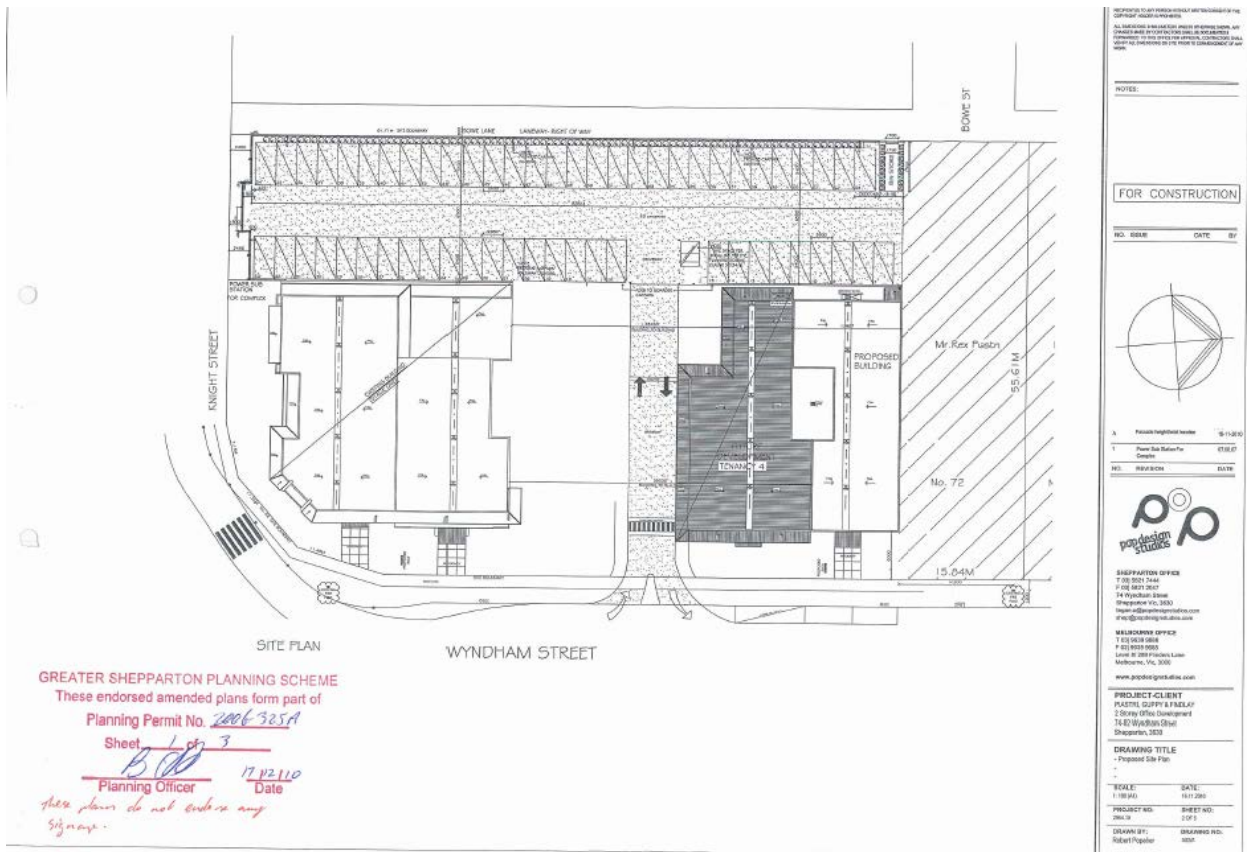
Existing dwelling which will be proposed to allow the final stage of the development

