

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 5/2013

**HELD ON
WEDNESDAY 24 APRIL 2013
AT 2.00PM**

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

**CHAIR
Jonathan Griffin**

**COMMITTEE MEMBERS PRESENT: Jonathan Griffin, Braydon Aitken,
Michael MacDonagh**

**OFFICERS: Andrew Dainton – Principal Statutory Planner
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

Cr Les Oroszvary, Johann Rajaratnam, Colin Kalms

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

The minutes of the meeting held on 10 January 2013 could not be confirmed.

Moved by Braydon Aitken and seconded by Michael MacDonagh that the minutes of meeting held on 14 February 2013 be adopted.

Carried.

Moved by Braydon Aitken and seconded by Jonathan Griffin that the minutes of the meeting held on 14 March 2013 be adopted.

Carried.

Moved by Braydon Aitken and seconded by Michael MacDonagh that the minutes of the meeting held on 28 March 2013 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

9 May 2013

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<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2012-304	2 Orr Street, Shepparton	Three dwellings and a three lot subdivision	3

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2012-304
Applicants Name:	Dmc Drafting & Design
Date Application Received:	19 September 2012
Statutory Days:	202
Land/Address:	2 Orr Street SHEPPARTON VIC 3630
Zoning and Overlays:	Residential 1 Zone Abuts Road Rone Category 1
Why is a permit required (include Permit Triggers):	More than one dwelling on a lot under 37.01-4 Subdivision of land in the R1Z under 32.01-2 Creation of access to a RDZ1 under 52.29
Are there any Restrictive Covenants on the title?	No

Proposal

The application proposes the development of land for a three dwellings and a three lot subdivision of the land. Two of the three dwellings front Balaclava Road and one dwelling fronts Orr Street.

The development proposes double storey dwellings of which all have at least three bedrooms.

The Housing Strategy includes the land within the Incremental Change Area (ICA). ICA's are established residential areas or areas identified as Urban Growth Areas in Framework Plans that over time have the capacity to accommodate a moderate level of residential development. This development will mostly include extensions to existing dwellings, new single or double storey dwellings on existing lots, and low rise medium density housing. It is expected that the general character of Incremental Change Areas will evolve over time as new types and more intense development is accommodated.

Based on the Housing Strategy and clause 21.04 the land is within an area that is suitable for medium density development. Despite this, the application has been referred to Vic Roads as the development proposes to create new vehicle access to Balaclava Road.

Vic Roads acting as a referral authority objected to the grant of a permit on 25 February 2013 as further information relating to vehicle access was not submitted.

Under section 61(2) of the Act, the responsible authority must decide to refuse to grant a permit if a relevant referral authority objects. Therefore based on the Vic Roads objection to the application, the responsible authority must decide to refuse to grant the permit.

For completeness an assessment of the application has been undertaken against clause 55 to assist the applicant should a fresh application be made. This assessment determined that the application as submitted is deficient in certain parts of Rescode, although through the provision of revised and improved plans it is possible that the issues could be resolved.

Summary of Key Issues

- The application proposes three double storey dwellings and a three lot subdivision of the land
 - The land is within the ICA which is an area for low rise medium density housing. It is considered that the development of the land for medium density housing in a strategic sense is not unwelcome
 - The application proposes to create new vehicle access to a RDZ1 of which Vic Roads objected to. This objection from a referral authority is fatal to the application.
 - Based on the Vic Roads objection the DHP must decide to refuse to grant the permit.
 - An assessment of the design against rescode determined that various amendments are required to the plans to obtain compliance with Rescode (clause 55).
-

Moved by Braydon Aitken and Seconded by Michael MacDonagh

That the Council having not caused notice of Planning Application No. 2012-304 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* decides to refuse to Grant a Permit under the provisions of 37.01-4, 32.01-2 and 52.29 of the Greater Shepparton Planning Scheme in respect of the land known and described as 2 Orr Street Shepparton, for the 3 dwellings and 3 lot staged subdivision and creation of access to Road Zone Category 1.

