

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No.06/2015

**HELD ON
WEDNESDAY 3 JUNE 2015
AT 2.00PM**

**IN THE COUNCIL BOARDROOM
90 WELSFORD STREET**

**CHAIR
Councillor Dinny Adem**

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. RECORDING OF PROCEEDINGS

The Chairperson advised the hearing that:

- the proceeding is being minuted but not recorded.
- that out of courtesy for all other attendees Any recording devices should be turned off during the course of the hearing, unless the Chair has been formally advised that a party wishes to record proceedings.

3. COMMITTEE MEMBERS PRESENT

Councillor Dinny Adem (Chair),
Johann Rajaratnam – Director Sustainable Development,
Colin Kalms-Manager Planning,
Jonathan Griffin – Team Leader Development
Michael MacDonagh – Acting Team Leader Strategic Planning

4. OFFICERS PRESENT

Andrew Dainton – Principal Statutory Planner
Ronan Murphy – Senior Statutory Planner

5. APOLOGIES

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved by Johan Rajaratnam, and seconded by Colin Kalms that the minutes of the meeting held on 3 June 2015 be adopted.

Carried

7. DECLARATIONS OF CONFLICTS OF INTEREST

None

8. MATTERS FOR CONSIDERATION

There are three items formally listed for consideration today.

- Planning permit application 2014-276 for a four unit development at 179-181 St Georges Road, Shepparton.
- Planning permit application 2015-129 for a gravel hardstand area for shipping container storage at 160 Doyles Road, Shepparton.
- Planning permit application 2015-60 for the use of land for motel units, a boundary re-alignment and creation of a carriageway easement at 67 Maude Street and 66-68 Orr Street, Shepparton.

We also have one late item for consideration which we will come following the consideration of the above two matters

9. LATE REPORTS

We also have one late item for consideration.

Planning permit application 2014-251 proposes construction and display of a sign in the Heritage Overlay and the display of an internally illuminated above verandah sign at 257-259 Wyndham Street, Shepparton.

10. NEXT MEETING

To be confirmed.

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<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2014-276	179-181 St Georges Road, Shepparton	Buildings and works for a four unit development in the General Residential Zone and Land Subject to Inundation Overlay	3
2015-129*	160 Doyles Road, Shepparton	A gravel hardstand area and associated internal accessways for shipping container storage in the Industrial 1 Zone, Design and Development Overlay 1 and Land Subject to Inundation Overlay	37
2015-60	67 Maude Street, Shepparton and 66-68 Orr Street, Shepparton	Use and development of land for motel units, creation of a carriageway easement and boundary realignment	60

**Note for application 2015-129*

Matter resolved prior to Development Hearing Panel. Matter not required to be heard.

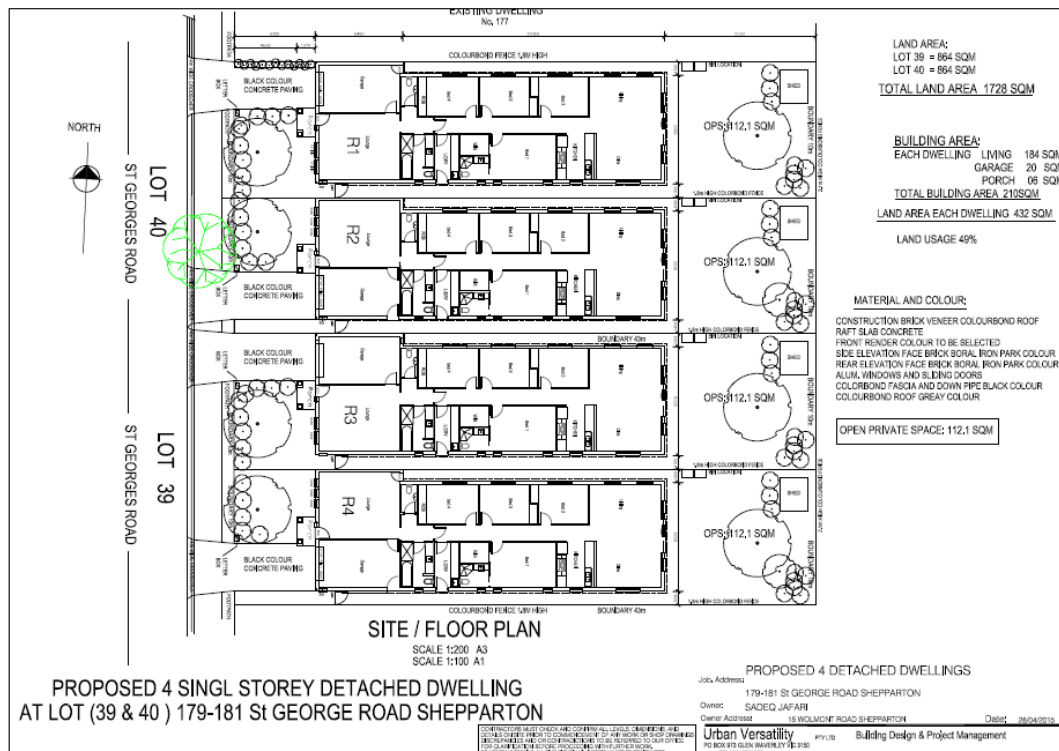
Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2014-276
Applicants Name:	A Albarouki
Date Application Received:	19 September 2014
Statutory Days:	14
Land/Address:	179-181 St Georges Road SHEPPARTON VIC 3630 The land is 1728sqm in area
Zoning and Overlays:	General Residential Zone 1 Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	More than one dwelling on a lot under 32.08-4 Buildings and works in the LSIO under 44.04-1
Are there any Restrictive Covenants on the title?	No

Proposal

The application proposes the development of vacant land for a four unit development with each dwelling fronting St Georges Road. The proposed dwellings consist of four bedrooms, garage, living areas and open space area to the rear of the lot. The proposed dwellings are 210sqm in size on land areas of 432sqm. All proposed dwellings are single storey.

Plans of the proposed development are below.



Summary of Key Issues

- The application proposes to develop the land which is over two lots for four dwellings all of which front St Georges Road
- A planning permit is triggered under the GRZ and LSIO. The application was referred to the CMA who consented to the grant of a planning permit subject to a floor level requirement
- The application was advertised and two objections were lodged. Following discussions between the planning officer and objectors one of the objections was withdrawn. The remaining objection relates the concern about a wall on boundary. Officers have assessed the wall on boundary against Rescode and found that the compliance is achieved. Therefore officers have formed the view that the objection does not warrant that the application be refused
- Council engineers assessed the plans and required that an amended design be prepared to consolidate the location of crossovers. An amended application under S57A was lodged to revise crossover design which satisfied Council engineers
- Given the history of the land for a bus depot the planning officer required that a soil contamination report be prepared. GTS have identified some contamination of the site which requires site cleanup before the development commences
- An assessment of the unit design against clause 55 found that the proposed units achieved compliance with the standards and objectives

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2014-276 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 32.04-8 and 44.04-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 179-181 St Georges Road Shepparton, for the buildings and works for a four unit development in the Land Subject to Inundation Overlay in accordance with the Notice of Decision and the endorsed plans.

Moved by Colin Kalms

Seconded by Michael MacDonagh

That Council having caused notice of Planning Application No. 2014-276 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 32.04-8 and 44.04-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 179-181 St Georges Road Shepparton, for the buildings and works for a four unit development in the Land Subject to Inundation Overlay 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: 13 October 2014 and 21 May 2015

Time: 8.35am

The site has a total area of 1728 square metres and currently contains:

- Vacant undeveloped land with some existing concrete pads

The main site/locality characteristics are:

- the land is within a developed part of Shepparton that contains a mix of single dwellings and older style unit developments
- St Georges Road is a major north south road through Shepparton

The Photos below show the existing site:



View of lands frontage looking north



View of lands frontage to the south



View of land looking east





View of land looking west





The rear of the land is higher than the rest of the land which may lead to overlooking. Permit condition will need to require higher rear fence to protect rear yards of land to the east.

Permit/Site History

The history of the site includes:

- Planning application 2008-222 was issued on 5 January 2010 and allowed a 16 unit development on the land. The permit was not acting on and subsequently expired.

Further Information

Is further information required for the application? Yes.

What additional information is required?

- A survey of the land providing the existing ground levels of the land
- A neighbourhood and site description as required by 55.01-1
- A written response to clause 55 Rescode
- A preliminary soil assessment demonstrating the extent of any contaminated soils that may exist on the subject land, and if detected, a more details assessment outlining the location of the contaminated soil, the type of contaminants detected, and the strategies required to be undertaken to decontaminate the affected areas in accordance with the Minister's Direction No. 1 Potentially Contaminated Land

The RFI included a lapse date of 3 November 2014, which was extended to 4 December 2014. A second extension revised the lapse date to 11 December 2014.

The RFI was responded to on 5 December 2014 which satisfied the request.

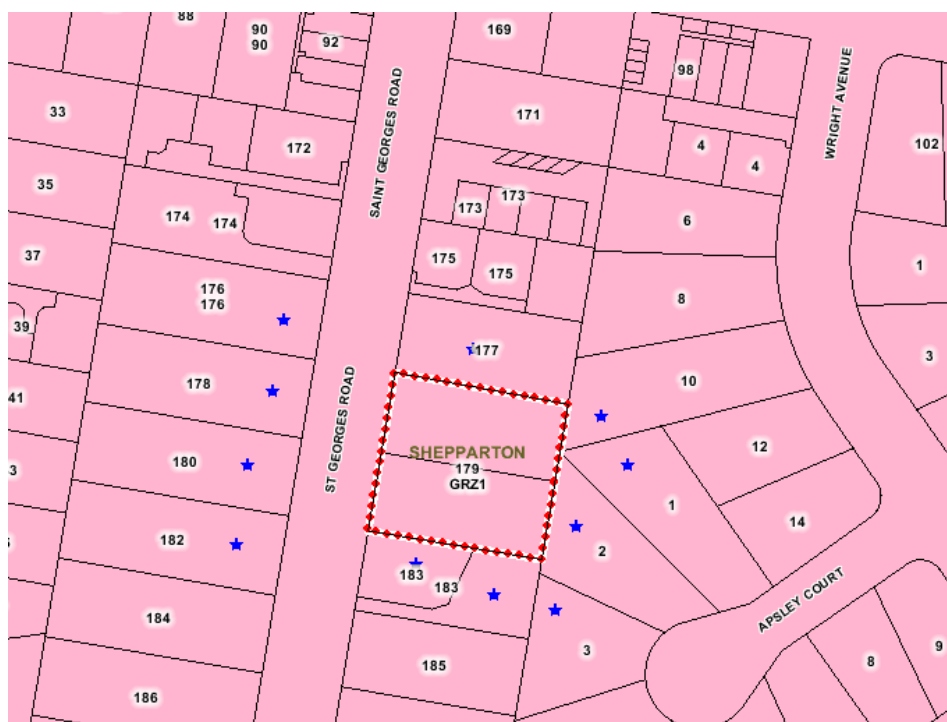
Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description development of land for four dwellings, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.

The application was exempt from being advertised in accordance with Clause 44.04-4 of the planning scheme.

A plan of the lots to receive written notice is below.



Objections

The Council has received one objection to date.

Initially a second objection was also lodged by the owner of 2 Apsley Court. The objection was later formally withdrawn as the applicant amended plans to show the construction of a new 2.1 metre high fence along the common boundary.

The remaining objection was lodged by the owner of 177 St Georges Road and the reason of objection relates to the garage wall on boundary. The planning officer meet with the objector on 20 May 2015 to discuss the proposed development and informed the length of wall being 6 metres complies with Rescode.

Title Details

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

Consultation

Consultation was not undertaken.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
CMA	44.04-5	Recommending	The CMA consented to the grant of a permit subject to the dwellings being constructed to a level of 113.6 metres.

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVW	GVW consented to the proposed development subject to standard conditions relating to connection to water and sewerage.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council's engineers required that the location of vehicle crossovers be redesigned to allow for on street car parking between the crossovers. Amended plans were submitted as requested by the engineers. Council engineers otherwise required standard conditions be included on the permit relating to drainage and access.

Assessment

The zoning of the land

General Residential 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 development that respects the neighbourhood character of the area.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Relevant overlay provisions

Land Subject to Inundation Overlay

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- 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.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

The application was referred to the CMA who consented to the grant of a permit subject to a floor level requirement.

The State Planning Policy Framework (SPPF)

11.05-1 Regional settlement networks

Objective

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

The City of Greater Shepparton is identified in Map 1 – Regional Victoria Settlement Framework as a Regional City and strategy is to facilitate major growth. The proposed four dwellings within Shepparton makes use of existing infrastructure and will assist in providing a more compact regional city.

11.10 Hume regional growth

11.10-3 Planning for Growth

Objective

- *To focus growth and development to maximise the strengths of existing settlements.*

Relevant Strategies

- *Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta and Wodonga, and in Benalla.*

13.03-1 Use of contaminated and potentially contaminated land

Objective

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

Strategies

Require applicants to provide adequate information on the potential for contamination to have adverse effects on the future land use, where the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.

As the planning officer is aware the land has been used in the past as a bus depot it was considered necessary that a soil assessment be undertaken. GTS were engaged by the permit applicant to carry out this test.

