

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 04/2016

**HELD ON
FRIDAY 6 MAY 2016
AT 10.00AM**

**IN THE HUNTER ROOM
90 WELSFORD STREET**

**CHAIR
Councillor Chris Hazelman**

1. ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 4 for 2016.

I would like to begin with an acknowledgement of the traditional owners of the land.

“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

I would like to advise all present today that:

- the proceeding is being minuted but not recorded.
- and 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

Committee members present today are:

- Cr Chris Hazelman (Chair)
- Colin Kalms – Manager Planning
- Michael MacDonagh – Team Leader Strategic Planning
- Carl Byrne – Acting Team Leader Development
- Elke Cummins – Principal Strategic Planner

4. OFFICERS AND OTHERS PRESENT

The Planning Officer presenting today is:

- Andrew Dainton – Principal Statutory Planner

I would also like to take this opportunity to get the other people present in the room today to introduce themselves.

5. APOLOGIES

Cr Dinny Adem

Johan Rajaratnam - Director Sustainable Development

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of 1 April 2016 – Do I have a mover and a seconder (Colin or Michael to move or second)

7. DECLARATIONS OF CONFLICTS OF INTEREST

None

8. ORDER OF PROCEEDINGS

For those of you who are attending the DHP for the first time the process is as follows

- The DHP operates under Local Law No 2, with such modifications and adaptations as the DHP deems necessary for the orderly conduct of meetings.
- All DHP panel members have 1 vote at a meeting.
- Decisions of the DHP are by ordinary majority resolution. If a vote is tied the Chair of the DHP has the casting vote.
- The process for submitters to be heard by the Panel today shall be:
 - The planning officer to present the planning report recommendation
 - Any objector/s or representatives on behalf of the objectors present to make a submissions in support of their objection (should they wish to)
 - The applicant/applicant representative to present in support of the application
- The officer, objectors/submitters and applicant will be limited to three minutes per person unless granted a further 3 minute extension by the Chair (following a moved and seconded motion from the panel).

9. MATTERS FOR CONSIDERATION

There is one item formally listed for consideration today:

- planning permit application 2016-31 for building and works in the Commercial 1 Zone and Design and Development Overlay associated with a medical centre (dentist and physiotherapist) at 39 Wyndham Street, Shepparton.

10. LATE REPORTS

None

11. NEXT MEETING

TBC

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<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2016-31	39 Wyndham Street, Shepparton 3630	Buildings and Works in the Commercial 1 Zone and Design and Development Overlay 3 associated with a medical centre (dentist and physiotherapist)	3

Application Details

Responsible Officer:	Andrew Dainton
Application Number:	2016-31
Applicants Name:	Bruce Mactier Building Design
Date Application Received:	25 January 2016
Statutory Days:	71
Land/Address:	39 Wyndham Street, Shepparton
Zoning and Overlays:	Commercial 1 Zone Design and Development Overlay 3 Abuts Road Zone Category 1
Why is a permit required (include Permit Triggers):	Buildings and works in the C1Z under 34.01-4 Buildings and works in the DDO3 under 43.02-2
Are there any Restrictive Covenants on the title?	No

Proposal

The application proposes to use the land for a medical centre for one dentist (1.5 days a week) and one physiotherapist (five days a week).

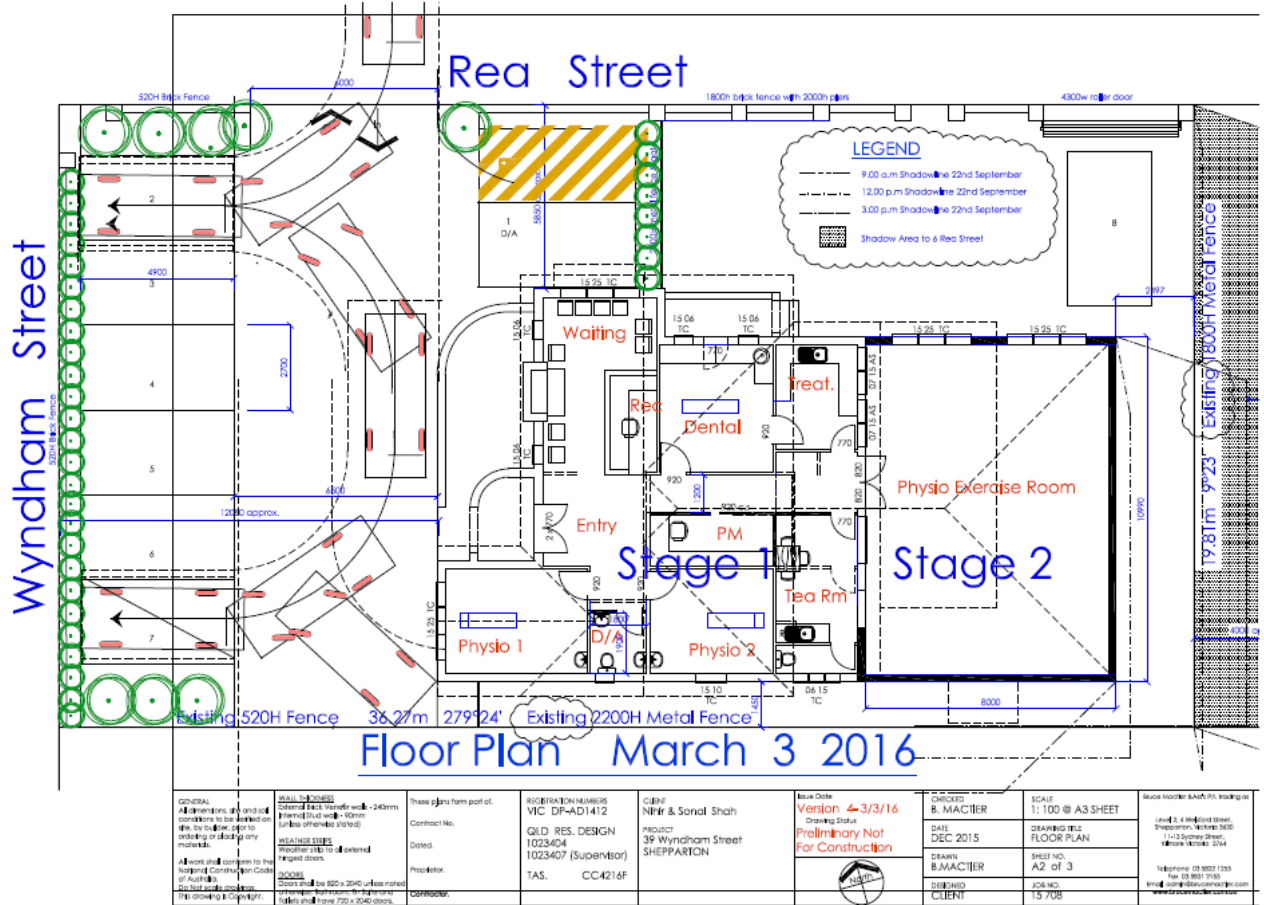
The use of land for a medical centre is a section 1 use in the C1Z.