Permit/Site History

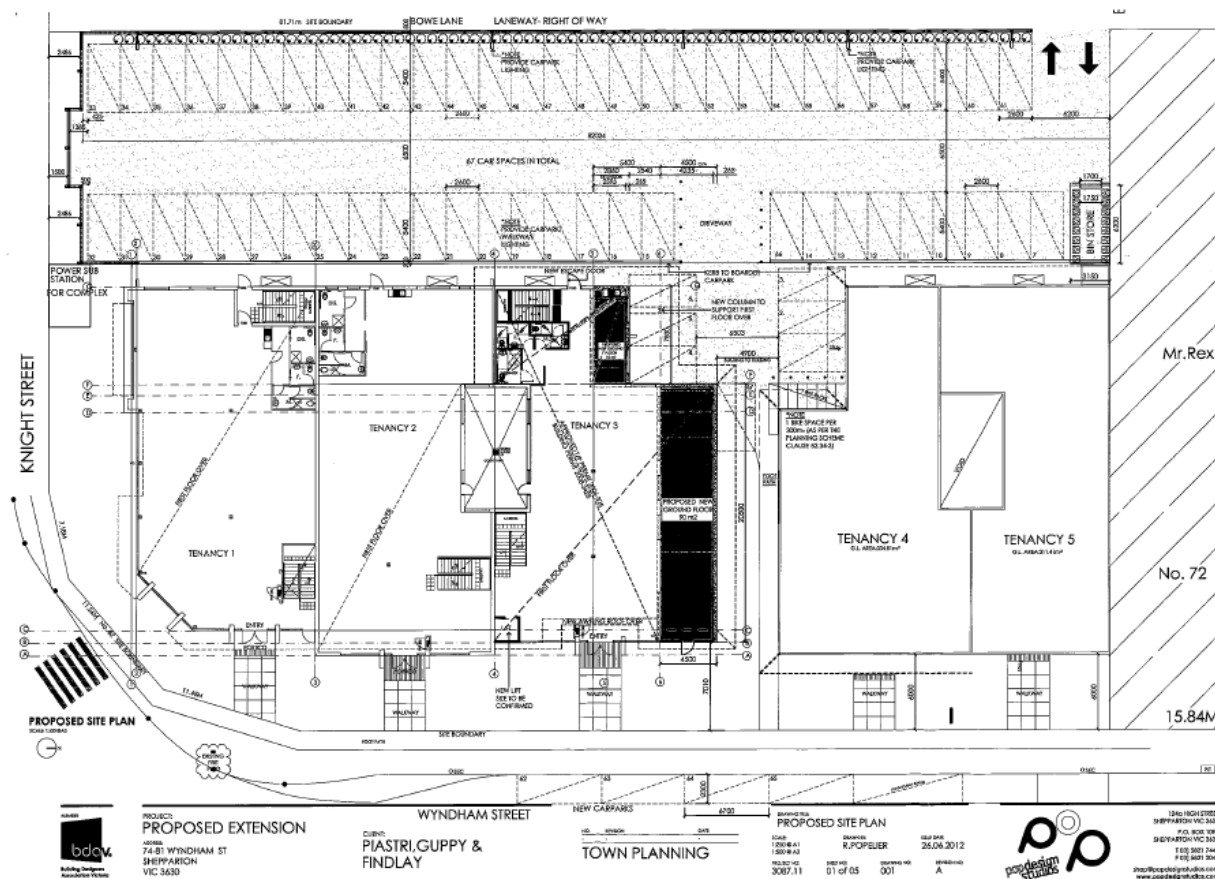
The history of the site includes:

- Planning permit 2006-325 was issued on 20 November 2006 and amended on 10 May 2007 to include subdivision. The subdivision of the component of the approval has not been acted on and that permission has expired. The development component is ongoing and an extension of time to the permit on 23 August 2011 revised the completion date until 20 November 2013.

Endorsed Plan (with access from Wyndham Street)



Proposed Amended Plan (without access from Wyndham Street)



Further Information

Was further information requested for this application? No

Public Notification

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

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

Objections

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

- High levels of car parking within Bowe Street, whilst the onsite car parking spaces are being under utilised
- Parking of vehicles on Bowe Street has reduced sight lines and caused an unsafe road environment
- Increased commercial development will lead to additional on street parking demands
- Increased traffic in Bowe Lane and associated noise impacts

The objections also include some suggestions including:

- Installation of no standing zones in Bowe Street and Bowe Lane
- Installation of sound proofing qualities into existing dwellings on Bowe Lane to reduce noise impacts

Written acknowledgement of each objection was provided by the planning officers.

The objections were provided to the applicant who held discussions with two objectors which resulted in:

- Two objections were withdrawn based on the inclusion of permit conditions relating to the installation of a speed hump in the car park and erection of no standing signage in Bowe Street and Bowe Lane.

The remaining objection was from the owners of 2/61 Knight Street, Shepparton, of which abuts Bowe Lane. This objection relates to the increased traffic volumes of Bowe Lane and noise associated with these traffic movements. The objectors sought that the permit applicant installs acoustic treatments within the town house being comfort plus glass and insulation in the ceiling.

The applicant considered the objectors request however declined to install the acoustic treatments. The Planning Officer informed the objector of the applicant's position by telephone on 19 December 2012.

It is not considered this objector is fatal to the application for the following reasons:

- The land is on an interface between R1Z and B5Z land, therefore the R1Z cannot expect a pristine residential amenity as would be expected in a residential estate remote from commercial zoned land
- The strategic direction for the continued development of Wyndham Street is for traffic to be directed to Bowe Lane rather than Wyndham Street to reduce the number of vehicle crossings to Wyndham Street
- It is expected given the nature of Bowe Lane which predominately services commercial developments, the vehicle movements during the sleeping hours (10pm to 7am) will be lowest and therefore reduce the noise levels to abutting R1Z dwellings.