GTS made the following conclusions:

- Two locations were found to exhibit elevated hydrocarbon concentrations
- BH6 showed low level Benzo(a)pyrene concentration
- It is recommended that the soil material at these locations be isolated and removed
- Testing found that 6 of the 9 sampling locations exhibited concentrations exceeding EPA Clean Fill limits. Therefore any soil material required to be removed / disposed from the site during any future development be stockpiled and tested further

Additionally GTS noted that:

- All elevated concentrations of concern were determined to be surface bound across the site (ie: approx. 100-150mm);
- Surface soils across the site generally exhibited chemical concentrations in line with a low level Category 'C' contaminated material (which included the infrequent presence of cement sheeting (ACM); &
- Surface sample locations 'HA1 & HA2' exhibited Total Petroleum Hydrocarbon (TPH) concentrations in accordance with a Category 'B' contaminated material. These were the only locations found to exhibit visual oil staining of the surface soils at the site.

Importantly the condition prevents any development associated with the dwellings from commencing until GTS state that the land is suitable for a sensitive land use.

In response to the GTS report a permit condition will be included requiring the following.

Before any works commence on the land, the following further actions are required to be carried out to the requirements of GTS or alternative suitably qualified environmental professional with the required actions and results submitted to the responsible authority in writing, all to the satisfaction of the responsible authority;

- *The soil at locations described as HA1, HA2 and BH6 be isolated and removed from the land*
- *Any other works be undertaken as directed by GTS or alternative suitably qualified environmental professional*

Before the development of the land commences for residential purposes GTS or alternative suitably qualified environmental professional must submit a report stating the site is suitable for a sensitive land use.

13.02-1 Floodplain management

Objective

To assist the protection of:

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

Relevant Strategies

- *Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority.*
- *Avoid intensifying the impacts of flooding through inappropriately located uses and developments.*

16.01-1 Integrated housing

Objective

- *To promote a housing market that meets community needs.*

Strategies

- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
- *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
- *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- *Encourage housing that is both water efficient and energy efficient.*
- *Facilitate the delivery of high quality social housing to meet the needs of Victorians.*

16.01-4 Housing diversity

Objective

To provide for a range of housing types to meet increasingly diverse needs.

Strategies

Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.

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.

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

The policy encourages the:

- Consolidation of existing residential areas within the municipality;
- Medium density housing in preferred locations including within existing residential areas, near public transport.
- The provision of smaller lots to meet the changing demographics structure.

Infill Development – accommodate at least 10 percent of the 9,100 dwellings (910 dwellings) in existing areas through infill and redevelopment at higher densities. New dwelling construction in these areas is highly encouraged by the GSHS and this target should be exceeded where possible.

21.04-2 - Housing Change Areas

The site is identified within the Incremental Change Area of the Greater Shepparton Housing Strategy. The Incremental change areas provide for:

- 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.

21.05-2 Floodplain and Drainage Management

Objectives

- *To recognise the constraints of the floodplain on the use and development of land.*

Strategies

- *Discourage development and subdivision on land subject to flooding.*

- *Ensure that all new development maintains the free passage and temporary storage of floodwater, minimises flood damage is compatible with flood hazard and local drainage conditions, and minimises soil erosion, sedimentation and silting.*
- *Prevent tree removal to minimise loss of riparian vegetation as a result of development on the floodplain.*

Officers Response

State and Local policy provides clear strategic direction to facilitate in fill development in appropriate locations. Local policy states that 10% of new dwellings (910 dwellings) constructed should be infill development to ensure the urban sprawl of Shepparton is contained. The GRZ includes a purpose to allow moderate housing growth in areas with good access to services.

State policy directs that housing change should be undertaken to respect the neighbourhood character. St Georges Road is developed with a mix of dwelling types ranging from single dwellings, units and motel style units. Dwellings are generally single storey and provide landscaped front setbacks. The proposed dwellings will respect this character by being single storey, front the road, provide front gardens and have pitched roofs.

The land is on a main north south road which contains schools, areas of open space and local shopping facilities. Additional St Georges Road is on a public transport bus route.

Council engineers initially held traffic management concerns over the crossover design. A policy guideline of the incremental change area is to limit traffic impacts. To ensure compliance with this policy the applicant amended the design to consolidate the location of crossovers to minimise traffic impacts and the loss of on street parking spaces.

Whilst the land is within the LSIO the land and surrounding roads do not flood of sufficient depths to prevent the issue of a permit. Furthermore the CMA consented to the grant of a permit subject to a floor level requirement.

Based on this assessment it is considered the proposed four unit development produces acceptable outcomes against the GRZ and associated policies.

Relevant Particular Provisions

52.06 Car Parking

The purpose of the provision is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*

- *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.*

Response:

Two car parking spaces are provided with each 4 bedroom dwelling in accordance with the car parking requirement listed in the table 1 of Clause 52.06-5 of the planning scheme. Plans provide for one car space within a garage which has dimensions of 6m by 3.5m. An additional car space is provided in the driveway in front of the garage.

Clause 55 Assessment – 4 dwellings on a lot

Objectives	Standards	Compliance
<p>Clause 55.02-1 Neighbourhood Character Objectives To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character; To ensure the development responds to the features of the site and surrounding area.</p>	<p>Standard B1 (Cannot be varied) The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Complies The proposed construction of a four single story dwellings is consistent with the preferred character of the area as it is identified in the Greater Shepparton Housing Strategy for Incremental Change. Lot sizes are varied in the area. The application proposes infill development, similar to others in the area.</p>
<p>Clause 55.02-2 Residential Policy Objectives To ensure that residential development is provided in accordance with any policy for housing in the SPPF</p>	<p>Standard B2 (Cannot be varied) An application must be accompanied by a written statement that describes how the development is consistent with any</p>	<p>Complies The application proposes to provide additional housing variety within the municipality.</p>

Objectives	Standards	Compliance
<p>and the LPPF including the MSS and local planning polices; To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>relevant policy for housing in:</p> <ul style="list-style-type: none"> • the SPPF; and • the LPPF including the MSS; and Local Planning Policies 	
<p>Clause 55.02-3 Dwelling Diversity Objective To encourage a range of dwelling sizes and types in development of ten or more dwellings</p>	<p>Standard B3 (Can be varied) Developments of 10 or more dwellings should provide a range of dwelling sizes and types including:</p> <ul style="list-style-type: none"> • dwellings with a different number of bedrooms; and • at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level. 	<p>N/A</p>
<p>Clause 55.02-4 Infrastructure Objectives To ensure development is provided with appropriate utility services and infrastructure; To ensure development does not unreasonably overload the capacity of utility services and infrastructure</p>	<p>Standard B4 (Can be varied) Development should be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available. Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no space capacity, developments should provide for the upgrading or mitigation of the impact on services or infrastructure.</p>	<p>Complies The application proposes four dwellings on two lots. Infrastructure is existing in the area. Connections will be required as per the relevant authorities.</p>
<p>Clause 55.02-5 Integration with the Street</p>	<p>Standard B5 (Can be varied)</p>	<p>Complies The proposed dwellings front</p>

Objectives	Standards	Compliance
<p>Objective To integrate the layout of development with the street</p>	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Dwellings should be orientated to front existing and proposed streets High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.</p>	<p>St Georges Road with direct vehicle access. No front fencing is proposed. The land is not next to any areas of existing public open space.</p>
<p>Clause 55.03-1 Street Setback Objective To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Standard B6 (Can be varied) Walls of buildings should be setback from streets the distance specified in Table B1</p>	<p>Varied The proposed dwellings are setback from the front boundary by 6 metres. To the south of the land the existing dwelling is setback 4m and the dwelling to the north is setback 8.4m, therefore the required setback under this standard is 6.2m. Therefore a reduction in front setback is required. It is considered the proposed setback of 6m is acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The reduction is limited to 0.2m which will not impact on the character of the area • The 6m setback provides adequate opportunity for landscaping
<p>Clause 55.03-2 Building Height Objective To ensure that the height of buildings respects the</p>	<p>Standard B7 (Can be varied) The max building height should not exceed 9m,</p>	<p>Complies The proposed dwellings are single story with the maximum building height</p>

Objectives	Standards	Compliance
existing or preferred neighbourhood character.	unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the max building height should not exceed 10m. Change of building height between existing buildings and new buildings should be graduated.	being well below 9m.
Clause 55.03-3 Site Coverage Objective To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site	Standard B8 (Can be varied) The site area covered by buildings should not exceed 60%.	Complies The proposed site coverage is 49%.
Clause 55.03-4 Permeability Objectives To reduce the impact of increased stormwater run-off on the drainage system; To facilitate on-site stormwater infiltration.	Standard B9 (Can be varied) At least 20% of the site should not be covered by impervious surfaces.	Complies More than 20% of the site is not covered by impervious surfaces.
Clause 55.03-5 Energy Efficiency Objectives To achieve and protect energy efficient dwellings and residential buildings; To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy	Standard B10 (Can be varied) Buildings should be: <ul style="list-style-type: none"> • Orientated to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. • Living areas and private open space should be located on the north side of the dwelling, if practicable. Developments should be designed so that solar	Complies The proposed development locates living areas with a north orientation. Additionally the open space areas allows for eastern and northern light.

Objectives	Standards	Compliance
	access to north-facing windows is maximised.	
<p>Clause 55.03-6 Open Space Objective To integrate the layout of the development with any public or communal open space provided in or adjacent to the development</p>	<p>Standard B11 (Can be varied) Any public or communal open space should:</p> <ul style="list-style-type: none"> • be substantially fronted by dwellings, where appropriate; • provide outlook for as many dwellings as practicable • be designed to protect any natural features on the site; and • be accessible and useable. 	<p>N/A There is to be no communal open space as part of this development.</p> <p>Public open space is located throughout Shepparton.</p>
<p>Clause 55.03-7 Safety Objective To ensure the layout of development provides for the safety and security of residents and property</p>	<p>Standard B12 (Can be varied) Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good</p>	<p>Complies The design provides for each dwelling to have frontage to St Georges Road with a front door also overlooking the road.</p> <p>No planting is proposed to screen entries and create unsafe areas.</p>

Objectives	Standards	Compliance
	lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.	Direct access from each garage is provided to the dwellings.
<p>Clause 55.03-8 Landscaping Objectives To encourage development that respects the landscape character of the neighbourhood; To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance; To provide appropriate landscaping; To encourage the retention of mature vegetation on the site</p>	<p>Standard B13 (Can be varied) Landscape layout and design.</p>	<p>Condition Required A permit condition will require the submission of a landscape plan.</p>
<p>Clause 55.03-9 Access Objectives To ensure vehicle access to and from a development is safe, manageable and convenient; To ensure the number and design of vehicle crossovers respects the neighbourhood character</p>	<p>Standard B14 (Can be varied) Accessways should: 1. Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network. 2. Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves 5 or more car spaces, 3 or more dwellings, or connects to a road in a Road Zone. 3. Be at least 3m wide. 4. Have an internal radius of at least 4m at changes of direction. 5. Provide a passing area at the entrance that is at least 5m wide and 7m long if the accessway serves 10 or</p>	<p>Complies The proposal requires vehicles to reverse into St Georges Road, however this is deemed acceptable as each of the dwellings fronts the street. The application proposes four vehicle crossings. The total frontage of the site is 40.1m. Of this 40.1m, 12 m of the frontage is for crossovers. Therefore 30% of the lands frontage is for crossovers which is less than the 33% allowed.</p>

Objectives	Standards	Compliance
	<p>more spaces and connects to a road in a road zone.</p> <p>6. The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33% of the street frontage if the width of the street frontage is more than 20m; or • 40% of the street frontage if the width of the street frontage is less than 20m. 	
<p>Clause 55.03-10 Parking Location Objectives</p> <p>To provide for convenient parking for residents and visitor vehicles;</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood;</p> <p>To protect residents from vehicular noise within developments</p>	<p>Summary of Standard B15 (Can be varied)</p> <p>Car parking facilities should:</p> <p>Be reasonably close and convenient to dwellings and residential buildings;</p> <ul style="list-style-type: none"> • Be secure; • Be designed to allow safe and efficient movements within the development. • Be well ventilated if enclosed. • Large parking areas should be broken up with trees, buildings or different surface treatments. • Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from habitable room windows. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway. 	<p>Complies</p> <p>Each dwelling provides a garage as part of the dwelling design which is a secure parking space.</p>
<p>Clause 55.04-1 Side and Rear Setbacks Objective</p>	<p>Summary of Standard B17 (variable)</p> <p>New building not on, or within</p>	<p>Complies</p> <p>The northern most dwelling has a garage wall on</p>

Objectives	Standards	Compliance
<p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p>150 mm of boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> • 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m. • Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard. 	<p>boundary. A permit condition will ensure that this wall is less than 3.0m in height.</p>
<p>Clause 55.04-2 Walls on Boundaries Objective To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p>Standard B18 (Can be varied) New wall on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> • 10m plus 25% of the remaining length of the boundary of an adjoining lot; or the length of an existing or simultaneously constructed wall or carport whichever is the greater. • A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary. • A building on a boundary includes a building up to 150mm from a boundary. • New walls on or within 150mm of a side or rear 	<p>Complies On the northern boundary of the land 6m of wall on boundary is proposed, which is well below the maximum amount of wall on boundary allowed.</p>