Permission is sought to develop the front setback with a formal area of car parking to service the medical centre. Within the area of car parking a total of eight spaces are proposed as required by 52.06. An extension to the existing building is also proposed to accommodate a physio exercise room with a total of 87.2sqm.

The physio exercise room will have a capacity of six persons at any one time and will be used twice a week. The area will be used for rehabilitation as part of a patient plan under the care of a physiotherapist.

The submitted plans indicate staging of the development however the applicant has confirmed permission is sought for both stages under this application.

A plan of the proposed development is below.



The main assessment concern with this application has related to access and vehicle parking. For safe access to the land to be provided it is necessary to restrict vehicle movements to left in and left out only and to install a island in Rea Street to physically prevent right turn movements.

Planning and traffic officers assessment of parking has found that the required number of on site spaces are provided and that the spaces and accessways are appropriately dimensioned. Permit conditions are required to limit the scale of the medical centre to two practitioners and restrict the physio exercise room to six persons.

Whilst the DDO3 encourages the re-development of Wyndham Street with new office buildings with car parking to the rear, it is considered a positive design outcome to retain the external fabric of a well presented 1930's dwelling building in Wyndham Street.

Officers have considered the developments impact on 6 Rea Street which is in a residential zone and found that the amenity impacts are acceptable given the buildings separations and the overshadowing is limited to the existing shadow line from the side boundary fence.

As set out within this report, officers are satisfied that the proposal produces acceptable planning outcomes and therefore it is recommended that a notice of decision to grant a permit issue.

Summary of Key Issues

- The application seeks planning permission for buildings and works associated with the conversion of a dwelling to a medical centre. The developments include an extension to the building for a physio exercise room totalling 87.2sqm and the construction of seven parking spaces within the buildings front setback.
- The use of land for a medical centre in the C1Z does not require a permit. The application documents inform that the medical centre will be used by a dentist and physiotherapist. The exercise room will accommodate up to six patients and be used twice a week.
- The application was advertised and two objections lodged. The objections mainly relate to concerns about traffic, parking and impact on residential amenity. Officers assessment has found that the objections do not warrant refusal of the application and conditions can reasonably respond to the objectors concerns.
- Under the DDO3 a variation is required to reduce the setback to the rear boundary from 14m to 2.497m. Officers are satisfied with this reduction given the single storey nature of the extension and use of conventional building materials.
- Clause 52.06 requires that the development provide eight onsite parking spaces. The submitted plans provide the required number of spaces therefore no reduction is sought. The parking layout when assessed against the design standards under 52.06-8 it is found that the car park design complies with the minimum requirements.
- Council's traffic engineers have undertaken a review of the application and required that the site is limited to left in and left out traffic movements. The engineers require the installation of a concrete island in Rea Street to physically prevent right turn movements

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2016-31 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 34.01-4 and 43.02-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 39 Wyndham Street Shepparton, for buildings and works in the Commercial 1 Zone and Design and Development Overlay 3 associated

with a two practitioner medical centre in accordance with the Notice of Decision to grant a permit and the endorsed plans.