Title Details

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

Consultation

Consultation was undertaken in the form of discussions with objectors which resulted in two objections being withdrawn.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	The application was re-referred to Vic Roads given the application seeks to remove access to Wyndham Street; Vic Roads consented to the proposed amended application.
Section 52 Notices	The amended application was not notified to any authorities.

Internal Council Notices	Advice/Response/Conditions
Engineers	Development Engineer (Carl Byrne) reviewed the proposed draft conditions and based on the revised conditions consented to the grant of the amended permit.
Traffic Engineers	The Council's Senior Traffic engineer (Brendan Walsh) reviewed the proposed amended application including the applicants traffic report and stated, 'I believe the traffic control conditions 1 and 3 in the draft planning permit are reasonable'.

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.*

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- *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 within the DDO3 – Shepparton Town Entry North Precinct

Design Objectives

To implement the design and development guidelines for the Shepparton Town Entry – North along Wyndham Street extending from Balaclava Road to Knight Street in accordance with the Urban Design Framework – Shepparton North & South Business Areas.

To encourage a vibrant and active business centre with new commercial development that respects the scale and character of the surrounding residential area.

To ensure the developments respond and contribute to the existing residential built form character.

To direct future business development in this precinct towards a built form that reinforces the surrounding residential character; particularly building mass and height, and architectural style (pitched roof forms, façade articulation, entrances and front landscapes).

To ensure the developments present and maintain front landscape setting to Wyndham Street and contribute to the existing character. New developments should maintain and reinforce this characteristic of a front landscape setting.

To reinforce the gateway role this precinct plays to the Shepparton central activities district.

To ensure and encourage new developments clearly define the northern 'entry' to the Shepparton town centre and provide legibility, gateway style architecture at the intersections of Wyndham Street / Balaclava Road and Wyndham Street / Knight Street.

To reinforce the gateway role of this precinct by encouraging gateway features at specific localities that signify entrance points to central Shepparton.

To encourage significant architectural outcomes in terms of building facades, roof forms and lines, colours and materials that reinforce the extent of this precinct.

To ensure safe and efficient parking and vehicular/pedestrian access are provided on the site.

To encourage environmentally sustainable designs that incorporate solar orientation, natural ventilation, efficient use of energy and water.

Decision Guidelines

The effect of the proposed development on the amenity of abutting residents.

The character of the area as a whole including a design that is responsive to the streetscape and the neighbouring buildings.

The architectural quality and innovative response of the building design.

The interface with existing residential dwellings and the inclusion of design elements which protect the amenity of abutting residents.

Any loss of privacy caused by overlooking of developments to residential dwellings.

Whether building setbacks demonstrate appropriate consideration of the streetscape and the residential interface.

Whether the layout allows for safe access and egress from the site.

The location of any proposed car parking.

Whether the proposal promotes the continued road safety, amenity and visibility of Wyndham Street.

Whether the design considers energy and resource efficient and sustainable design principles.

Whether the proposal is in accordance with the Urban Design Framework - Shepparton North & South Business Areas, July 2006.

Whether the proposal achieves a cohesive streetscape character based on the following considerations:

Materials for all external surfaces of new developments should complement those used in existing buildings in the area, such as brickwork and timber. The use of rendered concrete may be used where it is complemented by the use of specific claddings such as timber and metals that highlight façade definition.

Reflective glass, PVC, unrelieved painted render, unarticulated concrete surfaces and unarticulated cladding systems must be avoided.

Colour schemes of all external surfaces of new developments must complement those found in the local neighbourhood. These should consider references to brickwork in red-brown tones, and other neutral colours such as whites and cream. Contrasting colours may be used to highlight architectural elements or façade definition. Bright, extravagant colour schemes are to be avoided.

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.*

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.*

21.06-4 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.*

Officer's response to policies, zone and overlay

Mandatory Requirements in the DDO

The DDO3 includes requirements relating to height and setback which cannot be varied with a permit.

The proposed building scales at slightly less than 9m in height which complies with the maximum height limit of 9m.

The building setback maintains the current buildings setback, which is 7m from the frontage. This setback is between the minimum and maximum setback of between 4 to 10 metres.

The proposed building is setback based on scaling about 16 metres from the rear boundary which exceeds the minimum rear setback of 14 metres.

Therefore the proposed amended application is not prohibited by the DDO3 and is open for a merits based decision for the DHP.

Zone Purposes

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 SPPF promotes sustainable growth of regional Victoria and supports sustainable development in Shepparton as a regional city.