Objectives	Standards	Compliance
	<p>boundary of a lot, or a carport on or within 1m</p> <ul style="list-style-type: none"> of a side or rear boundary should not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall. 	
<p>Clause 55.04-3 Daylight to existing windows objective To allow adequate daylight into existing habitable room windows.</p>	<p>Standard B19 (Can be varied) Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m² and 1m clear to the sky. The area may include land on the abutting lot. Walls or carports more than 3m high opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Note: Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.</p>	<p>Complies The proposed dwelling is appropriately setback from existing dwellings so that adequate daylight is provided to existing habitable room windows.</p>
<p>Clause 55.04-4 North-facing windows objective To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20 (Can be varied) If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building should be setback</p>	<p>Complies The adjoining dwelling at 1/183 St Georges Road has a habitable room window within 3m of the boundary. The proposed unit described</p>

Objectives	Standards	Compliance
	from the boundary: <ul style="list-style-type: none"> 1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window. 	as R4 on the plan is setback 1m from the shared boundary between 1/183 and 181 St Georges Road and the height of the proposed dwelling does not exceed 3m.
<p>Clause 55.04-5 Overshadowing open space objective To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Standard B21 (Can be varied) Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m² with a minimum dimension of 3m, whichever is the lesser area, of the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September. If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies The proposed dwelling is considered to not cause significant or detrimental overshadowing to the secluded private open space area of adjoining properties.</p>
<p>Clause 55.04-6 Overlooking objective To limit views into existing secluded private open space and habitable room windows.</p>	<p>Standard B22 (Can be varied) Habitable room windows, balconies, terraces etc should be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window, balcony etc.</p>	<p>Complies The proposed dwelling is single story and separated from other dwelling both proposed and existing by a fence 1.8 metres in height.</p>
<p>Clause 55.04-7 Internal Views Objective To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development</p>	<p>Standard B23 (Can be varied) Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a</p>	<p>Complies The proposed dwelling is single story. There will be no impact on existing views.</p>

Objectives	Standards	Compliance
	lower-level dwelling or residential building directly below and in the same development.	
<p>Clause 55.06-3 Common Property Objectives To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained; To avoid future management difficulties in areas of common ownership</p>	<p>Standard B33 (Can be varied) Developments should clearly delineate public, communal and private areas. Common property where provided, should be functional and capable of efficient management.</p>	<p>Complies No areas of common property is proposed</p>
<p>Clause 55.06-4 Site Services Objectives To ensure that site services can be installed and easily maintained; To ensure that site facilities are accessible, adequate and attractive</p>	<p>Standard B34 (Can be varied) The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post</p>	<p>Complies The proposed dwelling is appropriately located to allow for the provision of connection to services. Plans show provision for bin storage and mail boxes.</p>

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.

65.01 Approval of an application or plan

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.*
- *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.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *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.*

Response:

The proposed development provides for infill development in an appropriate location which provides housing diversity and choice for home buyers and renters. The development has been designed to integrate with the neighbourhood character and high fencing has been proposed to limit over looking to neighbours to the rear.

Permit condition will require the submission of detailed drainage plans in accordance with the IDM.

There is no vegetation to be removed.

The land is within an area of flooding however the depth of flooding is not so great to prevent a NOD to grant a permit from issuing.

Relevant incorporated or reference documents

IDM

Housing Strategy

Other relevant adopted State policies or strategies policies

There is no other relevant adopted state or strategic policies.

Relevant Planning Scheme amendments

There are no relevant PSA's to the 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.

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Charter of Human Rights and Responsibilities

The decision making for this application does not infringe the Charter of Human Rights and Responsibilities.

Conclusion

It is considered that the proposed four unit development of the land will produce an acceptable planning outcome having regard to state and local policy, the GRZ, decision guidelines and clause 55. Additionally it is not considered that the objection warrants the refusal of the application given the designs compliance with clause 55. Therefore it is recommended that a NOD to grant a permit issue.

Draft Notice Of Decision

APPLICATION NO: 2014-276
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: 179-181 ST GEORGES ROAD SHEPPARTON VIC
3630

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND WORKS FOR A FOUR UNIT
DEVELOPMENT IN THE GENERAL RESIDENTIAL
ZONE AND LAND SUBJECT TO INUNDATION
OVERLAY

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) Location of the existing power pole in St Georges Road nature strip
- b) Notation stating that the R1 garage wall on the boundary is not to exceed 3 metres in height
- c) Car space in front of each garage
- d)

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. Soil Testing

Before any works commence on the land, the following further actions are required to be carried out to the requirements of GTS or alternative suitably qualified environmental professional with the required actions and results submitted to the responsible authority in writing, all to the satisfaction of the responsible authority;

- a) The soil at locations described as HA1, HA2 and BH6 be isolated and removed from the land
- b) Any other works be undertaken as directed by GTS or alternative suitably qualified environmental professional

Before the development of the land commences for residential purposes GTS or alternative suitably qualified environmental professional must submit a report stating the site is suitable for a sensitive land use.

4. Works Prior to the Occupation of the Development

The occupation of the dwelling must not start until:

- A 2.1 metre high colourbond fence has been constructed along the eastern boundary of the land
- The existing overhead power connection to 177 St Georges Road has been realigned so that it does not cross 179 St Georges Road has been undertaken
- Planting of street trees in St Georges Road has been completed

5. 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 minimum of two copies (or as specified) must be provided. The plans must be in accordance with Council's Infrastructure Design Manual and include:

- how the land will be drained;
- underground pipe drains conveying stormwater to the side entry pit outside No.183 St Georges Rd as the legal point of discharge;
- measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- maximum discharge rate shall not be more than **(30)** lit/sec/ha with **(9)** litres of storage for every square meter of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority);
- Incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the Responsible Authority; and
- Provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal;

to the satisfaction of the Responsible Authority.

Before the dwellings are occupied all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority.

6. Landscape Plan

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

- a) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- b) street trees on the St Georges Road nature strip abutting the land

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

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

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

7. Construction Phase

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

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

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

8. Fencing

Before the dwellings are occupied any internal dividing fences enclosing courtyard/

private open space areas must be constructed a height of 1.8m (from finished ground level), consist of a 1.8 m high fence and be constructed of materials which soften and enhance the development whilst maintaining privacy to the satisfaction of the responsible authority.

Before the dwellings are occupied the existing eastern boundary fence must be re-constructed to a height of 2.1m (from finished ground level) and be constructed to enhance the character of the development and to ensure the privacy of adjoining properties as shown on the endorsed plans. The height, material, type and extent of fencing is to be mutually agreed by all parties and must be erected prior to occupation of the development. The cost of such fencing shall be borne by the developer.

9. Vehicle Access Requirements

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

- surfaced with concrete
- drained in accordance with an approved drainage plan;
- properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land;
- 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

to the satisfaction of the responsibility authority.

10. Urban Vehicle Crossing Requirements

Before the dwellings are occupied vehicular crossings shall be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority, and must:

1. be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);
2. the existing pit lids be replaced with drivable lids
3. residential vehicular crossings shall not be less than 3 metres nor more than 4.8 metres (9.8 m – double crossing) in width and shall be sealed with concrete

to the satisfaction of the responsible authority.

11. Underground Connection

Before the dwellings are occupied, the electricity connection to the dwellings must be under grounded to the satisfaction of the responsible authority.

12. 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.

13. Goulburn Broken Catchment Management Authority Requirements

The finished floor levels of the proposed dwellings must be constructed at least 300 millimetres above the 100-year ARI flood level of 113.3metres AHD, i.e. 113.6 metres AHD, or higher level deemed necessary by the responsible authority.

14. Goulburn Valley Region Water Corporation Requirements

1. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
2. Provision of separate water services and individual water supply meters to each allotment within the development;
3. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
4. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

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

Please note, should the applicant wish to subdivide each tenement onto separate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development.

15. Time for Starting and Completion

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

- a) the development and use are not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2015-129
Applicants Name:	Pactum Dairy Group Pty Ltd
Date Application Received:	27 March 2015
Statutory Days:	46
Land/Address:	160 Doyles Road SHEPPARTON VIC 3630
Zoning and Overlays:	Industrial 1 Zone Design and Development Overlay 1 Land Subject to Inundation Overlay Abuts RDZ1 and RDZ2
Why is a permit required (include Permit Triggers):	Buildings and works in the IN1Z under 33.01-4 Buildings and works in the DDO1 under 43.02-2 Buildings and works in the LSIO under 44.04-1
Are there any Restrictive Covenants on the title?	No

Proposal

The application proposes the construction of an 80m by 80m hardstand shipping container storage area with internal access ways providing vehicle access to Provincial Crescent.

The connection of the land by internal access way to Provincial Crescent will require the creation of a small section of road reserve over the old GMW channel land, which is now within Council's ownership.

The container storage will be used in conjunction with the Pactum Dairy operation on the adjoining land.

A plan of the proposed development is below.



Summary of Key Issues

- Planning permission is sought to develop land at 160 Doyles Road for a shipping container store which forms part of the Pactum dairy groups operation. It is proposed to store up to 50 containers at any one time which can be stacked not more than two high
- As part of the shipping container store revised traffic management plans are proposed. The application seeks permission for vehicle access from 160 Doyles Road to Provincial Crescent and a vehicle link from the factory site to the shipping container land. This linkage would be available for use by Pactum and Visy.
- These new vehicle access arrangements result in potential traffic conflict points within the site. An objection has been lodged on this basis. It is considered by officers that this traffic safety issue should be addressed by the installation of a controlled intersection through the use of boom gates. Permit conditions recommend that these boom gates be operational before the use of the shipping container store commences
- Permit conditions require the submission of a detailed drainage discharge plan to investigate and design an outfall solution for the additional 6400sqm of hardstand area. As part of this work it will be necessary for the permit holder to investigate if there is sufficient capacity in the existing regional basin to accommodate this added runoff

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2015-129 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 33.01-4, 43.02-2 and 44.04-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 160 Doyles Road Shepparton, for the a gravel hardstand area in the Industrial 1 Zone, Design and Development Overlay 1 and Land Subject to Inundation Overlay in accordance with the Notice of Decision and the endorsed plans.

Subject Site & Locality

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

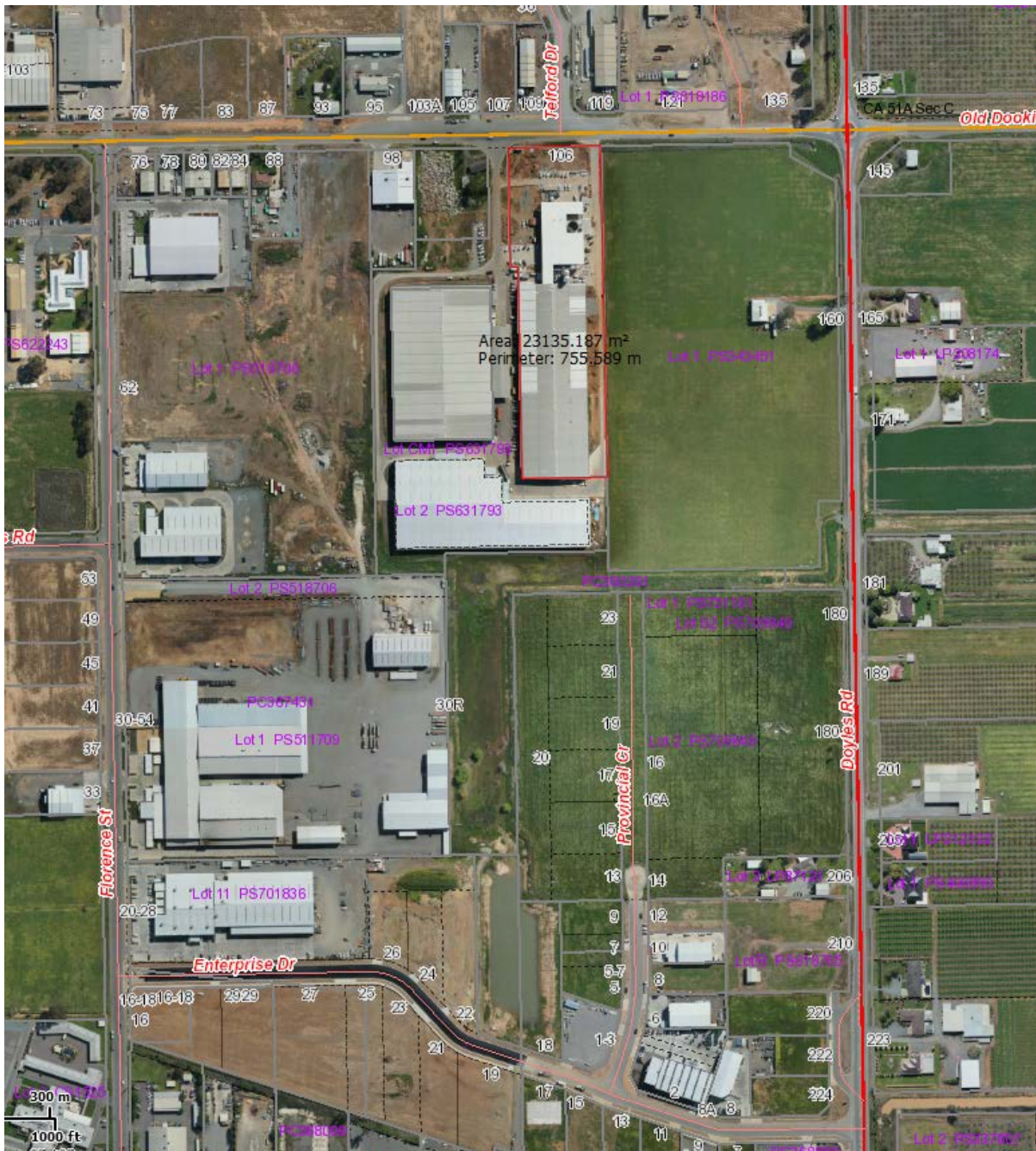
Date: 25 May 2015

Time: 11.14am

The site is a portion of a title Lot 1 PS343451B that has a total area of 7.740 hectares and is currently vacant land for future industrial development.