Subject Site & Locality

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

Date: 3 February 2016, 18 April 2016 Time: 8.40am and 10.30am to 11.00am

The site has a total area of 718 square metres and currently contains:

- an existing heritage type dwelling (constructed in about 1937) with access to the land from Rea Street
- the front setback is landscaped with some mature trees and shrubs
- the nature strip to Rea Street is planted out with mature street trees

The main site/locality characteristics are:

- whilst on site (3 February 2016) it was observed that on street parking occurs on Rea Street between Wyndham Street and Maude Street.
- during the site inspection of 18 April 2016 it was observed car parking in Wyndham Street to the south of Rea Street was heavily used although turnover of three spaces occurred. Rea Street was occupied by cars to Maude Street with what appeared to be all day parkers given the use of sun screens.
- abutting the land to the east is a single storey brick dwelling

The Photos below show the existing site:



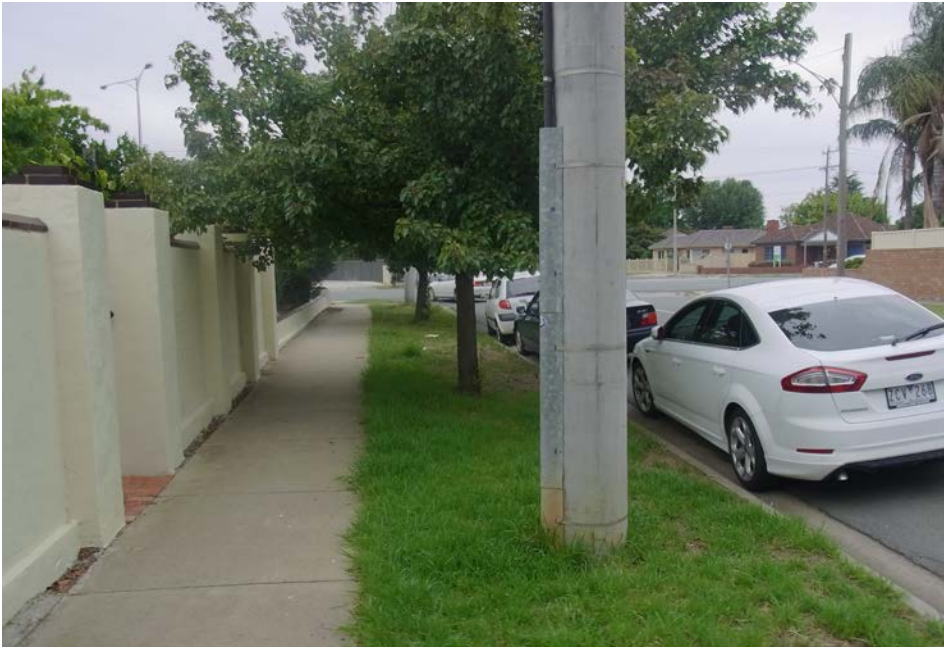
Existing dwelling and dis-used sign board to Wyndham Street



Front setback and location of proposed car park



View of existing dwelling



Rea Street nature strip which contains street trees, power poles, and pit lid



Location of proposed crossover to Rea Street which will require removal of one street tree and installation of a trafficable pit lid



View of location of building extension looking through the neighbouring land



View of the dwelling abutting the land to the east. The dwelling will be setback about 5.5m to the proposed physio exercise room.

Permit/Site History

The history of the site includes:

- An onsite meeting was held on 5 April 2016 which was attended by John Kiss, Merrill and the planning officer Andrew Dainton. The objectors raised concern about the useability of the car parking spaces, unsafe access to the land from Rea Street and lack of on street car parking in the area. The objectors would prefer the building be used for a low visitation office rather than a medical centre. John Kiss provided me with a copy of his meeting notes which have been trimmed to the file.

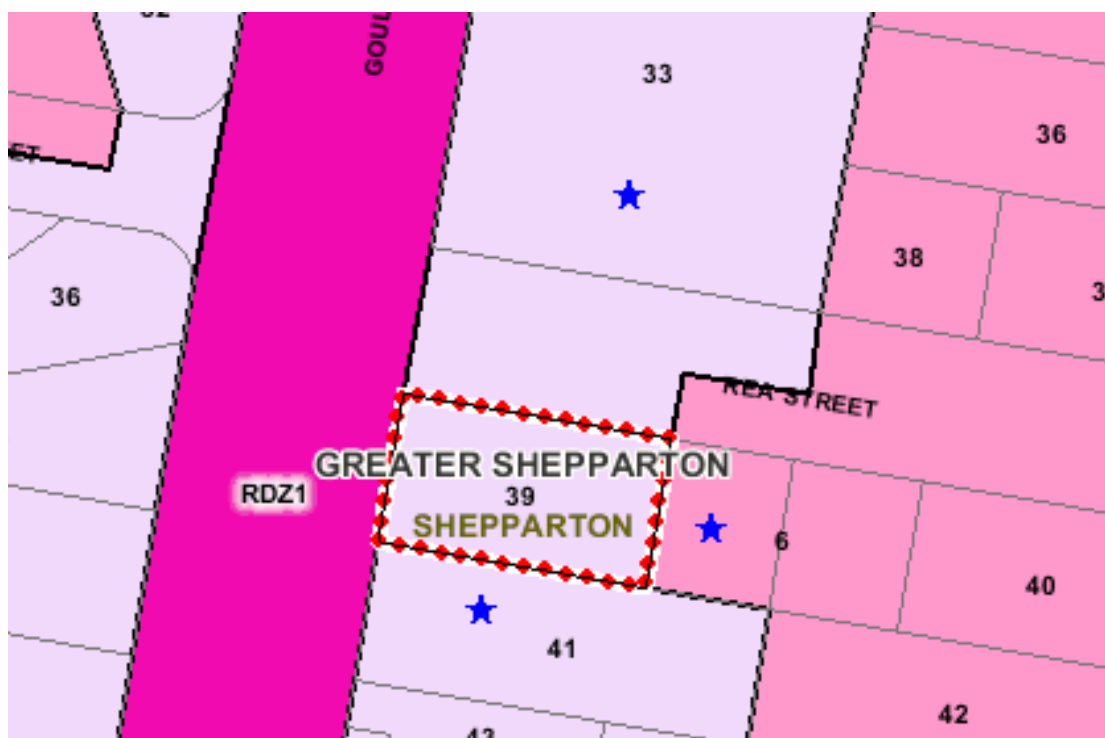
Further Information

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 buildings and works in the Commercial 1 Zone and Design and Development Overlay 3 for a building extension and car park associated with a medical centre, by:

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



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 5 February to 19 February 2016.