For the following reasons:

- Vic Roads acting as a referral authority under section 55 of the Act objected to the grant of a planning permit as further information as requested by Vic Roads has not been provided.
- Under section 61(2) of the Act, the responsible authority is obliged to refuse to grant a permit where a referral authority objects.
- The plans submitted as part of the application fail to comply with the following standards of clause 55:
 - B5 – Integration with the street
 - B7 – Building height
 - B8 – Site coverage
 - B9 – Permeability
 - B14 – Access
 - B17 – Side and rear setbacks

- B19 – Daylight to existing windows
- B20 – North facing windows
- B21 – Overshadowing open space
- B23 – Internal views
- B26 – Dwelling entry
- B28 – Private open space
- B30 – storage
- B32 – Front fences

CARRIED

Subject Site & Locality

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

Date: 8 October 2012

The site has a total area of 906 square metres and currently contains:

- an existing cream brick dwelling with vehicle crossings to both Orr Street and Balaclava Road
- the dwelling has a low brick fence to Orr Street and part of Balaclava Road. The rear part of Balaclava Road is fenced with a high colourbond fence

The main site/locality characteristics are:

- Balaclava Road is a wide road with parking lanes, on road bicycle lanes and two through lanes. The road is within the RDZ1 and is a designated B'double route.
- Orr Street is a local residential street
- The locality has been subject to numerous unit developments in recent times and is slowly transforming from a single dwelling on a large lot to two and three dwelling developments. These unit developments have generally been of a single storey.
- To the south of the land is a recently completed three unit development
- To the west of the land is a multi-unit development

The Photos below show the existing site:



View of Orr Street looking north



Adjoining 3 unit development to the south



View of dwelling fronting Orr Street on the land



View of nature strip abutting the land in Orr Street



Nature strip abutting the land in Balaclava Road



View of the land



Existing crossover and abutting units to the west

Permit/Site History

The history of the site includes:

- On 2 April 2012 a pre-application letter was provided to the land owner in relation to a unit development which informed the following:
 - It is recommended you contact Vic Roads to determine if two vehicle crossings will be permitted to Balaclava Road
 - The garages fronting Balaclava Road must have a front setback of not less than 5.2m
 - Proposed high front fencing must be designed so that it forms a point of interest within the development
 - Site coverage should not exceed 60%
 - At least 20% of the site should not be covered by impervious surfaces
 - The northern orientation of the land should be made better use of, which may require relocation of the stair case from the northern side of the dwellings
 - The double garages must be amended to have dimensions of 6m long by 5.5m wide
 - The dwellings are proposed to be 6.15m high. The dwellings are setback as little as 1m from side boundaries. The first level of the dwellings must be further setback to about 2m at 6.15m in height.
 - The dwellings as designed are vertical in nature, additional horizontal and articulation is required in the design to reduce the box appearance of the dwellings
 - The submitted application must provide drawings considering if development provides day light to existing habitable room windows to the existing dwelling on lot 1
 - Overshadowing and overlooking drawings are required to be submitted with the application
 - The first floor windows on the proposed design require amendment to prevent overlooking within and external to the development
 - Each proposed dwelling should include an area of 40sqm for open space located to the north side of the dwelling.
- The application was lodged on 19 September 2012, which did not address all of the above issues.
- On 22 November 2012, Vic Roads informed the applicant by email that Vic Roads did not support the creation of a new vehicle access to Balaclava Road and required amended plans to be prepared.
- The land owner sought a written explanation of Vic Roads response on 22 November 2012 of which Vic Roads responded to on 23 November 2012.
- On 12 December 2012 the applicant emailed amended plans without a cover letter of explanation
- On 13 December 2012, the planning officer emailed the applicant and queried if the plans were being submitted and provided the appropriate application form for completion and submission. No response was received.
- On 14 February 2013, the planning officer sought an update from the applicant on the status of the application. No response was received.