The main site/locality characteristics are:

- Doyles Road truck bypass route to the east, Provincial Crescent newly developing industrial estate to the south, Council's retarding basin to the south-west, large developed industrial property to the west currently containing Pactum Dairy Group milk processing plant, warehouse storage for Pactum and warehouse storage for Visy.



The Photos below show the existing site:





Permit/Site History

The history of the site includes:

Has there been a pre-application meeting?

Yes, in conjunction with a previous application 2015-41 which was a different proposal that included container storage over a carriageway easement. That application had an objection as yet unresolved about occupying the carriageway easement in a way that would have prevented through access by vehicles.

If yes with Whom? Andrew Dainton has been involved in meetings with representatives of Pactum, Visy and the owner of Lots 2 & 3 PS631793Q

Date of Meeting? Various dates during March 2015

What advice was given by the Council Officer? A modified proposal was required to 2015-41 that was clear of the easement, which would be advertised for 14 days and the withdrawal of the objection needed to progress that application.

It is apparent that following discussions including proposals to allow unimpeded access through the carriageway easement, and the objector making a counter proposal that included a legal agreement and payment of legal costs of the objector, that the applicant has decided to make two new applications that do not infringe the easement.

2015-128 for being the canopy attached to the factory (permit has issued).

2015-129 for a modified proposal for container storage and vehicle access to Provincial Crescent.

Further Information

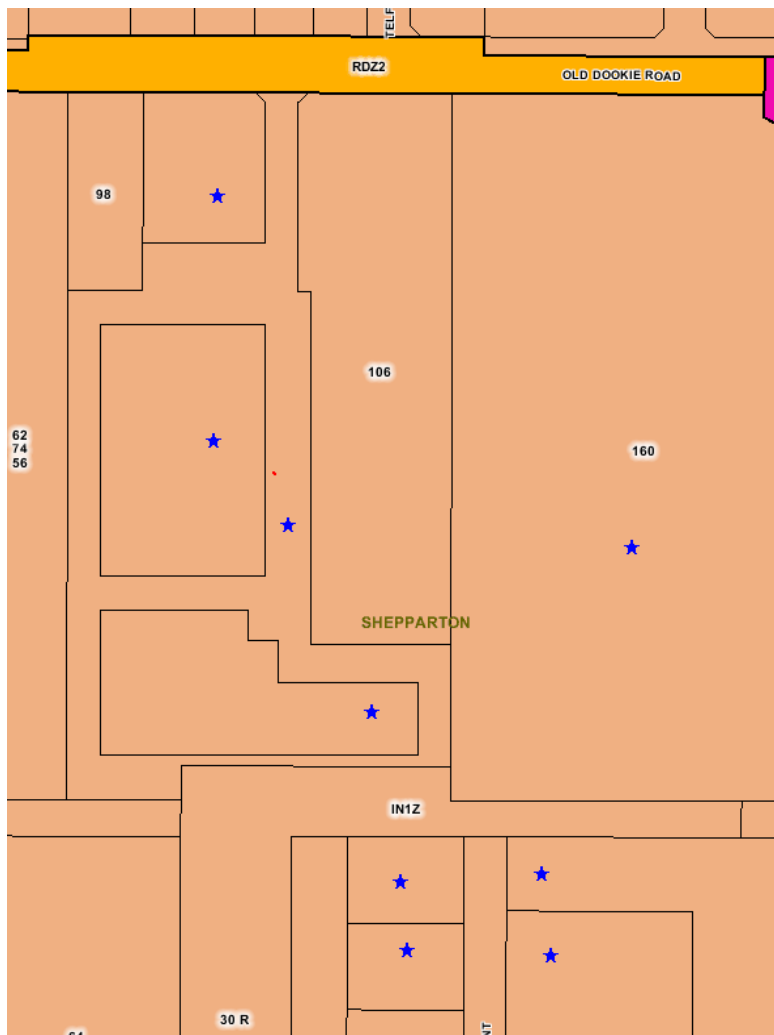
Was further information requested for this application? No

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description a gravel hardstand shipping container yard and associated vehicle access, by:

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

The application was advertised to the following.



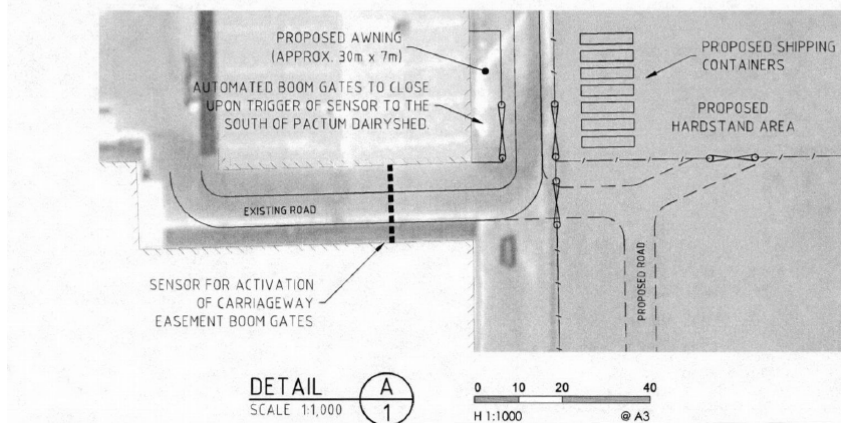
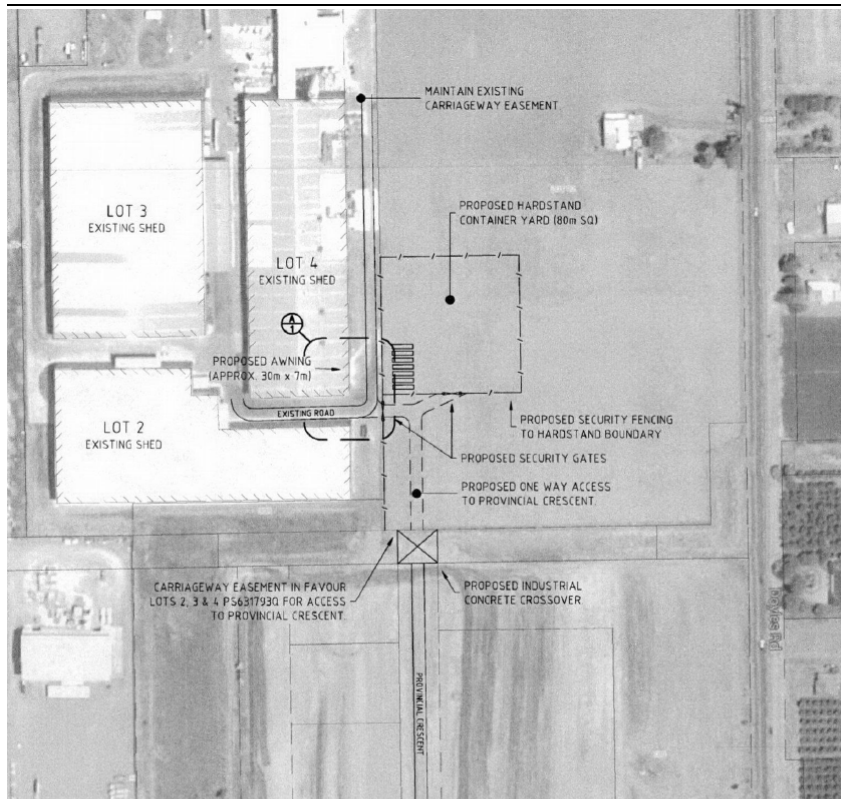
The application was exempt from being advertised in accordance with Clause 33.01-4 and 44.04-5 of the planning scheme.

Objections

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

Ground of objection	Officers response
Potential vehicle safety concerns of uncontrolled heavy vehicle movements from west to east across a north south internal road	Whilst the access ways are not public roads, officers are of the view that it would be bad planning to allow vehicle access arrangements that could potentially lead to an unsafe traffic outcome.
That the intersection be treated as a controlled T intersection	The potential conflict is an engineering issue that can be resolved by a controlled intersection. CAF has as part of negotiations with the objector has prepared a boom gate solution that would hold traffic at certain locations to ensure a traffic conflict does not occur. It is considered that this CAF design should be implemented to prevent the traffic problem from occurring.

The proposed traffic solution is shown on the below plans.



		4000 37 160 580 516 e: 38 Wyncham Street, Shepparton or P.O. Box 1940, Shepparton, VIC 3632 t: 03 5831 3347 f: 03 5831 3343 e: info@cafconsulting.com.au w: cafconsulting.com.au	Client: PACTUM DAIRY Project Name: PACTUM DAIRY EXPANSION Location: 160 DOYLES ROAD, SHEPPARTON VIC 3630 PARISH OF SHEPPARTON Property: LOT 1 \ P5343451 VICROADS 673 UB Title: PACTUM DAIRY EXPANSION CONCEPT DESIGN

Title Details

The title does not contain a Restrictive Covenant.

The title at 102 Old Dookie Road contains a Section 173 Agreement. The application does not breach the Section 173 Agreement for the following reasons: The agreement is about flood protection, drainage and contribution to road works for development at 102 Old Dookie

Road. The current application for road access, and hardstanding works may well have the same considerations for drainage, access and flood protection.

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Discussions were held between the applicant and objector to attempt to settle the matter however no agreement was able to be reached.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
GBCMA	44.04-5	Recommending	The CMA responded in writing not objecting to the proposed development.

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVW	GVW consented to the development without requiring any conditions.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council engineers responded formally to the application in writing. The engineers consented to the proposed development subject to a drainage plan condition.

Assessment

Industrial 1 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 provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

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

Decision guidelines are at 33.01-4 and include:

-
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *Any natural or cultural values on or near the land.*
 - *Streetscape character.*
 - *Built form.*
 - *Landscape treatment.*
 - *Interface with non-industrial areas.*
 - *Parking and site access.*
 - *Loading and service areas.*
 - *Outdoor storage.*
 - *Lighting.*
 - *Stormwater discharge.*

Shipping container storage is a section one use in the IN1Z subject to certain conditions being complied with.

Condition	Officers Response
Must not be a purpose shown with a Note 1 or Note 2 in the table to 52.10	Complies - manufacture of milk products is a use in 52.10 however is not shown with a Note 1 or Note 2
Setback 300m from nearest residential zone	Complies – the nearest residential zone is 600 metres to the east of the land
The site must adjoin a road zone	Complies – the land adjoins Doyles Road which is a RDZ1
Shipping containers must be setback at least 9m from a Road Zone	Complies – the container store setback exceeds 9 metres from either Doyles Road or Old Dookie Road
The height of container stacking must not exceed 6 containers or 16m	Complies – the proposal limits stacking to 2 containers
Must not adversely affect amenity	Complies – the land is within an IN1Z that has direct access to b'double designed roads. The land is remote from residential neighbourhoods and vehicle movements will not travel through residential streets. Landscaping screens will be planted by the applicant if directed to by the responsible authority to protect the appearance of the area.

Based on this assessment the use of land for a shipping container store is an as of right use in the IN1Z.

Relevant overlay provisions

Land Subject to Inundation Overlay

Purpose

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *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.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit is required to construct a building or to construct or carry out works, this includes the hard-standing area altering the natural surface levels, and the cyclone fencing.

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.*
- *Any local floodplain development plan.*
- *Any comments from the relevant floodplain management authority.*
- *The existing use and development of the land.*
- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.*
- *The susceptibility of the development to flooding and flood damage.*
- *The potential flood risk to life, health and safety associated with the development.*
- *Flood risk factors to consider include:*
 - *The frequency, duration, extent, depth and velocity of flooding of the site and accessway.*
 - *The flood warning time available.*
 - *The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.*

- *The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.*

The application was referred to the CMA who consented to the grant of a permit without requiring any conditions.

DDO1 – Design and Development Overlay

EAST SHEPPARTON INDUSTRIAL AREA (FLORENCE STREET)

1.0 Design objectives

- *To ensure that the standard of development and infrastructure design (including urban stormwater management to encourage drainage permeability) in the East Shepparton Industrial Area is of a high quality given its strategic location and high exposure in relation to the Shepparton Alternative Route (Doyles Road).*
- *To ensure development acknowledges the role of Doyles Road as the Shepparton Alternative Route by avoiding the construction of buildings and ancillary facilities within the designated future alignment of Doyles Road.*
- *To provide a high standard of road design and construction for transport vehicles to up to B-Double size.*
- *To provide for a range of lot sizes, including industrial lots exceeding 4,000m².*

The DDO1 includes the following relevant points relating to buildings and works.