Objections

The Council has received two objections to date.

Ground of objection	Officers Response
Parking and traffic	<p>Council's traffic engineers recommend that vehicle access to the land from Rea Street should be limited to left in and left out only. Furthermore it is recommended that a barrier be constructed in the centre of Rea Street to physically prevent right turns. Planning officers will incorporate these traffic measures into the planning permit.</p> <p>Officers acknowledge that on street car parking in Wyndham and Rea Street is in high demand. Traffic engineers are planning to improve line marking in Wyndham Street to discourage vehicles parking over driveways.</p>
Onsite parking is to tight	<p>The applicant has submitted turning templates that show a passenger vehicle is able to access the onsite car parking spaces.</p> <p>The plans show parking bays of 4.9m by 2.7m with an access aisle of 6.5m.</p> <p>Under table 2 (minimum dimensions of car parking spaces and access ways) the proposed parking spaces either comply or exceed the minimum dimensions of 4.9m long by 2.6m with an access aisle of 6.4m.</p> <p>Furthermore Council's traffic engineer has reviewed the parking layout and confirmed that the car park provides adequate space for turning movements.</p>
Overshadowing of 6 Rea Street	<p>The proposed physio exercise room does result in overshadowing to 6 Rea Street; however shadow diagrams indicate that the area of shadowing will be limited to the area of land already subject to shadowing from</p>

	the existing boundary fence.
Design of building	The proposed extension will have a wall height of 3.2 metres and an overall height of 6.37m. The extension will consist of external fabric being bricks with rough cut render and a tile roof both of which match the existing design of the building. No windows are proposed to either the east or south to prevent overlooking to abutting properties.
Hours of operation	<p>The applicants have informed the hours of operation will be as follows:</p> <p>8am to 6pm Monday to Friday; and</p> <p>9am to 1pm on Saturday</p> <p>These proposed operating hours are less than those allowed by local policy for a medical centre in a residential zone which are:</p> <p>8am to 9pm Monday to Saturday; and</p> <p>9am to 1pm on Sunday</p>

The officer's assessment of the two objections is that the objections do not warrant refusal of the application for the following reasons:

- Safe vehicle access can be provided to the land by restricting movements to left in and left out only. A island in Rea Street will provide a physical barrier to prevent right turn movements
- The proposed development provides the required number of onsite parking spaces that are appropriately dimensioned to allow the movement of vehicles.
- Overshadowing to 6 Rea Street is acceptable as the shadow line is limited to the shadow cast from the current side boundary fence.
- The physio exercise room will be constructed to match the existing design of the building.
- The proposed hours operation are limited to general business hours and are less than what Council's local policy allows for a medical centre in a residential zone

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
Clause 66 of the scheme did not require referral of the application.			

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVW	GVW have reviewed the application and consented to the application subject to one condition relating to trade waste.

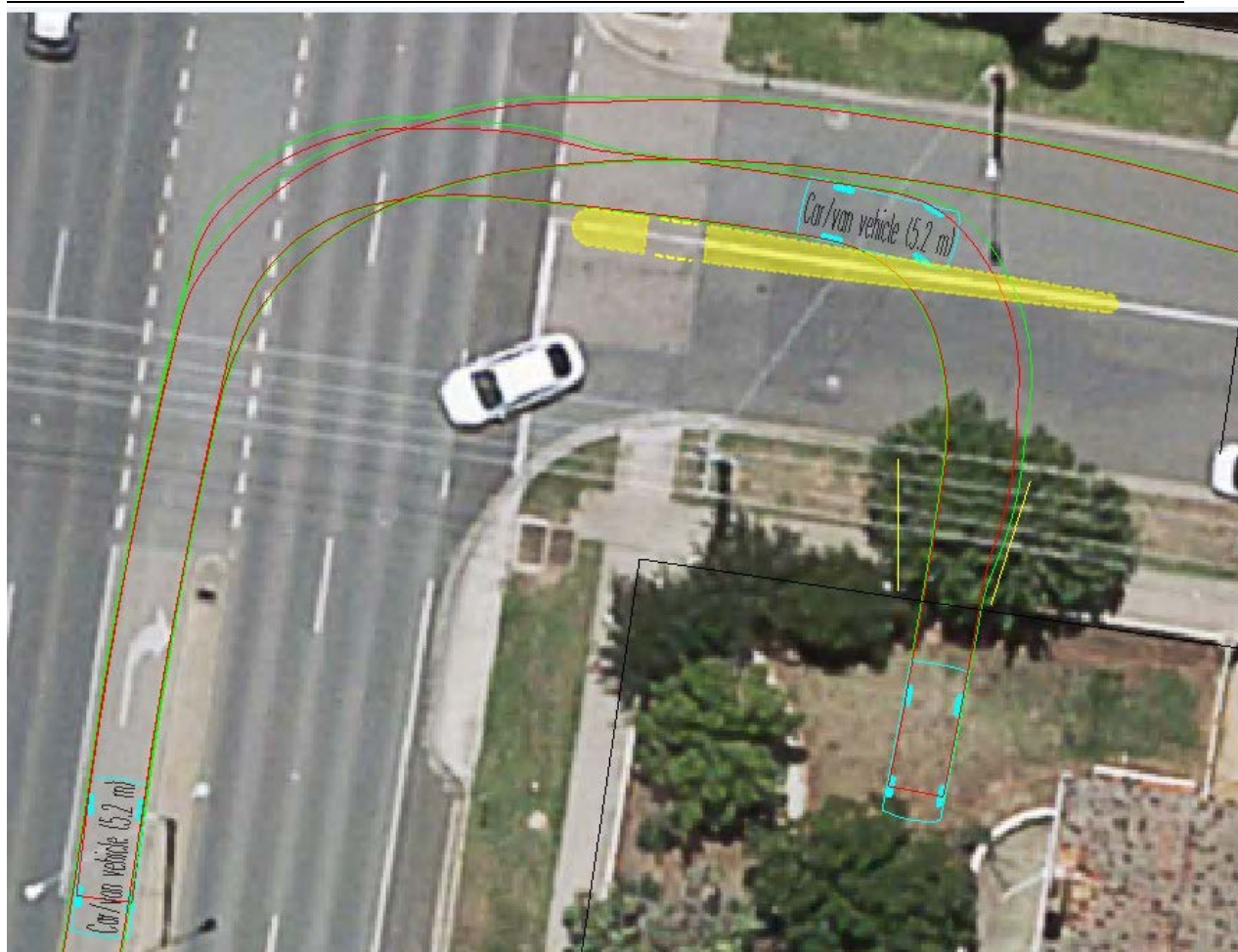
Internal Notice:

Traffic

Officers have considered the location of the proposed vehicle crossing to the intersection of Rea and Wyndham Streets. To provide a safe road environment Council's traffic engineers require that only left in and left out be allowed.

The traffic engineers also require the construction of a barrier along the centreline of Rea Street to physically prevent right turns. A concept plan of the concrete island is below.

Furthermore traffic engineering recommend that the driveway to increase in width to six metres to accommodate opposing vehicles movements.



Conditions are included in the NOD to implement the traffic engineers recommendations.

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council's development engineers are requiring the inclusion of a standard civil construction condition to deal with access, parking construction and drainage

Assessment

The zoning of the land

Commercial 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 create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Under 34.01-1 an office which includes medical centre is a section 1 use.

Decision guidelines are at 34.01-8 and include:

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The interface with adjoining zones, especially the relationship with residential areas.

Building and works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.

Relevant overlay provisions

Design and Development Overlay 3 – Shepparton Town Entry North Precinct

Design objectives

- To implement the design and development guidelines for the Shepparton Town Entry – North along Wyndham Street extending from Balaclava Road to Knight Street in accordance with the *Urban Design Framework – Shepparton North & South Business Areas*.
- To encourage a vibrant and active business centre with new commercial development that respects the scale and character of the surrounding residential area.
- To ensure the developments respond and contribute to the existing residential built form character.
- To direct future business development in this precinct towards a built form that reinforces the surrounding residential character; particularly building mass and height, and architectural style (pitched roof forms, façade articulation, entrances and front landscapes).
- To ensure the developments present and maintain front landscape setting to Wyndham Street and contribute to the existing character. New developments should maintain and reinforce this characteristic of a front landscape setting.
- To reinforce the gateway role this precinct plays to the Shepparton central activities district.
- To ensure and encourage new developments clearly define the northern ‘entry’ to the Shepparton town centre and provide legibility, gateway style architecture at the

intersections of Wyndham Street / Balaclava Road and Wyndham Street / Knight Street.

- To reinforce the gateway role of this precinct by encouraging gateway features at specific localities that signify entrance points to central Shepparton.
- To encourage significant architectural outcomes in terms of building facades, roof forms and lines, colours and materials that reinforce the extent of this precinct.
- To ensure safe and efficient parking and vehicular/pedestrian access are provided on the site.
- To encourage environmentally sustainable designs that incorporate solar orientation, natural ventilation, efficient use of energy and water.

Height

- Buildings must not exceed a building height of two storeys (or 9 metres) above natural ground level.

The requirement cannot be varied with a permit.

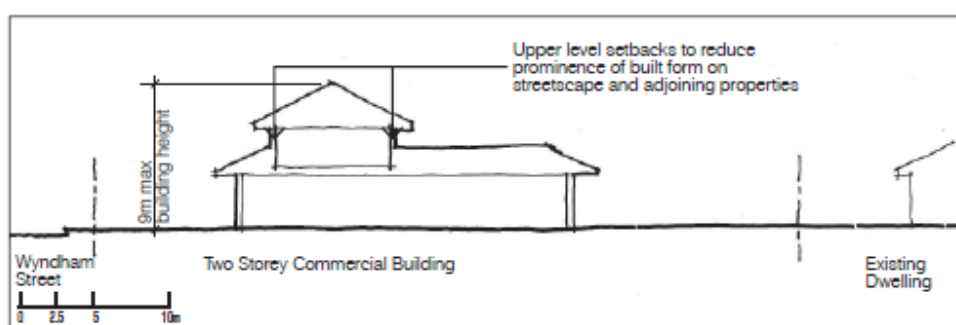
The proposed building is maximum height is single storey and therefore the application complies.

- The street wall height of a building frontage must not be more than 6.9 metres above natural ground level.