- On 19 February 2013, the planning officer emailed the applicant informing that their office phone number was inactive.
- On 25 February 2013, Vic Roads formally objected to the application.
- On 26 February 2013, the planning officer informed the applicant that the application would be refused. This letter was sent by registered post of which was collected on 28 February 2013.
- As the applicant did not respond to the planning officer's correspondence, it was decided to refer the application to DHP for decision

Further Information

Was further information requested for this application? Yes on 9 October 2012. The RFI sought the following:

- Up to date full copy of title
- Corrected spelling of Orr Street
- Inclusion of north point on the plans
- Overall height of the proposed dwellings on the plans

The RFI included a lapse date of 12 November 2012.

The applicant responded with a revised set of documents on 8 November 2012.

Public Notification

The application has not been advertised as the application is recommended for refusal (refer to section 52(1A)).

Should the applicant seek a review of the refusal at VCAT, the Planning Department will request that notice be undertaken by direction of VCAT.

Objections

As the application was not advertised no objections were lodged.

Title Details

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

Consultation

Consultation was not undertaken.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	The application was referred to Vic Roads under clause 52.29, who objected to the grant of a permit. The service authorities have not been referred to as it is recommended that the application be refused.

Section 52 Notices	The application was not notified to any authorities.
Internal Council Notices	Advice/Response/Conditions
	The application was not internally referred to any Council departments.

Assessment

The zoning of the land

The land is within the Residential 1 Zone. A purpose of this zone is to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.

The R1Z requires that more than one dwelling on a lot to comply with the objectives, standards and decision guidelines of clause 55.

The increased density of this area is appropriate as the Housing Strategy includes the land in an incremental change area.

The incremental change area aims to:

- encourage low scale medium density housing development that respects existing neighbourhood character, particularly in areas that are in close proximity to significant shops, facilities, services and amenities;
- support development which increases residential densities while respecting the character of the neighbourhood;

Relevant overlay provisions

The land is not within any overlays.

The State Planning Policy Framework (SPPF)

Clause 16.01-4 – Housing Diversity aims to promote a housing market that meets community needs.

Includes the following relevant strategies:

Encourage the development of well-designed medium-density housing which:

- Respects the neighbourhood character.
- Improves housing choice.
- Makes better use of existing infrastructure.
- Improves energy efficiency of housing.

Support opportunities for a wide range of income groups to choose housing in well serviced locations.

Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.

This clause promotes medium density housing in appropriate locations which respects the character of the area. Orr Street has been identified as a location for increased density living which is within close proximity to places of employment and public services.

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

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.

Objectives – Urban Consolidation and Growth

- To contain urban growth to identified growth areas in order to protect higher quality and intact agricultural areas and achieve a more compact built up area.
- To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.
- To minimise the impacts of housing on the natural environment.
To release land efficiently in terms of location, supply of services and infrastructure and in accordance with land capability.
- To support increased residential densities, such as 15 dwellings per hectare, in established areas and the conventional living growth areas.
- To increase the supply of medium density housing in appropriate locations.
- To provide land for small township expansion, subject to a supply and demand analysis.
- To coordinate the assessment, planning, development and servicing of identified investigation areas in an integrated manner.
- To ensure any small township expansion occurs without impacting on the long-term growth potential of urban centres or productive agricultural land.
- To ensure any small township expansion is dependent on land capability where no reticulated sewer is available.
- To balance the need to achieve urban consolidation with the need to respect and retain the valued characteristics of existing neighbourhoods.
- To ensure that land proposed for residential purposes is not contaminated.
- To ensure protection of ground water and natural systems.
- To ensure that provision is made for community infrastructure.