- *Open storage areas and garbage receptacles must not be visible from any road, reserve or other public land.*
- *A landscaping strip of at least 6 metres wide must be provided along and within the frontage of all lots in areas not occupied by sealed driveways. For all corner lots, a landscaping strip of at least 3 metres wide must be provided along the side boundary facing a road.*
- *A landscaping strip of at least 1.5 metres width from the front of the property to the building line shall be provided along side boundaries that abut a road.*
- *All driveways and car parking in the setback area between a road frontage and the building line must be constructed of an impervious all-weather seal coat such as concrete or bitumen. Pervious surfaces that reduce the rate of rainfall run-off and have a structural standard comparable to concrete or bitumen will be accepted for all other driveway, parking and loading areas.*
- *All internal roads must be constructed to the following standards:*
 - *Minimum road reserve width of 23 metres.*
 - *Minimum seal pavement width of 13.8 metres and minimum shoulder width of 4.5 metres.*
 - *Minimum pavement depth of 400mm or to an approved pavement design.*

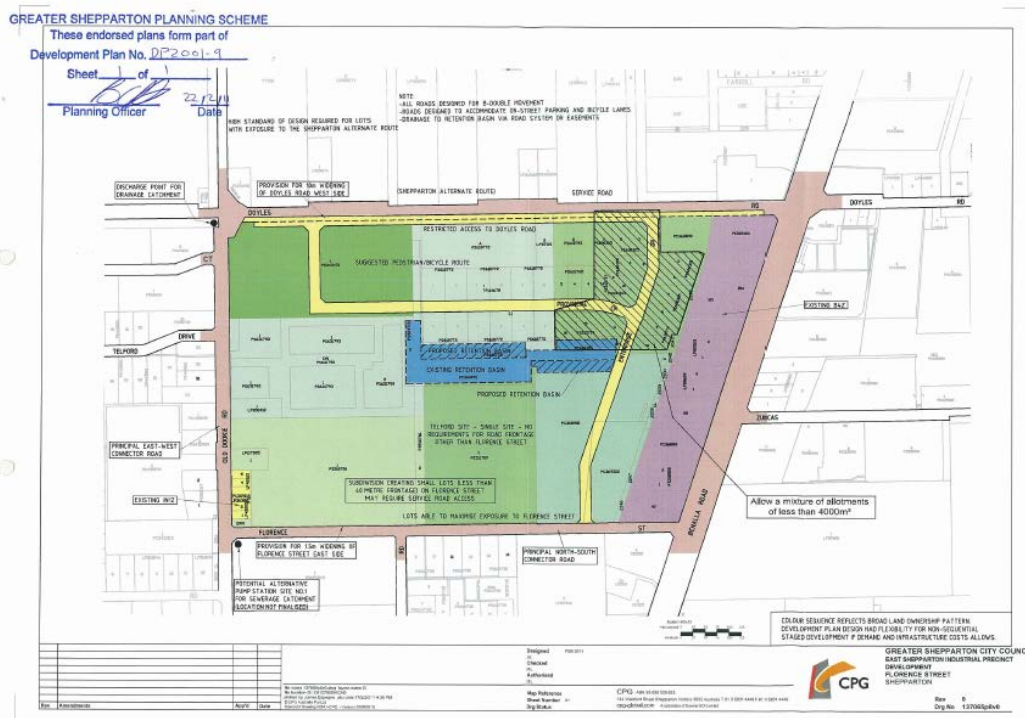
- *Reduction in sealed pavement width and depth may be possible depending on traffic volumes.*
- *Internal road cross sections shall be generally in accordance with Figure 1 (Doyles Road and Figure 2 (Florence Street).*
- *All development must be designed and sited to the satisfaction of the responsible authority and in accordance with the industrial development objective to “improve the design and appearance of new industrial areas and buildings.” (Greater Shepparton Planning Scheme, Clause 21.05-3).*

4.0 Decision guidelines

In consideration of the above, the responsible authority must consider, as appropriate:

- *The Greater Shepparton Planning Scheme Municipal Strategic Statement.*
- *The City of Greater Shepparton Industrial Development Guidelines, included as a reference document in the Greater Shepparton Planning Scheme.*
- *The appearance of the proposed development and the impact on surrounding land.*
- *The provision for a range of lot sizes, including large industrial lots greater than 4,000m².*
- *The impact of the development on the amenity and streetscape of the area particularly having regard to the rural land east of Doyles Road and the function of Old Dookie Road and Florence Street as significant industrial access roads.*
- *The Road Corporations comments on the impact of buildings and works within 40m of the alignment of Doyles Road at 1 October 2001 on:*
 - *their ability to undertake a widening of Doyles Road in a timely and cost efficient manner,*
 - *future road safety, amenity and visibility,*
 - *functioning of any internal roads, access/egress points, loading facilities and parking bays*
- *The effective incorporation of waterwise urban design elements into site development, buildings and works.*
- *The design and layout of the proposed development including setbacks from property boundaries.*

The DDO includes an endorsed master plan as shown below.



The State Planning Policy Framework (SPPF)

Clause 11.10 Hume Regional Growth – a diversified economy – Strategies include:

- *Plan for a more diverse and sustainable regional economy by supporting existing economic activity and encouraging appropriate new and developing forms of industry.....*
- *Support clustering of intensive rural industries and agricultural production to take advantage of locational opportunities, including access to key infrastructure such as transport, power, water, information and communications technology, and separation from sensitive land uses.*

Clause 17.02-1 Industrial Land Development – Strategies include:

- *Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.*

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

21.06-4 Manufacturing and Freight

Objectives - Manufacturing and Freight

- *To sustain a growing and diverse industrial base.*
- *To protect the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.*

Strategies - Manufacturing and Freight – include:

- *Consolidate existing major industrial zones within the new urban growth boundaries.*
- *Protect existing industries and facilitate their expansion.*
- *Support new industries in established industrial zones, with access to infrastructure and constructed roads.*
- *Support food related industries and value adding opportunities.*
- *Encourage new value adding industries to locate in existing serviced industrial areas.*
- *Encourage industrial developments that incorporate high quality architectural design elements, create visual interest and incorporate landscaping and/or urban art.*
- *Ensure that land within 10 metres of the frontage of an industrial site (other than land required for car parking and access) is developed for landscaping.*

Relevant Particular Provisions

Clause 52.06 Car parking.

If the application is considered to introduce a new land use of industry as it relates to an expansion of the industry use on the adjoining site then as no floor area is being extended, then no car parking rate is specified.

If the application is considered to be storage of shipping containers then this is 'Store' and there is a parking requirement of 10 per cent of the site area used for store. Based on a hardstand area of 6400sqm a 640sqm area is required to be set aside for car parking.

52.33 Shipping Container Storage

Decision guidelines

Before deciding on an application to use land for shipping container storage, or construct a building or construct or carry out works associated with shipping container storage, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the location is appropriate for shipping container storage having regard to:
 - The zoning of the land.
 - Amenity of the neighbourhood.
 - Proximity of the land to residential uses and zones or other sensitive uses.
 - Access to a road in a Road Zone.
 - Access to rail facilities.
 - Capacity and suitability of the road network to accommodate the type and volume of vehicle traffic generated by the use.
 - Capacity of the site to accommodate the proposed use.
- The effect on the environment and the amenity and character of the neighbourhood having regard to:
 - Existing and planned use of land in the neighbourhood.
 - Location, height and setback of shipping container stacks, particularly near road boundaries.
 - Location of facilities for the cleaning, repair, servicing, painting or fumigation of shipping containers.

- Hours of operation.
- Design, construction and maintenance of external storage and vehicle movement areas.
- Treatment and disposal of wastewater.
- Whether the site layout and the design of buildings, landscaping, vehicle access lanes, loading bays, wash bays, lighting and fencing are designed to avoid or minimise any significant off-site impacts due to the emission of noise, light, glare, dust, fumes or drainage.
- Whether any special measure may be necessary to protect the environment and the amenity of nearby sensitive uses, including noise attenuation measures, dust minimisation measures and waste storage arrangements.
- The need for landscaping and fencing to screen or soften the appearance of shipping container storage areas, particularly near road boundaries.
- The adequacy and effect of the landscaping on the appearance of the site, taking into account the streetscape character, the size of the site, and the height, mass and scale of shipping container stacks on the site.
- The adequacy of traffic measures to:
 - Achieve safe, efficient vehicle movement on site and access to and egress from the land.
 - Prevent inappropriate use of local residential streets.
- The adequacy of truck parking, loading and truck queuing spacing to accommodate truck movements at peak periods and employee requirements on the land.

Officers Assessment

The proposal development requires planning permission for buildings and works associated with shipping container storage which includes the construction of a new vehicle access way to Provincial Crescent. To facilitate this vehicle access a small area of road reserve will need to be created and vested to Council.

The extension of Provincial Crescent will also require the construction of a properly made area for B'Double turning movements as this development will continue to see Provincial Crescent end in a court bowl. The internal road providing access to the factory site is to be constructed of a hard stand surface given usage of B'Doubles by Pactum and Visy.

The permit applicant is aware of Council's future road network plan to see Provincial Crescent connect to Doyles Road to provide for a through traffic and master planning will need to incorporate this link.

For this interim road connection, permit conditions require that a full set of construction plans be submitted to Council engineers for review and approval. Additionally drainage plans are required to be submitted to assist in determining if there is capacity in the existing regional basins to accommodate the development.

The proposal seeks to store up to 50 shipping containers on the 6400sqm of hardstand area. Containers will be stacked not more than two high. The containers will then be trucked to the Pactum factory loaded and further stored before being transported to the Port of Melbourne for export. The storage of shipping containers is a necessary part of an export business however is a type of activity not regularly seen in Shepparton's industrial areas.

The stacking of two containers will result in a 5.2m high structure. Given the flat terrain of the land these containers will be visible from surrounding land, Doyles and Old Dookie Road. A decision guideline of 52.33 relates to softening the appearance of container stores particularly near road boundaries. The submitted plans show the area being fenced with cyclone mesh which will provide no visual barrier to the use. A method of screening the use would be through landscape plantings. Given the applicant is unsure how long this activity will operate a permit condition will require the planting of landscape screens when required by the responsible authority.

The proposed shipping container store will require filling of the land and laying of a crushed rock surface. This surfacing will increase the level of the land and potential impact on the storage of floodwater. The application was referred to the CMA who as a referral authority consented to the proposed development. Officers rely on the expert flood agency review of the application against the LSIO.

It is considered the location is appropriate for a shipping container store for the following reasons:

- The land is well setback to the nearest residential area (Dobson's Estate)
- The land has established and properly designed access to Doyles Road which is the truck bypass of Shepparton and connects to the Goulburn Valley Highway
- Doyles Road, Old Dookie Road and Provincial Crescent are all B'Double approved routes and are not residential streets
- The land abuts a significant dairy plant which allows for efficient operations between the factory and container store

The proposed container store also allows the expansion of an existing food producer and promotes value adding of agricultural produce here in Shepparton. This value add provides opportunities for additional job creation and encourages manufacture of food products in Shepparton and allows the Goulburn Valley to obtain maximum local economic benefit from its food bowl status.

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.

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.*
- *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.*

- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *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.*

All relevant matters of the Act and State and local planning policy have been addressed, zone and overlay requirements and decision guidelines have been considered as discussed above.

The proposal promotes orderly planning area by co-locating shipping container storage with the factory manufacturing the export produce. Additionally permit conditions will require the installation of traffic control barriers to ensure the proposed internal vehicle movements are properly managed to minimise traffic conflicts.

The container store is within an established industrial area that has good access to major roads that are regularly used by heavy vehicles. The land is setback about 600 metres from Dobson's Estate which is a sufficient distance to ensure residential amenity will not be detrimentally affected by the development.

Permit conditions require the submission of drainage plans to show a proposed prepared outfall solution is provided for the additional area of hardstand.

The land is within an area of flooding however the CMA has reviewed the application and no objected to the development. The development does not propose the removal of any native vegetation.

Relevant incorporated or reference documents

IDM

Floodplain Development Plan

Other relevant adopted State policies or strategies policies

None relevant

Relevant Planning Scheme amendments

None relevant

Are there any significant social & economic effects?

No.

Discuss any other relevant Acts that relate to the application?

No other relevant Acts.

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Charter of Human Rights and Responsibilities

The canopy does not infringe the Charter of Human Rights and Responsibilities.

Conclusion

The application proposes to develop land for a shipping container store and associated internal vehicle access ways. An objection has been lodged that mainly raises concern regarding internal traffic conflicts. The officers assessment has deemed that good planning encourages design outcomes that avoid traffic conflict therefore a traffic control solution in the form of boom gates is required by the permit.

The revised traffic arrangements will result in an increase of heavy vehicle movements onto Provincial Crescent however this road was constructed to a B'Double standard.

It is considered the proposed development produces acceptable planning outcomes and creates a net community benefit by exporting locally produced produce with the value adding occurring in Shepparton.

Draft Notice Of Decision

APPLICATION NO: 2015-129
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: 160 DOYLES ROAD SHEPPARTON VIC 3630

WHAT THE PERMIT WILL ALLOW: A GRAVEL HARDSTAND AREA AND ASSOCIATED INTERNAL ACCESSWAYS FOR SHIPPING CONTAINER STORAGE IN THE INDUSTRIAL 1 ZONE, DESIGN AND DEVELOPMENT OVERLAY 1 AND LAND SUBJECT TO INUNDATION OVERLAY

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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 (or as specified) must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) Detailed layout of the hardstand area to show location of shipping container storage, vehicle access aisles, dimensions of hardstand area, lighting and truck parking and loading area
- b) Details of proposed fencing including type and height of the shipping container yard
- c) Details of physical barriers between the shipping container yard and abutting land to the west
- d) Provision of onsite car parking associated with the shipping container store

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. Detailed Construction Plan

Before any works associated with the development start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must include:

- a) traffic safety devices on the carriageway easement to Old Dookie Road as shown on CAF Consulting plan dated 18 March 2015 titled Pactum Dairy Expansion Concept Design
- b) details of fully sealed pavements to access the hardstand area from Provincial Crescent and the abutting land to the west;
- c) turning circles to show that a B'Double truck can safely move on these internal roads
- d) details as to how B'Double vehicles using Provincial Crescent can U-Turn at the northern end of Provincial Crescent

Before the use commences the works as shown on the endorsed construction plans must be completed be operational to the satisfaction of the responsible authority and vesting of road reserve land to Council.