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 DDO3 objectives which are designed to implement the *Urban Design Framework Shepparton North & South Business Areas – July 2006*.

The State objective of good urban design and architecture, and appropriate response to context is reflected in the more detailed objectives of the DDO3. The development has been assessed as making a positive contribution to the preferred local urban character in this office precinct adjacent to the CBD while minimising detrimental impact on neighbouring properties.

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.

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 3 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*”.

Traffic

The zone boundary between the R1Z and B5Z is down the middle of Bowe Lane which is to the west of the development site. The building is well setback from the R1Z and no objections have raised the design of the building included within the amended application as an issue.

Abutting the rear lane is a large area of car parking which is associated with the office. The car park is screened from the lane way by a developing landscape screen and high chain mesh fence.

Bowe Lane is a north south lane that extends from Knight Street to the slightly north of Mason Street. The character of Wyndham Street continues to change from residential to its preferred character as an office precinct. As the use of land within the precinct has changed from residential to office so has the traffic levels on Bowe Lane.

Bowe Lane varies between a two way and one way laneway.

Under the previously endorsed plans, ultimately the development would create a vehicle crossing to Wyndham Street, of which was approved by Vic Roads.

This amended application seeks to direct all vehicles from the land to Bowe Lane, of which vehicles can either travel north on Bowe Lane to Lightfoot Street and then Wyndham Street or use Bowe Street to travel in a westerly direction. The applicant’s traffic engineer has stated that the majority of vehicles will travel to Lightfoot Street and onto Wyndham Street.

The applicant’s traffic engineer has stated that the anticipated traffic generation from the development is 255 daily vehicle trips and that at this level the continuous movement in and out of the land is very good.

The applicant’s traffic engineer makes the following conclusion:

Based on the characteristic traffic generation rates and utilising the supplied information on traffic volumes, there will be no adverse affect on the current level of through traffic along Bowe Lane, Lightfoot Street and Wyndham Street or to the existing local amenities i.e. the traffic management or current car parking demands, during the weekday

In response to neighbouring property concerns, permit conditions will require the erection of standing zones as shown (by hatching) on the below aerial photo.



The Council's traffic engineer has reviewed the amended proposal and applicant's traffic report and stated that it is appropriate to include the following permit conditions:

- No standing zone (weekdays and normal business hours only) from the western side of 27 and 28 Bowe Street to Bowe Lane
- No standing zone in Bowe Lane
- Provision of speed hump at the entry/exit of the land to Bowe Lane
- Erection of directional signage directing vehicles to Lightfoot Street via Bowe Lane to access Wyndham Street

Based on the expert views of the two traffic engineers, one of which is the Council's Senior Traffic Engineer, it is deemed there is no traffic reason to prevent the grant of an amended permit.

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.*

Based on the parking rate at 52.06-5 being 3.5 spaces per 100sqm, an additional 11 spaces are required, based on 321sqm of office floor space.

It would normally be considered appropriate to reduce this rate to three spaces per 100sqm given the land is adjacent to Shepparton's CBD; therefore the number of additional spaces required is 10 spaces.

The proposed amended plans provide for four extra spaces including retention of three spaces in Wyndham Street (which were originally proposed to be lost to allow for the vehicle access from Wyndham Street); therefore the amended application requires permission for a six car parking space reduction.

As required by clause 52.06-6 the applicant's traffic engineer has estimated the car parking requirement for the office is as follows:

- *Car park occupancy rate of 1.19 per 100sqm of gross floor area (31 vehicles)*
- *This will leave in the order of 35 car parking spaces (31 internal spaces and 4 external spaces) available for clients to visit the development.*

It is considered that the proposed six car parking space reduction is acceptable for the following reasons:

- The development provides for 66 car parking spaces, of which 63 are on the land for the use of the office development
- The development is on the edge of Shepparton's CBD and has good access to free all day car parking in Welsford and Marungi Streets
- The office development provides a large car park (67 spaces), of which based on observations of the uses, satisfies the car parking demand of the development
- The reduction in car parking was advertised and no objections lodged in relation to car parking

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

Urban Design Framework Shepparton North and South Business Areas July 2006

Other relevant adopted State policies or strategies policies

There are no other relevant adopted state or strategic policies

Relevant Planning Scheme amendments

Amendment C145 - Removes restrictive mandatory controls to building heights and setbacks in DDO3. 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 DDO3 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 DDO3.

Are there any significant social & economic effects?

The amended application raises no significant social or economic effects.

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

The amended application raises no relevance with other Acts.

Conclusion

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.

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

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Decision to grant an amended Planning Permit should be issued subject to conditions as indicated in the recommendation.

Meeting closed at 10.20am