The proposed building street wall height is single storey and therefore the application complies.

This requirement is illustrated in the UDF (reference document) as shown below.

STREET WALL HEIGHT & UPPER BUILDING SETBACKS



Setbacks

- Building setback must be a minimum of 4 metres and a maximum of 10 metres from the front lot boundary with an average of 5-6 metres over the width of the lot.

- Building setbacks must be a minimum of 14 metres from the rear boundary to avoid a dominating built form interface with adjoining residential lots and to provide opportunities for long term parking.
- Where new developments have a rear boundary with a residential lot, a minimum building set back of 14 metres must be provided.

The front setback of the building is unchanged by this application as the existing building is to be converted into a medical centre.

The land to the rear is within the RGZ. The proposed building extension is setback 2.497m from the residential zone which is less than the 14 metres required by the DDO3. Despite this reduction in rear setback it is considered a 2.497 setback is acceptable for the following reasons:

- *The building is single storey in nature and does not lead to unacceptable overlooking or overshadowing of the residential land*
- *The building is residential in appearance through the use of a pitched roof and conventional building materials*

The proposed building setbacks comply with the DDO3.

- A zero setback to the south boundary is permitted to 10 metres plus 25% of the remaining boundary length. For the remainder of the south boundary length, a minimum 1 metre side set back is required. Where a zero setback is used to the southern boundary, an increased setback from the northern boundary should be considered.
- If a zero setback provision is not utilised to the south boundary a minimum 1 metre side setback is required to each of the north and south boundaries.
- Where vehicular access is provided to the rear of the site, there should be a minimum of 1.5 metre setback from the side boundary to allow for the provision of a landscaped buffer and pedestrian refuges. The setback may be transferred to the building side of the laneway for a maximum of 50% of the laneway length.

The proposed building is not located on boundaries. The buildings closest abuttal to a boundary is the southern boundary, the building is setback 1.45m from this boundary.

Fence

- Front fences should have a maximum pier/post height of 1.45 metres.

The application proposes a 520mm high brick fence to Wyndham Street and a 1.8m high fence to part of Rea Street.

Landscaping

- A minimum 1.5 metre landscape buffer should be established along rear boundaries to ensure a suitable interface with adjoining residential lots.

- A minimum of 25% of the area to the lot frontage should be landscaped to include a variety of shrubs and at least one significant tree (mature height of 8 metres). Plant species should be suitable to this area and to the satisfaction of the Responsible Authority.

A permit condition will require the submission of a detailed landscape plan.

Multi deck parking

- Multi deck car parking buildings may be constructed to the rear of lots:
- If the lot abuts a rear laneway, the parking deck may be built on the boundary line, with a zero setback to the rear boundary.
- If the lot abuts residential properties, a 1.5 metre landscaped setback is to be provided to ensure a suitable interface with adjoining residents.
- The upper parking level should be uncovered, without any roof. Multi deck car parks are encouraged to be constructed underground or partly below ground level to reduce visual impact.
- The wall height and finished upper level of the parking deck should not exceed a maximum height of 3.6 metres, with an average height of 3 metres above natural ground level.
- The exterior facades of multi deck car parks shall be screened with architectural elements or an appropriate landscape treatment to reduce their visual impact on adjoining properties and minimise overlooking. Architectural elements should be 1.7 metres above finished upper level of the parking deck and must not exceed 25% transparency.
- Walls of multi deck car parks abutting laneways are encouraged to provide secured openings that will partly illuminate the laneway at night.

This clause is not relevant to the proposal as no multi deck car parking is proposed.

Design requirements

- Developments at the intersection of Wyndham Street and Knight Street and at the intersection of Wyndham Street and Balaclava Road should contain innovative landmark built form and landscape treatment that is reflective of the gateway locations.
- Development should include articulation of building facades and provision of a greater setback for any upper storey to reduce the apparent height and mass of buildings to street frontages.
- Incorporate the following into building design so as to encourage an appropriate transition between commercial and residential precincts:
 - Roof form and pitch that complement prevailing roof forms and incorporate gables, half gables and hipped roofs.
 - Building facades must maintain door and window proportions that reflect a residential character.
 - Building frontages must be articulated to reduce the impact of their visual bulk on the streetscape. Large blank or uniform front facades must be avoided.
- Incorporate sustainable water use in buildings by implementing measures to collect rain water runoff from roof areas. Water storage tanks must be located away from public view, and do not impact on neighbours visual amenity.

- New developments must consider overlooking and over shadowing, so as not to impact on the amenity of neighbouring buildings.
- All aspects of development including external security lighting, the location of rubbish storage and collection areas, loading and unloading facilities etc must be designed and located to minimise potential impact on the amenity of the adjacent residential areas.
- Plant equipment, vents and any other mechanical equipment must be carefully designed or incorporated into the roof design so as to avoid visibility from the street, surrounding spaces and buildings.
- Paving materials that provide texture, patterns, subtle colour and permeability to the lot frontage should be used. Avoid large expanses of harsh grey cement or asphalt.

The proposed development seeks to convert a dwelling into a medical centre, this conversion allows most of the design features of the 1930's dwelling to be retained.

The proposed rear extension continues the design theme through the use of a pitched roof and bricks with rough cut render finish.

Permit conditions will ensure air conditioning plant is located so as to not conflict with the residential interface.

It is acknowledged that the extension results in some overshadowing however this is limited to the existing shadow line of the side boundary fence.