4. Drainage Discharge Plan

Before any of the development starts a properly prepared drainage discharge plan (by a suitably qualified person or organisation) with computations 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. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- details of how the works on the land are to be drained
- computations *including total energy line and hydraulic grade line* for the existing and proposed drainage as directed by Responsible Authority
- underground pipe drains conveying stormwater to the legal point of discharge
- the provision of gross pollutant litter traps installed at the drainage outfall within the property 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.

5. 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 and show:

- a schedule of all proposed trees, shrubs and ground cover which provides a landscape screen along the northern and eastern boundary of the hard stand area, 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;

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

Within three months of a written request by the responsible authority the landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

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.

7. Container Storage

Containers must not be stacked more than two high at any time.

The cleaning, repairing, servicing, painting, or fumigation of containers must not be undertaken on site.

Not more than 50 containers can be kept on the land to the satisfaction of the responsible authority.

8. 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 **four (4) years** of the date of this permit.

Application Details:

Responsible Officer:	Ronan Murphy
Application Number:	2015-60
Applicants Name:	Crow Constructions P/L
Date Application Received:	11 February 2015
Statutory Days:	42
Land/Address:	67 Maude Street and 66-68 Orr Street SHEPPARTON VIC 3630
Zoning and Overlays:	Neighbourhood Residential Zone Part Heritage Overlay
Why is a permit required (include Permit Triggers):	32.09-1 Use of the land for accommodation 32.09-2 Subdivision of land in the Neighbourhood Residential Zone 32.09-7 Buildings and works associated with a Section 2 Use 43.01-1 Subdivision in the Heritage Overlay 52.02 Creation of a carriageway easement
Are there any Restrictive Covenants on the title?	No

Proposal

The application comprises of the use and development of the land for a 6 unit motel at 67 Maude Street, Shepparton.

The application also includes the realignment of the boundary of the lot with the adjoining lot to east of the land (66-68 Orr Street). This would allow for a portion of the land to be incorporated into 66-68 Orr Street. The land would then be used for a garage for 66-68 Orr Street. It is also proposed to create a right of way / carriageway easement over the land at 67 Maude Street to facilitate this.

The land at 67 Maude Street is within the Neighbourhood Residential Zone and is not affected by any overlays.

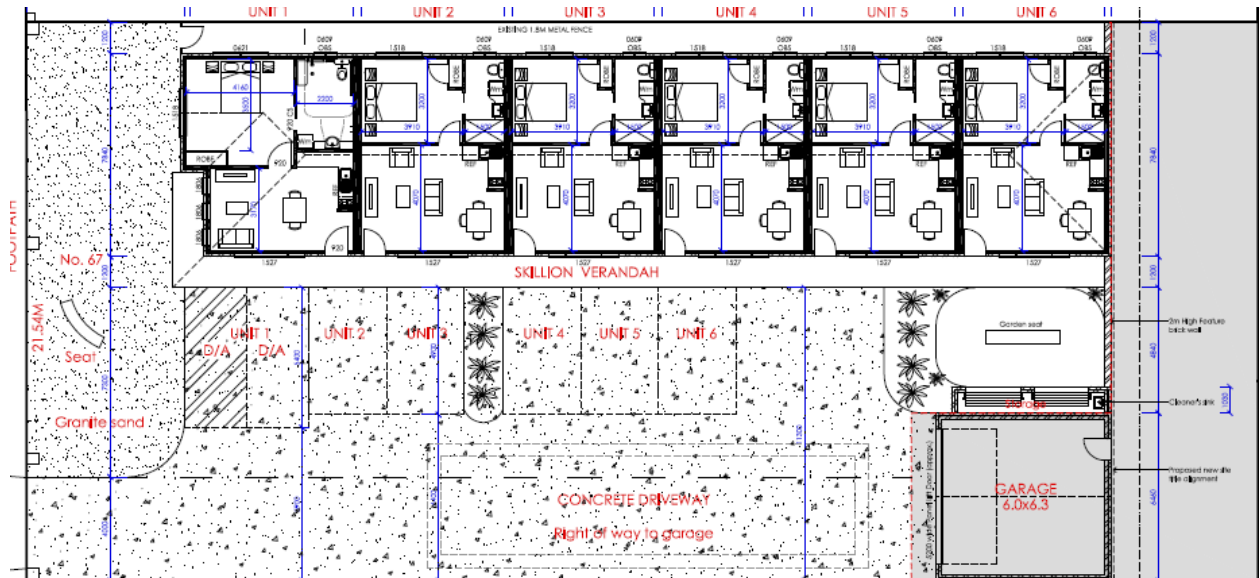
The land at 66-68 Orr Street is affected by the Heritage Overlay.

A Planning Permit is required pursuant to the provisions of Clause 32.09-1 of the Planning Scheme for the use of the land for accommodation and further to this a Planning Permit is required pursuant to the provisions of Clause 32.09-7 for buildings and works associated with a Section 2 Use.

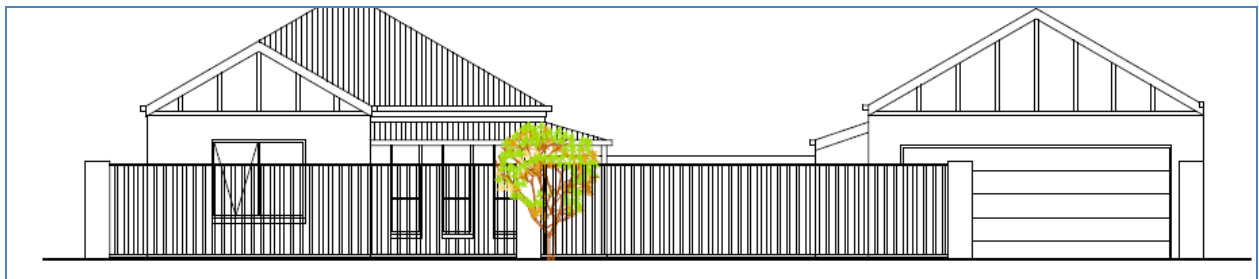
A Planning Permit is also required to subdivide the land pursuant to the provisions of Clause 32.09-2 of the land.

A Planning permit is also required pursuant to the provisions of Clause 43.01-1 of the Planning Scheme, for the boundary realignment in the Heritage Overlay.

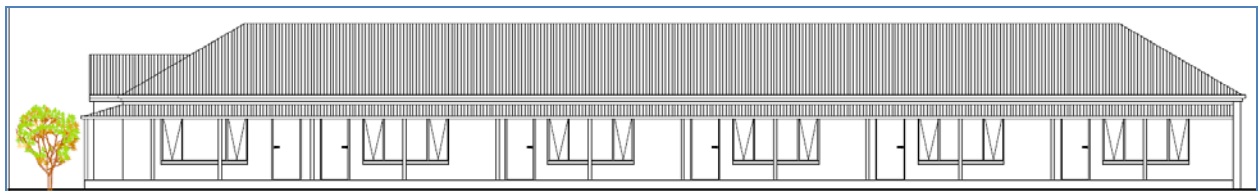
The layout of the proposal is shown below:



The proposal would have the following elevations:



Front elevation (Maude Street)



Side elevation (front of units looking from car parking area)

Summary of Key Issues

The application comprises of 6 motel units and boundary realignment with the adjoining lot (66-68 Orr Street).

The proposed motel units are designed to appear residential in character and would have a height of approximately 5 metres.

The proposed units would provide short term accommodation for professional / business type clients and would be run by the operators of the adjacent Wyndamere Hotel.

The area in which the use is located is characterised by a range of accommodation types, including motel units to the north of the land and across the road to the west of the land (59-65 Wyndham Street) and the community aged care facility at 48-60 Wyndham Street.

The application was notified and 3 objections were received. However one objection was subsequently withdrawn.

The objections generally relate to:

- Traffic safety;
- The use would not comply with heritage values;
- Parking;
- Decrease in property value.

The application was referred to Goulburn Valley Water who did not object to the proposal.

The application was referred to Councils Health and Engineering Department, neither Department objected to the proposal.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2015-60** 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 **32.09-1, 32.09-2 and 32.09-7 and 52.02** of the Greater Shepparton Planning Scheme in respect of the land known and described as **67 Maude Street and 66-68 Orr Street SHEPPARTON VIC 3630**, for the **use and development of land for motel units and boundary re-alignment and carriageway easement** in accordance with the Notice of Decision and the endorsed plans.

Moved by Johann Rajaratnam

Seconded by Michael MacDonagh

That Council having caused notice of Planning Application No. **2015-60** 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 **32.09-1, 32.09-2 and 32.09-7 and 52.02** of the Greater Shepparton Planning Scheme in respect of the land known and described as **67 Maude Street and 66-68 Orr Street SHEPPARTON VIC 3630**, for the **use and development of land for motel units and boundary re-alignment and carriageway easement** in accordance with the amended Notice of Decision and the endorsed plans.

Amendments to the Notice of Decision are as follows:

Condition 1

Dot point 2: change 1.5m to 1.2m

Add additional dot point: installation of a stop sign and speed hump located internally at the exit point of the land.

Condition 9

Needs to say "exit the land in a forward direction"

Condition 10

Change 1.5m to 1.2m

CARRIED

Subject Site & Locality

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

Date: **30/4/15**

Time: **11.19** am

The site has a total area of **800.146** square metres and currently contains:

- The land is currently vacant.

The main site/locality characteristics are:

- The land is within an established residential area to the north east of Shepparton CBD.

The Photos below show the existing site:





Permit/Site History

There is no planning permit history on the subject land.

Further Information

Is further information required for the application? **YES**

What additional information is required?

- **A response to clause 55 of the Planning Scheme**
- **Updated plan to show set backs, landscaping**
- **Plan of subdivision which clearly shows the area of the boundary re-alignment.**

What date was the information requested?: **27/2/15**

What is the lapsed date? **27/3/15**

What date was the information received?: **13/3/15**

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.
- Placing a sign on site.

The applicants provided a signed statutory declaration stating that the notification was on site between 27 March 2015 and 13 April 2015.

Objections

The Council has received 3 objections, one of which has been subsequently withdrawn. The key issues that were raised in the objections are.

- Traffic safety;
 - The use would not comply with heritage values;
 - Parking;
 - Decrease in property value.
-

The objections have been considered in full and in response it is noted:

In terms of traffic safety it that the RTA Guide to Traffic Generating Developments notes that motel developments would generally provide for 0.4 traffic movements per unit per hour (see table 3.7 of the RTA guide), this would provide for an average of 2.4 traffic movements per hour from the proposed development. This is considered to be a reasonable traffic movement outcome for a development in Central Shepparton.

With regard to heritage, it is noted that the subject land is not within the Heritage Overlay, furthermore, it is noted that this area of Maude Street has a mixture of older style dwellings and more contemporary buildings, including the following:

Units at 62 Maude Street;

2 Storey units at 48-60 Maude Street

Subdivision / units at 59 Maude Street

Units at 49 Maude Street

With regard to the above, it is considered that this area of Maude Street has a mixed character and it cannot be considered to have heritage character.

In terms of parking, it is noted that the proposal would provide appropriate parking within the land. The operators have stated that approximately 70% of customers would use the car parking facilities.

With regard to property devaluation it is well established in planning, that property devaluation is not a valid ground of objection. With respect to the devaluation of abutting land due to a proposed development Cimino cited in Eckhardt v Monash CC (2006) VCAT 1047 "if adjoining land is devalued because of detriment to its amenity that is considered in relation to town planning, not the resulting devaluation (in relation to which there is seldom, if ever, any evidence in any event)".

Title Details

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

Consultation

Planning Officers spoke by phone to all of the objectors. One of the objectors noted that they would withdraw their objections, two of the objectors did not withdraw their objections.

The applicants provided a response to the objections, this response has been considered and is attached to the file.

It is noted that one of the objections was officially withdrawn, therefore all 3 objections are still considered as part of this report.

Following discussions with the applicants, a letter has been provided to the Planning Department which states that the land would be used solely for the purpose of providing short term accommodation to be operated by Outback Sunrise (No 4.) the operators of the adjacent motel accommodation.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	<p><i>Section 55 Referrals Goulburn Valley Water</i></p> <p><i>(a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;</i></p> <p><i>(b) Provision of separate water services and individual water supply meters to each allotment within the development;</i></p> <p><i>(c) 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</i></p> <p><i>(d) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;</i></p> <p><i>(e) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;</i></p> <p><i>(f) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;</i></p> <p><i>(g) 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.</i></p>

Internal Council Notices	Advice/Response/Conditions
Heath	<i>"Prior to the motel units being used for accommodation the owner shall make application to the Council for the premises to be registered, for the purposes of Prescribed Accommodation, as required by the Public Health and Wellbeing Regulations 2009 No.178".</i>
Development Engineering	No objection subject to conditions, including conditions relating to construction phase, car park construction requirements, sightlines at the exist of the land and drainage.