Strategies

These targets are:

- *Infill Development* – accommodate at least 10 percent of the 9,100 dwellings (910 dwellings) in existing areas through infill and redevelopment at higher densities.
- Promote development in accordance with the attached Framework Plans.
- Encourage the consolidation of existing residential areas in the municipality in accordance with the change areas identified in the Housing Change Area plans.
- Encourage medium density housing in preferred locations including within existing residential areas; near public transport; within major redevelopment sites; and adjacent to activity centres and open space areas.

- Encourage the provision of smaller lots to meet the changing demographics structure.
- Encourage new subdivision and developments to promote walking and cycling between homes and schools, open spaces and shops.

Housing Change Areas

Incremental Change Areas are established residential areas or areas identified as Urban Growth Areas in *Framework Plans* that over time have the capacity to accommodate a moderate level of residential development. This development will mostly include extensions to existing dwellings, new single or double storey dwellings on existing lots, and low rise medium density housing. It is expected that the general character of Incremental Change Areas will evolve over time as new types and more intense development is accommodated.

Incremental Change Areas are generally in locations that:

- Are unaffected by significant development constraints.
- Have lot layouts which may potentially constrain substantial development.
- Have reasonable access to a range of local shops, facilities, services and amenities.
- Provide residential uses in conjunction with other uses in small town settings.
- Greenfield residential development sites.

Strategies - Incremental Change Areas

The strategies for managing residential development in Incremental Change Areas seek to: Support the retention and renovation of existing dwellings that front the street and contribute positively to surrounding neighbourhood character. Encourage low scale medium density housing development that respects existing neighbourhood character, particularly in areas that are in close proximity to significant shops, facilities, services and amenities.

- Support development which increases residential densities while respecting the character of the neighbourhood.
- Ensure that new development does not cause significant new overlooking, overshadowing, and excess visual bulk impacts on adjacent housing.
- Encourage a high standard of design for new development and major renovations.
- Encourage additional dwellings to the rear of existing dwellings.
- Support and encourage environmentally friendly technologies for new development and major renovations.
- Ensure that traffic caused by additional development can be accommodated by the existing transport network.
- Discourage increased development intensity in areas where there is a significant environmental risk such as flooding and wildfire, unless an appropriate design response can be provided to the satisfaction of the Council.
- Ensure that development at the edges of the Incremental Change Area is sensitive to any adjoining Minimal Change Areas.
- Ensure that any new development close to a rural interface or other sensitive use is addressed.

Policy Guidelines - Incremental Change Areas

When considering an application for a dwelling in an **incremental change area**, Council will be guided by the following provisions:

- Low-scale, medium density dwellings that respect existing neighbourhood character, particularly in areas that are in close proximity to shops, facilities, services and amenities shall be encouraged.
- New development that increases residential densities and is sensitively designed to respond to the existing neighbourhood character shall be supported.
- Encourage a high standard of design for new development and major renovations;
- Encourage additional dwellings to the rear of existing dwellings.
- Environmentally-friendly technologies for new development and major renovations shall be supported.
- Traffic impacts caused by additional development shall be accommodated within the existing transport network.
- Increased residential densities in areas where there is a significant environmental risk such as flooding and wildfire shall be discouraged unless an appropriate design response can be provided to the satisfaction of Council.
- Development at the edges of incremental change areas shall be sensitively designed to respond to any adjoining minimal change areas.
- New development close to rural interface or any other sensitive use shall be appropriately designed to mitigate any potential impacts.

Officer’s response to policies

The relevant policies of the scheme and the Housing strategy offer strategic support for the development of medium density housing and associated subdivision in the ICA. The land has the following positive attributes for increased density development:

- The land is within close proximity to Shepparton’s two major places of employment being Shepparton’s CBD and the medical precinct which incorporates GV Health
- The site is within walking distance to the Bouchier Street school precinct which includes a primary school, kindergarten and special school
- To the north east of the land on the northern side of Balaclava Road is a linear park which extends to the school precinct to the east
- The land is not affected by flooding, heritage or covenants that limit development

Relevant Particular Provisions

The following is an assessment against the relevant objectives and standards of Clause 55:

NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE	
55.02-1 Neighborhood character objectives	The neighbourhood is typical of Shepparton’s inner residential streets of which are identifiable through the use of wide roads with large lots that are progressively being re-developed with single story unit developments. The area has a mixed setback, where the older housing stock is setback about 9m from the street and newer unit developments about 5m from the street. The neighbourhood is an area under transition that has and is retaining the following characteristics:

	<ul style="list-style-type: none"> • Use of canopy trees • Green spaces within front setbacks • Provision on site car parking • Low or no front fences • Traditional building form and materials consisting of the use of brick and pitched roof <p>It is considered the proposed double story development is consistent with the preferred neighbourhood character of the area.</p> <p>- Complies</p>
55.02-2 Residential policy objectives	<p>The proposed development is in accordance with the State and local planning policy framework including the MSS. The subject site is an appropriate location for development given it is within an established residential area and is provided with good access to public transport and facilities. The site is close to public parkland and is also in close proximity to Shepparton's CBD, the medical precinct and schools.</p> <p>- Complies</p>
55.02-3 Dwelling diversity objectives	<p>N/A, less than 10 dwellings are proposed.</p> <p>- Complies</p>
55.02-4 Infrastructure objectives	<p>All utility services and infrastructure will be provided as per local authority's conditions.</p> <p>- Complies</p>
55.02-5 Integration with the street objectives	<p>The development is proposed to be oriented toward the street and proposes high front fencing to both street frontages. Given the high vehicular traffic on Balaclava Road high fencing is considered acceptable, however amended plans are required to provide low transparent fencing to the Orr Street frontage.</p>

	- Amended Plans required
SITE LAYOUT AND BUILDING MASSING	
55.03-1 Street setback objectives	<p>The proposed development is on a corner. The abutting development on Orr Street is setback about 5.2m from the street. The proposed Orr Street dwelling is setback between 5.5m to 6.35m from the street. The side setback to the Orr Street dwelling is setback 3.1m from Balaclava Road. The proposed dwellings fronting Balaclava Road (the side street) are setback 5.2m from the street.</p> <p>- Complies</p>
55.03-2 Building height	<p>The maximum building height not shown on the plans, however using scales it appears to be about 8m in height</p> <p>- Amended Plans required</p>
55.03-3 Site coverage objectives	<p>The application states the site coverage is less than 60%, although does not state the site coverage</p> <p>- Amended plans required</p>
55.03-4 Permeability objective	<p>The application states the permeability is more than 20%, although does not state the area</p> <p>- Amended plans required</p>
55.03-5 Energy efficiency objective	<p>The proposed dwellings make appropriate use of north facing windows ensuring energy efficient dwellings by providing both living areas with northern orientation. The application states that all windows will be double glazed to improve energy performance.</p> <p>- Complies</p>
55.03-6 Open space objective	<p>No public open space is proposed within the development nor is any adjacent to the subject site.</p> <p>- Complies</p>

55.03-7 Safety objective	<p>The dwelling entries for dwellings will be visible from the street which ensures passive surveillance.</p> <p>- Complies</p>
55.03-8 Landscaping objectives	<p>A concept landscaping plan has been provided generally to the satisfactory of the responsible authority.</p> <p>- Condition Required to be placed on permit should one issue</p>
55.03-9 Access objectives	<p>The proposal provides two vehicle accesses to Balaclava Road of which neither allow vehicles to exit the land in a forwards direction of which is not in compliance with the standard.</p> <p>The proposed crossovers are single width and do not exceed 33% of the lands frontage.</p> <p>- Does not comply</p> <p>- Requires Vic Roads feedback if access need to be designed to allow vehicles to exit the site in a forwards direction</p>
55.03-10 Parking location objectives	<p>Car parking spaces are located proximate to each dwelling entry. Habitable rooms widows are more than 1.5m from the internal access way.</p> <p>- Complies</p>
AMENITY IMPACTS	
55.04-1 Side and rear setbacks objective	<p>Dwelling 2 – 3 has an upper level setback of 2.2m from the southern boundary. The applicant informs that the maximum height of second level to spouting is 5.6m, therefore the side setback is required to be 1.6m, whereas the actual setback is 2.2m.</p> <p>Dwelling 1 has an upper level setback of 1.25m from the southern boundary, of</p>