Parking and access requirements

- Vehicular access points and driveways should be designed to allow convenient, safe and efficient vehicle movements, and connections within the development and to the street network.
- Driveways shall be designed to minimise any conflict of vehicle movements with pedestrians. This is to include a consideration of side fences and / or buildings that will impact on sight lines between pedestrians and vehicular traffic.
- Access to the rear of development should provide passing or staging bays to ensure that vehicles do not bank up on Wyndham Street and present a dangerous situation to passing traffic.
- A vehicular access point across the lot frontage is to be no more than 6.4 metres wide.
- Adequate on site parking in accordance with the Greater Shepparton Planning Scheme should be provided in a form and manner that will not reduce the amenity of the area.
- The provision of short term parking to the lot frontage and long term parking to the rear of the site should be considered.

Vehicle access to the site is from Rea Street. The car park has been designed to allow vehicles to enter and exit the land in a forwards direction.

Plans provide most car parking in the lot frontage and one space which will be used for staff at the rear of land.

Landscaping requirements

- Plant species should be suitable to this area and environmental weeds and invasive tree species should be avoided to the satisfaction of the responsible authority.
- The front building setback should be landscaped to include a variety of shrubs and groundcovers. Plant species should be suitable to this area and to satisfaction of the responsible authority.
- Paving materials that provide texture, patterns, subtle colour and permeability to the lot frontage should be used. Large expanses of harsh grey cement or asphalt should be avoided.
- Where space permits, small to medium sized trees should be planted to provide scale, aesthetic relief and shade to front entrances.

A permit condition will require the submission of a landscape plan.

Advertising sign requirements

- One business identification sign is permitted per development.
- Multiple business occupancies are to share space on the sign.
- Freestanding business identification signs are to fit in an envelope that is a maximum height of 1.5 metres, and a maximum width of 1.0 metre. This envelope includes the height of any supporting structure.
- Signs attached to a building are encouraged and should be a maximum height of 1.0 metre, and a maximum width of 3.0 metres.
- Signs should form an integral part of the building façade or landscaped front area and be in keeping with the scale of the building.
- Promotional signs should be avoided.
- All large dominating signs, V-board signs, above verandah signs and advertising elements such as banners, flags and inflatable should be avoided.
- Colours and materials that interfere with the safety or efficiency of traffic circulation should be avoided.

The submitted plans do not propose any signage.

The State Planning Policy Framework (SPPF)

11.05-1 Regional settlement networks

Support sustainable development of the regional cities and centres of Ararat, Bairnsdale, Benalla, Colac, Echuca, Hamilton, Horsham, Mildura, Portland, Sale, Shepparton, Swan Hill, Wangaratta, Warrnambool and Wodonga.

15.01-1 Urban design

Objective

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

Strategies

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.

15.01-2 Urban Design Principles

Objective

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

Strategies

Apply the following design principles to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56:

Context

- Development must take into account the natural, cultural and strategic context of its location.
- Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.
- A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.

The public realm

- The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.

Safety

- New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.

Landmarks, views and vistas

- Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

Pedestrian spaces

- Design of interfaces between buildings and public spaces, including the arrangement of adjoining activities, entrances, windows, and architectural detailing, should enhance the visual and social experience of the user.

Heritage

- New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.

Consolidation of sites and empty sites

- New development should contribute to the complexity and diversity of the built environment.
- Site consolidation should not result in street frontages that are out of keeping with the complexity and rhythm of existing streetscapes.
- The development process should be managed so that sites are not in an unattractive, neglected state for excessive periods and the impacts from vacant sites are minimised.

Light and shade

- Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade.
- This balance should not be compromised by undesirable overshadowing or exposure to the sun.

Energy and resource efficiency

- All building, subdivision and engineering works should include efficient use of resources and energy efficiency.

Architectural quality

- New development should achieve high standards in architecture and urban design.
- Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.

Landscape architecture

- Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.

15.02-1 Energy and resource efficiency

Objective

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

Strategies

- Ensure that buildings and subdivision design improves efficiency in energy use.
- Promote consolidation of urban development and integration of land use and transport.
- Improve efficiency in energy use through greater use of renewable energy.
- Support low energy forms of transport such as walking and cycling.

17.01-1 Business

Objective

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

19.03-3 Stormwater

Objective

To reduce the impact of stormwater on bays and catchments.

Strategies

Support integrated planning of stormwater quality through a mix of on-site measures and developer contributions.

Mitigate stormwater pollution from construction sites.

Ensure stormwater and groundwater entering wetlands do not have a detrimental effect on wetlands and estuaries.

Incorporate water-sensitive urban design techniques into developments to:

- Protect and enhance natural water systems.
- Integrate stormwater treatment into the landscape.
- Protect quality of water.
- Reduce run-off and peak flows.

- Minimise drainage and infrastructure costs.

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

21.04-4 Urban Design

Objectives - Urban design

- To achieve a high standard of sustainability in the design and development of new buildings and subdivision.
- To promote a high standard of architectural, landscaping and urban design for built form and public spaces throughout the municipality.
- To ensure development implements the “Urban Design Framework- Shepparton North and South Business Areas”.

21.06-4 Commercial / Activity Centres

Strategies - Commercial/Activity Centres

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

Relevant Particular Provisions

52.06 Car Parking

Purpose

- 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.

A new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land.