Assessment

The zoning of the land

Neighbourhood Residential Zone

The purpose of the Neighbourhood Residential 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 recognise areas of predominantly single and double storey residential development.*
- *To limit opportunities for increased residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*

A Planning Permit is required pursuant to the provisions of the following Clauses:

- 32.09-1 Use of the land for accommodation
- 32.09-2 Subdivision of land in the Neighbourhood Residential Zone
- 32.09-7 Buildings and works associated with a Section 2 Use

It is acknowledged that the Neighbourhood Residential Zone prohibits more than two dwellings on a lot. However it is considered that the Development Hearings Panel can make a decision on this application, as the proposal provides for short term accommodation.

Furthermore to prevent the land for being used for residential purposes in the future a Section 173 Agreement has been included on the draft permit which would ensure that the land continues to be used for the purposes of short stay accommodation and is to be operated by Outback Sunrise (No 4) (the current operators of the adjacent land).

Clause 32.09-11 of the Planning Scheme sets out the following pertinent decision guidelines:

Subdivision

- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

The proposal includes a minor boundary realignment to include approximately 138m² of the subject land within 66-68 Orr Street. The proposed boundary realignment would not have any discernable impact on the pattern of subdivision on the surrounding area.

Non-residential use and development

In the local neighbourhood context:

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

The proposal would comply in the following ways:

- The proposal comprises of the use and development of the land for 6 motel units and associated parking. The proposed units would have the appearance of residential units and would be used for short term letting for professionals. It is considered that this would provide for a use which is complimentary to the surrounding residential uses.
- The proposal would service the need for short stay apartment in the Central Shepparton, this is considered to serve the need for suitable accommodation for professionals who visit the city.
- The size and layout of the proposal would be commensurate with an existing motel type development to the north of the property, which is to be run by the same company.
- The design of the building would have a general residential appearance and would be not have a detrimental impact on the character of the area.
- The application proposes a fence to the front of the property, however a landscape plan has not been prepared, this will be required to be provided before any development commences.
- The application includes 6 car parks in front of the motel units, this is considered sufficient.
- The application would include traffic movements associated with the motel use. The applicants have stated that (using 65 Maude Street as an example) that the units would generally have an occupancy of 63% on a daily basis (or 86% averaged on a weekly basis). This would equate to 4 traffic movements per day. Further to this, it is noted that the majority of guests leave before 8.30 am and would return after 5pm. It

is considered that the proposal would not have a detrimental impact on either vehicular or pedestrian movements in the area.

- Further to this, it is noted that the area of Maude Street has a mixed use character with existing Motel units to the north of the site, further accommodation to the west of the land. It is considered, that in this context the proposal would be acceptable in this area of Maude Street.

In light of the above, it is considered that the proposal would comply with the provisions of the Neighbourhood Residential Zone.

Relevant overlay provisions

Heritage Overlay

The adjoining land (66-68 Orr Street) is within the Heritage Overlay, the proposal includes the re-subdivision of land from the subject land to 66-68 Orr Street, however, once re-subdivided, this land would not be included within the Heritage Overlay.

Notwithstanding the above, a Planning Permit is required pursuant to the provisions of Clause 43.01-1 of the Planning Scheme.

Clause 43.01-3 of the Planning Scheme sets out decision guidelines, the following are considered pertinent:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Whether the proposed subdivision will adversely affect the significance of the heritage place.*
- *Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.*

It is considered that the proposal would comply in the following ways:

- The proposed boundary realignment would not have any impact on the heritage of the overall land at 66-68 Orr Street, the proposal provides for a small cadastral change only.
- The proposed boundary realignment would not have any impact or would not alter the significance, character or appearance of the heritage place (66-68 Orr Street)

It is considered that the proposal would not have an impact on the Heritage Overlay.

The State Planning Policy Framework (SPPF)

15.01-1 Urban Design

The objective of Clause 15.01-1 of the Planning Scheme is:

To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

The following strategies are set out:

- *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, cultural heritage, natural features, surrounding landscape and climate.*
- *Require development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.*
- *Ensure sensitive landscape areas such as the bays and coastlines are protected and that new development does not detract from their natural quality.*
- *Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.*

Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals

The proposal would comply with the provisions of Clause 15.01-1 of the Planning Scheme in the following ways:

- The layout of the proposal would have the appearance of a residential development and would provide for an appropriate urban design outcome.
- The proposal would provide for accommodation in proximity to the CBD which would deliver additional choice within the sector which would encourage more tourism and investment in the municipality.
- It is considered that the design of the proposal is appropriate for a predominantly residential area, given its similar appearance to a residential unit development. It is also noted that a similar development (which would be run by the same operators) located to the north of the site sits comfortably within the residential context.
- The application includes an appropriate site description and analysis.

In light of the above, it is considered that the proposal would comply with the provisions of Clause 15.01-1 of the Planning Scheme.

17.01-1 Business

The objective of Clause 17.01-1 of the Planning Scheme is:

To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to

accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

The following strategies are set out:

- *Locate commercial facilities in existing or planned activity centres.*
- *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*
- *Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*
- *Provide outlets of trade-related goods or services directly serving or ancillary to industry and which have adequate on-site car parking.*
- *Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres. Such facilities should not require a permit for use within activity centres and are not encouraged on freestanding sites.*
- *A five year time limit for commencement should be attached to the planning approval for all shopping centres or expansions of over 1,000 square metres in floorspace*

The application would provide for appropriately located and designed commercial accommodation.

The proposal would; comply with the provisions of Clause 17.01-1 of the Planning Scheme in the following ways:

- The proposal would be located within walking distance of Shepparton CBD which includes a range of business, office and leisure facilities. It is considered that the development of more ranges of commercial accommodation, within easy walking distance to the CBD, would make Shepparton a more attractive location to visit and as importantly, stay for a number of days.

It is considered that the proposal would comply with the provisions of Clause 17.01-1 of the Planning Scheme.

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

21.04-2

The land is identified as being within the minimal change area. Minimal change areas are established residential areas that for a number of reasons have limited capacity to accommodate future residential development. Minimal Change Areas do not prohibit all residential development, but seek to allow limited residential development that is generally consistent with the type, scale and character of the area.

Minimal Change Areas are generally in locations that:

- Have a strong neighbourhood character, largely evidenced by a significant presence of historical buildings and places.

- Are affected by environmental factors such as flooding which limit development capacity.
- Have a low density or rural living character.
- Are in close proximity to uses which cause significant off-site impacts.
- Have a widespread application of restrictive covenants which limit housing diversity.
- Have valued landscape features and / or views and vistas.

The Council may also consider smaller Minimal Change Areas in locations immediately adjacent to a sensitive use or affected by a particular environmental factor that has the potential to create significant risk to development or a valued feature of the landscape or detrimentally affect character that is desirable to retain.

The following strategies are set out:

- Ensure development respects existing scale and character.
- Ensure development respects heritage buildings and their curtilage.
- Ensure development does not considerably impact on significant natural features or views and vistas.
- Ensure extensions to existing dwellings do not cause significant new overlooking; overshadowing, visual bulk or neighbourhood character impacts.
- Support and encourage environmentally friendly technologies for new development and major renovations.

It is considered that the proposal would comply in the following ways:

- The proposal would respect the scale and character of the area. The proposed motel units would have the appearance of residential units and would have a height commensurate with existing residential development in the area.
- The land abuts land within the Heritage Overlay (66-68 Orr Street), however it is considered the proposal would not have any impact on the heritage value of the land as it comprises of a boundary realignment only.
- There are no significant features or views and vistas with the area that the proposal would affect.
- The proposal would not cause any overlooking or overshadowing into adjoining properties.

In light of the above, it is considered that the proposal would comply with the provisions of Clause 24.04-2 of the Planning Scheme.

21.06-6 Tourism

Clause 21.06-6 of the Planning Scheme notes that

Another important industry is tourism which contributes significantly to the region's economic output. The tourism industry is mainly focused on shopping for locally produced and manufactured products (particularly canned foodstuffs), the meetings and business events markets, and people visiting family and friends. Council recognises the importance of the tourism industry within the municipality. Accordingly, it is appropriate to encourage the provision of facilities and services that generally support the ability to experience Greater Shepparton's natural and cultural recreational values, including the provision of short term and home hosted accommodation, host farms and similar facilities. 22.08.

Clause 21.06-6 of the Planning Scheme sets out the following objective:

- To encourage the provision of tourism facilities and services including short term and home hosted accommodation, host farms and similar facilities (from overview).

The following strategies are set out:

- *Promote the unique tourism opportunities of the irrigated rural landscape and the food growing and processing industries.*
- *Encourage examples of landmark architecture for the Shepparton CBD.*
- *Encourage the integration of tourist and agricultural activities where there are no adverse impacts on the operation of rural industries.*

The proposal would comply in the following ways:

The provision of accommodation in proximity to the CBD would be in line with the stated wish to encourage the provision of short term accommodation within the municipality.

Relevant Particular Provisions

Clause 55

The proposal is considered to be a residential building and as such a response to the pertinent provisions of Clause 55 of the Planning Scheme.

Objectives	Standards	Compliance
<p>Clause 55.02-1 Neighbourhood Character Objectives To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character; To ensure the development responds to the features of the site and surrounding area.</p>	<p>Standard B1 (Cannot be varied) The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Complies</p> <p>The proposed construction of the 6 motel units would be consistent with the general character of the area as the proposal would be have a design which would have a comparable with the residential character of the area.</p> <p>The proposed setback of the development varies the standard.</p>

Objectives	Standards	Compliance
<p>Clause 55.02-2 Residential Policy Objectives</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the SPPF and the LPPF including the MSS and local planning polices;</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Standard B2 (Cannot be varied)</p> <p>An application must be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in:</p> <ul style="list-style-type: none"> • the SPPF; and • the LPPF including the MSS; and Local Planning Policies 	<p>Complies</p> <p>The application proposes to provide short stay accommodation. The proposal would compliment the character of the area and would not affect the amenity of the area.</p>
<p>Clause 55.02-3 Dwelling Diversity Objective</p> <p>To encourage a range of dwelling sizes and types in development of ten or more dwellings</p>	<p>Standard B3 (Can be varied)</p> <p>Developments of 10 or more dwellings should provide a range of dwelling sizes and types including:</p> <ul style="list-style-type: none"> • dwellings with a different number of bedrooms; and • at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level. 	<p>N/A</p>
<p>Clause 55.02-4 Infrastructure Objectives</p> <p>To ensure development is provided with appropriate utility services and infrastructure;</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure</p>	<p>Standard B4 (Can be varied)</p> <p>Development should be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available.</p> <p>Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no space capacity,</p>	<p>Complies</p> <p>The application proposes 6 short stay (motel) units on the lot. Currently one access point is to the south of the lot.</p> <p>All other infrastructure is existing in the area. Connection requirements will be required as per the relevant authorities.</p>

Objectives	Standards	Compliance
	developments should provide for the upgrading or mitigation of the impact on services or infrastructure.	
<p>Clause 55.02-5 Integration with the Street Objective To integrate the layout of development with the street</p>	<p>Standard B5 (Can be varied) Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Dwellings should be orientated to front existing and proposed streets High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.</p>	<p>Complies The proposed dwellings are oriented towards Maude Street. A footpath is existing along Maude Street.</p>
<p>Clause 55.03-1 Street Setback Objective To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Standard B6 (Can be varied) Walls of buildings should be setback from streets the distance specified in Table B1</p>	<p>Complies The proposed dwelling is setback from the parcel boundary by 6.1 metres from Maude Street. This is considered appropriate, the development to the north is set back approximately 5 metres from the boundary, while the block to the south is vacant.</p>
<p>Clause 55.03-2 Building Height Objective To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Standard B7 (Can be varied) The max building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m</p>	<p>Complies The proposed short stay units are single story with the maximum building height of approximately 5 metres and is consistent with the existing building heights in the area.</p>

Objectives	Standards	Compliance
	<p>of the site of the building is 2.5 degrees or more, in which case the max building height should not exceed 10m.</p> <p>Change of building height between existing buildings and new buildings should be graduated.</p>	
<p>Clause 55.03-3 Site Coverage Objective To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</p>	<p>Standard B8 (Can be varied) The site area covered by buildings should not exceed 60%.</p>	<p>Complies The site coverage is approximately 36.77% which is substantially less than 60%.</p>
<p>Clause 55.03-4 Permeability Objectives To reduce the impact of increased stormwater run-off on the drainage system; To facilitate on-site stormwater infiltration.</p>	<p>Standard B9 (Can be varied) At least 20% of the site should not be covered by impervious surfaces.</p>	<p>Complies The total impermeable coverage of the block is approximately 59.66% of the actual impermeable coverage.</p>
<p>Clause 55.03-5 Energy Efficiency Objectives To achieve and protect energy efficient dwellings and residential buildings; To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</p>	<p>Standard B10 (Can be varied) Buildings should be:</p> <ul style="list-style-type: none"> • Orientated to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. • Living areas and private open space should be located on the north side of the dwelling, if practicable. <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p>Complies The units are appropriately orientated.</p>
<p>Clause 55.03-6 Open Space Objective To integrate the layout of the</p>	<p>Standard B11 (Can be varied) Any public or communal</p>	<p>Complies There is some communal open space as part of this</p>

Objectives	Standards	Compliance
<p>development with any public or communal open space provided in or adjacent to the development</p>	<p>open space should:</p> <ul style="list-style-type: none"> • be substantially fronted by dwellings, where appropriate; • provide outlook for as many dwellings as practicable • be designed to protect any natural features on the site; and • be accessible and useable. 	<p>development, the open space faces the units and is fully accessible to all people who stay at the development.</p>
<p>Clause 55.03-7 Safety Objective To ensure the layout of development provides for the safety and security of residents and property</p>	<p>Standard B12 (Can be varied) Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies None of the units could be considered to be isolated and all accessed from the central access road. All of the unit frontages are visible from Maude Street.</p>
<p>Clause 55.03-8 Landscaping Objectives To encourage development that respects the landscape character of the neighbourhood; To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance; To provide appropriate landscaping; To encourage the retention of mature vegetation on the site</p>	<p>Standard B13 (Can be varied) Landscape layout and design.</p>	<p>Complies A landscape plan has not been prepared. Amended plans will need to be submitted as conditioned in the permit showing proposed planting.</p>