	<p>which is less than the required setback of 1.6m</p> <p>- Does not comply, amended plans required</p>
55.04-2 Walls on boundaries objective	<p>Lot 3 has 8.9m of wall on boundary of which is less than allowed under B18.</p> <p>Lot 1 has 6.5m of wall on boundary which is less than allowed under B18.</p> <p>- Complies</p>
55.04-3 Daylight to existing windows objective	<p>Plans do not clearly show locations of existing habitable room windows.</p> <p>- Amended plans required</p>
55.04-4 North Facing windows objective	<p>Plans do not clearly show locations of existing habitable room windows.</p> <p>- Amended plans required</p>
55.04-5 Overshadowing open space objective	<p>Shadowing plans do not show area of SPOS.</p> <p>- Amended plans required</p>
55.04-6 Overlooking objective	<p>The first floor of the western elevation has two windows facing west. The plan states the windows are high set with sill heights of 1.7m above ground level. All windows which could potential overlook are treated to prevent overlooking to adjoining properties.</p> <p>- Complies</p>
55.04-7 Internal views objective	<p>Overlooking plans are required to show that overlooking of more than 50% of the SPOS to lot 2 and 3 will occur.</p> <p>- Amended plans required</p>
55.04-8 Noise impacts objectives	<p>Balaclava Road being a RDZ1 and B'double route noise emissions could be of concern. Design elements have been included to address this being use of high solid front fence and double glazing of windows.</p>

	- Complies
ON-SITE AMENITY AND FACILITIES	
55.05-1 Accessibility objective	Each dwelling could be converted to allow access to people with limited mobility. - Complies
55.05-2 Dwelling entry objective	Entries to the dwellings is visible and identifiable. The visibility of the entry to lot 1 can be improved with the use of a low transparent fence to Orr Street. - Amended plans required
55.05-3 Daylight to new windows objective	All new windows are setback a sufficient distance from all boundaries providing adequate daylight into new habitable rooms. - Complies
55.05-4 Private open space objective	Lot 1 is provided with a significant of well oriented private open space. Lot 2 and 3 have located private open space to the front of the dwellings with a dimension of 5.2 by 4m totaling 20.8sqm. The remainder of the open space is narrow (2.2m) and unusable. - Amended plans required to provide not less than 25sqm of SPOS
55.05-5 Solar access to open space objective	The areas of SPOS are located on the north side. - Complies
55.05-6 Storage objective	Plans do not show an area of 6m ³ for storage - Amended plans required
DETAILED DESIGN	
56.06-1 Design detail objective	The proposed units introduce a new dwelling design within the area that is not consistent with the design pattern of the area which is characterised by single

	<p>story brick and weather board, gable and hipped roofs and traditional windows types.</p> <p>This development proposes sympathetic use of materials, although a double story development. The double story element is considered acceptable as the land is within an ICA of which supports low rise medium density housing.</p> <p>- Complies</p>
56.06-2 Front fences objective	<p>The front fences along Balaclava Road comply are less than the maximum height of 2m. The development proposes a 1.8m high front fence to Orr Street of which is out of character for Orr Street</p> <p>- Amended plans required to provide low transparent front fence to Orr Street</p>
56.06-3 Common property objective	<p>The proposal does not include any areas of common property</p> <p>- Complies</p>
56.06-4 Site services objective	<p>Sufficient space is provided for services to be provided on each lot. The location of mailboxes and services has been displayed on the plans for each dwelling.</p> <p>- Complies</p>

The decision guidelines of Clause 65

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act have been considered.

