

**CONFIRMED MINUTES**

**FOR THE**

**GREATER SHEPPARTON CITY COUNCIL**

**DEVELOPMENT HEARINGS PANEL**

**Meeting No. 6/2018**

**HELD ON**

**WEDNESDAY 26 SEPTEMBER 2018**

**AT 10.00AM**

**IN THE COUNCIL BOARDROOM**  
**90 WELSFORD STREET**

**CHAIR**

**Councillor Dennis Patterson**

## **ACKNOWLEDGEMENT**

Welcome everyone to Development Hearings Panel meeting number 6 for 2018.

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”.

## **RECORDING OF PROCEEDINGS**

I would like to advise all present today that:

- the proceeding is being minuted but not recorded and all minutes will be published on Council’s website.
- 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.

## **COMMITTEE MEMBERS PRESENT**

Committee members present today are:

- Cr Dennis Patterson (Chair),
- Michael MacDonagh – Team Leader Strategic Planning, Greater Shepparton City Council
- Jonathan Griffin – Team Leader Development, Greater Shepparton City Council
- Nilesh Singh –Manager Development, Benalla Rural City Council
- Cameron Fraser –Principal Planner, Strathbogie Shire Council

## **OFFICERS AND OTHERS PRESENT**

The Planning Officers that will be in attendance for today’s hearing are:

- Andrew Dainton

I would also like to acknowledge all other parties present today. We will get you to introduce yourself when your turn comes to present.

### **APOLOGIES**

Nil

### **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Nil

### **DECLARATIONS OF CONFLICTS OF INTEREST**

No conflicts of interest declared

### **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 shall be:
  - The planning officer to present the planning report recommendation
  - Any objectors or representatives on behalf of the objectors present to make a submissions in support of their objection (should they wish to)
  - The applicant or representatives on behalf of the applicant to present in support of the application
- For the purpose of today's hearing the officer, objectors and applicant will be limited to a maximum of 6 minutes per person with no extensions.

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## **MATTERS FOR CONSIDERATION**

There are three items listed for consideration in this session of the DHP:

1. Planning permit application 2016-206/B seeking permission for earthworks in the Farming Zone and Land Subject to Inundation Overlay and the removal of native vegetation) on the land at 1730 Fenaughty Road, Kyabram South.
2. Planning permit application 2018-37 seeking permission for buildings and works for a second dwelling and a two lot subdivision in the General Residential Zone, Bushfire Management Overlay – Schedule 1 and Land Subject to Inundation Overlay on the land at 58 Regent Street, Shepparton.
3. Planning permit application 2018-160 Seeking permission for the use and development of land for a take away food premises (drive through coffee) in the Neighbourhood Residential Zone and Floodway Overlay, erection and display of business identification signage and creation of access to a Road Zone Category 1 on the land at 584-586 Wyndham Street, Shepparton.

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## **10. LATE REPORTS**

None

## **11. NEXT MEETING**

To be advised

Meeting concluded at 11.30 am

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2018-37	58 Regent Street, Shepparton	Seeking permission for buildings and works for a second dwelling and a two lot subdivision in the General Residential Zone, Bushfire Management Overlay – Schedule 1 and Land Subject to Inundation Overlay	25
2018-160	584-586 Wyndham Street, Shepparton	Seeking permission for the use and development of land for a take away food premises(drive through coffee) in the Neighbourhood Residential Zone and Floodway Overlay, erection and display of business identification signage and creation of access to a Road Zone Category 1	75

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## Application Details:

Responsible Officer:	Patricia Garraway (report prepared by Alex Winfield)
Application Number:	2016-206/B
Applicants Name:	Curo Project Management Services
Date Application Received:	7 March 2018
Statutory Days:	150
Land/Address:	1730 Fenaughty Road, Kyabram South
Zoning and Overlays:	Farming Zone – Schedule 1 (FZ1) Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	Clause 52.17-1 – Remove, destroy or lop native vegetation. Clause 44.04-2 – earthworks in the LSIO
Are there any Restrictive Covenants on the title?	The land contains a covenant which protects a high transmission gas main that crosses the land. The gas main is the pipeline connecting Tatura and Kyabram with gas. APA have reviewed the application and consented to the proposed development.

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## Proposal

Planning Permit 2016-206 was issued on 14 July 2016 and authorised earthworks in the Farming Zone and Land Subject to Inundation Overlay. The permitted earthworks have commenced and the permit is valid for completion until 14 July 2020. As the permit is valid it is open for Council to consider this amended application.