Table 1 under 52.06-5 a medical centre requires five spaces for the first health service provider and three spaces for each subsequent health provider. The medical centre is for two practitioners therefore eight on site spaces are required. Submitted plans provide eight on site spaces therefore the parking requirements are complied with.

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 use of land for a medical centre is a section 1 use. Permission is required for buildings and works under the C1Z and DDO.

The land has an interface to the east with land in the RGZ. The application proposes the construction of a building extension 2.49m from the RGZ boundary. Overshadowing diagrams indicate that the shadow line is limited to the existing shadow cast from the side boundary fence. Although the use is as of right the applicant has informed operating hours will be limited to business hours which will ensure disturbance to the neighbouring dwelling is avoided after hours.

As discussed earlier within this report, detailed assessment against parking and access has been undertaken and compliance has been achieved.

Permit conditions will require the submission of a detailed drainage plan for the development including retention and WSUD measures. Before the development is allowed to start this plan must be endorsed by officers.

The DDO3 seeks to create an office precinct on Wyndham Street through new development that contributes to the residential character of the area. This development seeks to convert an existing dwelling into a medical centre through building additions and the construction of an onsite car park.

The proposed development positively responds the DDO3 with the exception of the rear setback which is less than the required 14m. Therefore permission is required. Officers are satisfied with the proposed setback of 2.49m given the single storey building and the use of residential type building materials including brick and tiles.

Planning officers having considered the application are satisfied that the application positively responds to the zone, overlay and relevant policy.

Relevant incorporated or reference documents

IDM

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 application has been considered in accordance with the scheme including the giving of notice. Therefore the charter has been complied with.

Conclusion

Having undertaken a detailed assessment of the application, officers consider that the proposed development produces acceptable planning outcomes for the reasons outlined in this report.

Draft Notice Of Decision

APPLICATION NO: 2016-31
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: 39 WYNDHAM STREET SHEPPARTON
VIC 3630

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND WORKS IN THE
COMMERCIAL 1 ZONE AND DESIGN AND
DEVELOPMENT OVERLAY 3
ASSOCIATED WITH A MEDICAL CENTRE
(DENTIST AND PHYSIOTHERAPIST)

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) External treatments of the proposed building extension
- b) Details of a replacement south side fence to the buildings frontage being a low fence
- c) Location of any proposed air-conditioning plant

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 buildings or works associated with the development, 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) Construction details of the island along the Rea Street centreline to prevent right turns to and from the proposed crossover to the land and associated signage
- b) Signage to inform road users of left in and left out only from the proposed cross over

Before the occupation of the development all road works must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

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 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/or retarded.
- b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by responsible authority
- c) underground pipe drains conveying stormwater to the legal point of discharge
- d) 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;
- e) maximum discharge rate shall not be more than (30) lit/sec/ha with (13) 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);
- f) the details of the incorporation of water sensitive urban design, designed in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.
- g) maintenance schedules for treatment elements.

Before the building is occupied all drainage works constructed or carried out must be in accordance with those plans to the satisfaction of the responsible authority.

5. Car Park Requirements

Before the building is occupied no fewer than eight car spaces must be provided on the

land as shown on the endorsed plan to the satisfaction of the responsible authority.

Before construction works start associated with the provision of car parking, 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 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;
- b) drained in accordance with an approved drainage plan;
- c) line-marked to indicate each car space and all access lanes;
- d) properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
- e) 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;
- f) provision of traffic control signage and or structures as required;
- g) all car parking spaces must be designed to allow all vehicles to drive forwards when entering and leaving the property;

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.

6. Urban Vehicle Crossing Requirements

Before the building is occupied, vehicular crossings shall be constructed in accordance with the endorsed plans and constructed to Councils IDM standard drawing (SD255), 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) and the nature strip reinstated;
- b) be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree unless otherwise agreed to in writing by the responsible authority;
- c) any services pits within the vehicle crossing must be modified and the covers are to be replaced with heavy duty trafficable covers
- d) the new crossover shall be a minimum of 6m in width;
- e) installation of a traffic island along the centre line of Rea Street as shown on the endorsed plans.

7. 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) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- b) the method of preparing, draining, watering and maintaining the landscaped area;
- c) garden bed heights with plantings to not exceed the existing fence heights above car-park surface;
- d) all areas where vehicle overhang will occur;
- e) all landscaped areas to be used for stormwater retardation;

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 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.

8. 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 the 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.

9. Council Assets

Unless identified in written report, any damage to public infrastructure adjacent to the land at the conclusion of construction on the land will be attributed to the land. The owner/operator of the land must pay for any damage to the Council's assets/Public infrastructure by way of the development.

10. Underground Connection

Before the occupation of the building the electricity connection to the building must be undergrounded.

11. General Amenity

The use of the land must not adversely affect the amenity of the area, by way of:

- a) processes carried on the land;
- b) the transportation of materials, goods or commodities to or from the land;
- c) the appearance of any buildings, works or materials;
- d) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit, or oil;
- e) the presence of vermin

to the satisfaction of the responsible authority.

The use must only operate between 8.00am to 6.00pm Monday to Friday and 9.00am to 1.00pm on Saturday's except in times of medical emergencies to the satisfaction of the responsible authority.

The physio exercise room as shown on the endorsed plans must not be used for group sessions for more than six persons.

12. Goulburn Valley Region Water Corporation Requirement

The applicant will need to contact the Goulburn Valley Water Trade Waste Section to discuss the possibility of discharge of trade waste from the development which may be required to be subject to a Trade Waste Consent Agreement.

13. 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.