The proposed development accords with the relevant provisions within the Greater Shepparton Planning Scheme as discussed previously in this report.

The proposed use and development does not conflict with the objectives of planning in Victoria.

- The proposed development will not have any substantial effect on the amenity of the area.
- The application does not propose the removal or destruction of native vegetation.

- Permit conditions if to be approved would require the submission of a drainage plan incorporating retention and water sensitive urban design.

Relevant incorporated or reference documents

Greater Shepparton Housing Strategy (adopted June 2011) and incorporated into the scheme under C93 on 21 June 2012.

The land is within the Incremental Change Area.

Incremental Change Areas are established residential areas that over time have the capacity to accommodate a moderate level of residential development. This development will mostly include extensions to existing dwellings, new single or double storey dwellings on existing lots, and low rise medium density housing. It is expected that the general character of Incremental Change Areas will evolve over time as new types and more intense development is accommodated.

The strategies for managing residential development in Incremental Change Areas seek to:

- *support the retention and renovation of existing dwellings that front the street and contribute positively to surrounding neighbourhood character;*
- *encourage low scale medium density housing development that respects existing neighbourhood character, particularly in areas that are in close proximity to significant shops, facilities, services and amenities;*
- *support development which increases residential densities while respecting the character of the neighbourhood;*
- *ensure that new development does not cause significant new overlooking, overshadowing, and excess visual bulk impacts on adjacent housing; encourage a high standard of design for new development and major renovations;*
- *encourage additional dwellings to the rear of existing dwellings;*
- *support and encourage environmentally friendly technologies for new development and major renovations;*
- *ensure that traffic caused by additional development can be accommodated by the existing transport network;*
- *discourage increased development intensity in areas where there is a significant environmental risk such as flooding and wildfire, unless an appropriate design response can be provided to the satisfaction of the Council;*
- *ensure that development at the edges of the Incremental Change Area is sensitive to any adjoining Minimal Change Areas; and*
- *ensure that any new development close to a rural interface or other sensitive use is addressed.*

It is considered that the application achieves acceptable outcomes in the Incremental Change area for the following reasons:

- The proposed is limited to low rise (less than 9m in height) double storey development
- The development is sympathetic to the existing neighbourhood character of the area, through use of materials, and a detached dwelling design
- Street setbacks are reasonable and provide for canopy tree plantings, which continues the landscape theme of the area
- The land is not affected by areas of flooding

Other relevant adopted State policies or strategies policies

There is no relevant adopted state or strategic policies.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Are there any significant social & economic effects?

The application raises no 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

Whilst it is acknowledged the land responds well to the policies relating to medium housing in terms of location, access to services and places of employment, the Vic Roads objection is fatal to the application and must be refused by the DHP.

Planning officers would encourage the applicant to consider the Rescode assessment within this report should a fresh application be lodged.

DRAFT REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2012-304

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 2 Orr Street SHEPPARTON VIC 3630

WHAT HAS BEEN REFUSED: Three dwellings and a three lot staged subdivision and creation of access to Road Zone Category 1

WHAT ARE THE REASONS FOR THE REFUSAL?

Vic Roads Reason

- Vic Roads acting as a referral authority under section 55 of the Act objected to the grant of a planning permit as further information as requested by Vic Roads has not been provided.

Council's Reasons

- Under section 61(2) of the Act, the responsible authority must refuse to grant a permit where a referral authority objects.
- The plans submitted as part of the application fail to achieve acceptable planning outcomes with the following standards of clause 55:
 - B5 – Integration with the street
 - B7 – Building height
 - B8 – Site coverage
 - B9 – Permeability
 - B14 – Access
 - B17 – Side and rear setbacks
 - B19 – Daylight to existing windows
 - B20 – North facing windows
 - B21 – Overshadowing open space
 - B23 – Internal views
 - B26 – Dwelling entry
 - B28 – Private open space
 - B30 – storage
 - B32 – Front fences

Meeting closed at 2.10PM