Objectives	Standards	Compliance
<p>Clause 55.03-9 Access Objectives</p> <p>To ensure vehicle access to and from a development is safe, manageable and convenient;</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character</p>	<p>Standard B14 (Can be varied)</p> <p>Accessways should:</p> <ol style="list-style-type: none"> 1. Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network. 2. Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves 5 or more car spaces, 3 or more dwellings, or connects to a road in a Road Zone. 3. Be at least 3m wide. 4. Have an internal radius of at least 4m at changes of direction. 5. Provide a passing area at the entrance that is at least 5m wide and 7m long if the accessway serves 10 or more spaces and connects to a road in a road zone. 6. The width of accessways or car spaces should not exceed: <ul style="list-style-type: none"> • 33% of the street frontage if the width of the street frontage is more than 20m; or • 40% of the street frontage if the width of the street frontage is less than 20m. 	<p>Complies</p> <p>The development would be accessed by one access point to the south of the development.</p> <p>The accessway would be 3 metres wide and would not exceed 40% of the frontage.</p>
<p>Clause 55.03-10 Parking Location Objectives</p> <p>To provide for convenient parking for residents and visitor vehicles;</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood;</p> <p>To protect residents from</p>	<p>Summary of Standard B15 (Can be varied)</p> <p>Car parking facilities should:</p> <p>Be reasonably close and convenient to dwellings and residential buildings;</p> <ul style="list-style-type: none"> • Be secure; • Be designed to allow safe and efficient movements within the development. 	<p>Complies</p> <p>Car parking facilities (1 space per unit) is considered acceptable as each of the units has one bedroom. The car park is conveniently located to the front of each of the units.</p>

Objectives	Standards	Compliance
vehicular noise within developments	<ul style="list-style-type: none"> • Be well ventilated if enclosed. • Large parking areas should be broken up with trees, buildings or different surface treatments. • Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from habitable room windows. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway. 	
<p>Clause 55.04-1 Side and Rear Setbacks Objective</p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p>Summary of Standard B17 (variable)</p> <p>New building not on, or within 150 mm of boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> • 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m. • Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard. 	<p>Complies</p> <p>The proposed dwellings are setback approximately 1.2 metres from the existing colour bond fence to the north.</p>
<p>Clause 55.04-2 Walls on Boundaries Objective</p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p>Standard B18 (Can be varied)</p> <p>New wall on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> • 10m plus 25% of the remaining length of the boundary of an adjoining lot; or the length of an existing or simultaneously constructed wall or 	<p>Complies</p> <p>Colour bond fence exists around the north of the site. A new 1.8m high fence is proposed along the southern boundary.</p>

Objectives	Standards	Compliance
	<p>carport whichever is the greater.</p> <ul style="list-style-type: none"> • A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary. • A building on a boundary includes a building up to 150mm from a boundary. • New walls on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m • of a side or rear boundary should not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall. 	
<p>Clause 55.04-3 Daylight to existing windows objective To allow adequate daylight into existing habitable room windows.</p>	<p>Standard B19 (Can be varied) Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m² and 1m clear to the sky. The area may include land on the abutting lot. Walls or carports more than 3m high opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing</p>	<p>Complies The proposal would not overlook any habitable rooms on adjoining properties.</p>

Objectives	Standards	Compliance
	<p>window.</p> <p>Note: Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.</p>	
<p>Clause 55.04-4 North-facing windows objective</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20 (Can be varied)</p> <p>If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building should be setback from the boundary:</p> <ul style="list-style-type: none"> • 1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window. 	<p>N/A</p> <p>No existing north facing windows within 3m of a boundary.</p>
<p>Clause 55.04-5 Overshadowing open space objective</p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Standard B21 (Can be varied)</p> <p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m² with a minimum dimension of 3m, whichever is the lesser area, of the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September.</p> <p>If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies</p> <p>The proposed is considered to not cause significant or detrimental overshadowing to the secluded private open space area of adjoining properties.</p>
<p>Clause 55.04-6 Overlooking objective</p> <p>To limit views into existing secluded private open space and habitable room windows.</p>	<p>Standard B22 (Can be varied)</p> <p>Habitable room windows, balconies, terraces etc should be located and designed to avoid direct view</p>	<p>Complies</p> <p>The proposed units are single story and separated from other dwelling both proposed and existing by a fence 1.8 metres in height.</p>

Objectives	Standards	Compliance
	to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window, balcony etc.	
<p>Clause 55.04-7 Internal Views Objective To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development</p>	<p>Standard B23 (Can be varied) Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and in the same development.</p>	<p>Complies The proposed dwelling is single story. There will be no impact on existing views.</p>
<p>Clause 55.06-3 Common Property Objectives To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained; To avoid future management difficulties in areas of common ownership</p>	<p>Standard B33 (Can be varied) Developments should clearly delineate public, communal and private areas. Common property where provided, should be functional and capable of efficient management.</p>	<p>Complies The proposed shared accessways are delineated clearly and are considered to be practical, attractive and easily maintained. Therefore the proposal complies with the requirements of this standard.</p>
<p>Clause 55.06-4 Site Services Objectives To ensure that site services can be installed and easily maintained; To ensure that site facilities are accessible, adequate and attractive</p>	<p>Standard B34 (Can be varied) The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures</p>	<p>Complies The proposed units are appropriately located to allow for the provision of connection to services.</p>

Objectives	Standards	Compliance
	<p>should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post</p>	

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.

65.01 Approval of an application or plan

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.
- 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.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- 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.

The proposed units would comply in the following ways:

- The proposal would comply with the purpose of the Neighbourhood Residential Zone, which allows for uses to serve community needs.
- The proposed units would not have a detrimental impact on the amenity of the area;
- The proposal would comply with the orderly planning of the area.
- The subject land is fully reticulated and the proposal would not have any impact on stormwater within or existing the site.

- The proposal would not require the removal of any native vegetation.

In light of the above, it is considered that the proposal would comply with the provisions of Clause 65 of the Planning Scheme.

Relevant incorporated or reference documents

There are no incorporated or reference documents associated with the application.

Other relevant adopted State policies or strategies policies

There are no adopted State policies or strategies associated with the application.

Relevant Planning Scheme amendments

There are no Planning Scheme amendments associated with the application.

Are there any significant social & economic effects?

There are no significant social and economic effects associated with the proposal.

Discuss any other relevant Acts that relate to the application?

There are no other Acts that relate to the application.

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

The land is not within an area which is identified as having Aboriginal Cultural Heritage Sensitivity.

Charter of Human Rights and Responsibilities

The charter of Human Rights and Responsibilities has been appropriately considered.

Conclusion

The application comprises of the use and development of the land for a 6 unit motel at 67 Maude Street, Shepparton.

The application also includes the realignment of the boundary of the lot with the adjoining lot to east of the land (66-68 Orr Street). This would allow for a portion of the land to be incorporated into 66-68 Orr Street. The land would then be used for a garage for 66-68 Orr Street.

The application is considered appropriate and it is recommended that a Planning Permit should issue having regard to the following considerations:

- The proposed motel units are designed to appear residential in character and would have a height of approximately 5 metres.
- The proposed units would provide short term accommodation for professional / business type clients and would be run by the operators of the adjacent Wyndamere Hotel.
- The area in which the use is located is characterised by a range of accommodation types, including motel units to the north of the land and across the road to the west of the land (59-65 Wyndham Street) and the community aged care facility at 48-60 Wyndham Street. The proposal would be commensurate with surrounding uses.

DRAFT PLANNING PERMIT

DRAFT DATE:	3 May 2015
PERMIT NO:	2015-60
ADDRESS OF THE LAND:	67 Maude Street SHEPPARTON VIC 3630
THE PERMIT ALLOWS:	Use and development of land for motel units, creation of a carriageway easement and boundary re-alignment in accordance with the endorsed Plans forming part of this Permit.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Amended Plans Required

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

- Landscape plan in accordance with condition 12 of this permit
- Plans showing the location of traffic advisory signs all fencing and landscaping within 2.5 metres of the front boundary being less than 1.5 metres in height

2. Layout Not Altered

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

3. Section 173 Agreement

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

- a) **The development shall be for the exclusive use of patrons using the motel units for short stay accommodation only operated by Outback Sunrise (No.4) or other suitable operator agreed to in writing by the**

Responsible Authority,

b) The car park must remain exclusively for the use of the motel / short stay accommodation.

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

4. Drainage Discharge Plan

Before any of the development starts a properly prepared drainage discharge plan (by a suitably qualified person or organisation) with computations 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. ***The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.***

The information and plan must include:

- a) details of how the works on the land are to be drained and retarded.
- b) underground pipe drains conveying stormwater to a council stormwater pipe or the stormwater pit approximately 55m south of the property. No connection to the kerb and channel is permitted.
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- d) maximum discharge rate shall not be more than 37 lit/sec/ha with 9 litres of storage for every square meter of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority).;

Before the buildings are occupied all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority

5. Urban Drainage - Works

Before the buildings are occupied all stormwater and surface water drainage from the land, buildings and works must be connected to the legal point of discharge by underground pipe drains 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.

6. Construction Phase

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality, including:

- a) Avoiding the transport of mud onto roads;
- b) Minimising the generation of dust during earthworks or vehicles accessing site;
- c) The retention of all silt and sediment on the site during the construction phase, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991)' and;
- d) Maintaining a neat and tidy site.

7. 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.

8. Car Park Construction Requirements

Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' or ***Australian Standard AS2890.1-2004 (Off Street Parking) & AS2890.6 (Off Street Parking for People with Disabilities)*** and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions.

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

- a) surfaced with an all-weather seal coat to the satisfaction of the Responsible Authority;
- b) constructed and completed to the satisfaction of the Responsible Authority;
- c) drained in accordance with an approved drainage plan;
- d) line-marked to indicate each car space and all access lanes;
- e) properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;
- f) measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;

to the satisfaction of the responsibility authority.

The 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 be kept available for these purposes at all times.

9. Vehicle Turning

All car parking spaces and accessways must be designed to allow vehicles to enter and exit the land in a direction.

10. Exit site distance

Adjacent to the driveway, landscaping and fencing within two and a half (2.5) metres of the front boundary must not exceed one and a half metres (1.5 m) in height.

11. Boundary fencing

Before the building is occupied side and rear boundary fencing (not frontage) must be constructed to a height of 1.8m (from finished ground level) consisting of a 1.8 m high colourbond fence be constructed to enhance the character of the development and to ensure the privacy of adjoining properties. The height, material, type and extent of fencing is to be mutually agreed by all parties and must be erected prior to occupation of the development. The cost of such fencing shall be borne by the developer unless otherwise agreed by the parties to the satisfaction of the responsible authority.

12. 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 canopy tree to in proximity to the Maude Street boundary,
- b) 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;
- c) the method of preparing, draining, watering and maintaining the landscaped area;
- d) details of surface finishes of pathways and driveways;
- e) landscaping and planting within all open areas of the site
- f) the sewer and water supply connection points;
- g) the weed management program;
- h) garden bed heights above car-park surface;
- i) all areas where vehicle overhang will occur;
- j) all landscaped areas to be used for stormwater retardation;

- k) a permanent screen of trees and shrubs with a minimum of two rows using a mixture of local trees and understorey species

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

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

All trees planted as part of the landscape works must be a minimum height of 2 metres at the time of planting, except for those within 2.5 metres of the front boundary

Before the occupation of the developments 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.

13. Works Prior to Commencement of Use

The use must not start until:

- a) drainage has been constructed in accordance with the endorsed Drainage Discharge plan;
- b) the parking areas shown on the endorsed plans have been constructed to the requirements and satisfaction of the Responsible Authority; and
- c) the parking and roadway areas has been line-marked to the satisfaction of the Responsible Authority, and
- d) the garden and landscape areas shown on the endorsed plans have been planted to the requirements and satisfaction the Responsible Authority

The use must not start until landscaping works as shown on the endorsed plan are completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

14. Subdivision

Before the building is occupied a plan of subdivision of land adjoining 66-68 Orr Street must be lodged with the Planning Department.

15. Form 13

Before a Statement of Compliance is issued under the *Subdivision Act 1988* by the Responsible Authority the owner must provide a completed Form 13.

16. 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.

17. Urban Vehicle Crossing Requirements

Before the statement of compliance is issued vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the responsible authority, and must:

- a) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);
- b) be setback a minimum of (insert number) metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree; and/or
- c) be at least 9 metres apart.

18. Health Requirements

Prior to the motel units being used for accommodation the owner shall make application to the Council for the premises to be registered, for the purposes of Prescribed Accommodation, as required by the Public Health and Wellbeing Regulations 2009 No.178"

19. Goulburn Valley Region Water Corporation Requirements

- (a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- (b) Provision of separate water services and individual water supply meters to each allotment within the development;
- (c) 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;
- (d) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- (e) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the

- satisfaction of the Corporation's Property Services Section;
- (f) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- (g) 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.

20. Time for Starting and Completion

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

- a) the development and use are not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.