The purpose of this application is to seek permission to remove native vegetation to allow the installation of a sprinkler irrigation system. It is proposed to remove five patches of trees which consist of 21 large trees and seven medium or small trees and five scattered paddock trees.

In total the application seeks permission to remove 26 large trees and seven medium or small trees.

Condition 5(f) of the permit was imposed by GMW and identified that “*The design plan shows the removal of trees (native vegetation). Separate planning approval for the removal of this vegetation must be obtained prior to undertaking the works.*” This condition would no longer be relevant should approval be granted for the native vegetation removal. Conditions 5(a) to 5(e) inclusive would continue to apply.

The vegetation removal was assessed under the “Detailed” risk-based pathway assessment process. The native vegetation comprises 1.852 hectares of patches of vegetation with a biodiversity equivalence score of 0.378.

DELWP acting as a recommending referral authority have consented to the application subject to a number of standard conditions. Council’s Environmental officers having reviewed the application consented to the tree removal without requiring any conditions.

The application proposes a first party offset is proposed to offset the vegetation removal. The offsets are proposed to be on the proponents land at 1615 Fenaughty Road, Kyabram South.

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## Summary of Key Issues

The key considerations for this application are:

- Whether the proposed native vegetation removal is reasonably required to facilitate the use and development of the land for agriculture; and
  - Whether the proposed native vegetation removal is able to be appropriately offset.
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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2016-206/B** 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 Clause 52.17-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as **1730 Fenaughty Road, Kyabram South, for Amendment to the permit to include removal of native vegetation (1.852 hectares of patches of vegetation including 26 Large Trees) under the Detailed Assessment Pathway** in accordance with the Notice of Decision and the endorsed plans.

Standard conditions are recommended, along with the following specific conditions to address key considerations for the application.

Conditions as per the original planning permit 2016/206/A.

Amend condition 3 of the permit to read “Only the native vegetation identified for removal on the endorsed plans forming part of this permit are permitted to be removed”.

Delete condition 5(f) “*The design plan shows the removal of trees (native vegetation).*”

*Separate planning approval for the removal of this vegetation must be obtained prior to undertaking works.*” This condition is no longer required by Goulburn Murray Water and the amendment includes the requisite consent for vegetation removal.

Inclusion of Department of Environment, Land Water and Planning conditions.

## **Moved by Michael MacDonagh**

## **Seconded by Cameron Fraser**

That Council having caused notice of Planning Application No. **2016-206/B** 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 Clause 52.17-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as **1730 Fenaughty Road, Kyabram South**, for **Amendment to the permit to include removal of native vegetation (1.852 hectares of patches of vegetation including 26 Large Trees) under the Detailed Assessment Pathway** in accordance with the Notice of Decision and the endorsed plans.

**CARRIED**

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## **Subject Site & Locality**

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

Date: 20 August 2018

Time: 1.30 pm

The main site/locality characteristics are:

- The land is located on the northern side of Fenaughty Road, approximately 800 m east of the intersection with Kyabram-Cooma Road.
- The land has historically been used for dryland cropping.
- Farming activities on the site are transforming to flood irrigation.



- Works associated with the approved permit for earthworks have commenced on the site (refer to the pictures below).
- The land is predominantly cleared owing to its historical use of agriculture. There are some small patches of vegetation across the site.
- The property falls into the Victorian Riverina Bioregion within the Goulburn Broken Catchment.

The Photos below show the site:



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## Permit/Site History

The history of the site includes:

- Planning permit 2016-206/A was approved by Council on 18 January 2018, and allowed Earthworks in the Farming Zone and Land Subject to Inundation Overlay.
- Condition 3 identified that no native vegetation removal was permitted.
- Condition 5(f) (imposed by Goulburn Murray Water) identified that “*The design plan shows the removal of trees (native vegetation). Separate planning approval for the removal of this vegetation must be obtained prior to undertaking the works.*”

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## Further Information

Further information was requested from the applicant on 27 March 2018. The request sought a site report assessment consistent with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017).

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Revised information was provided on 3 April 2018.

A further request for information was made via a DELWP referral response date 7 May 2018. This request sought details of the proposed offset strategy, revised mapping and ownership details of proposed offset sites.

This additional information was received on 24 May 2018.

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## Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Amendment to the permit to include removal of native vegetation (26 Large Trees) under the Detailed Assessment Pathway**, by sending notices to the owners and occupiers of adjoining land, erecting a sign on site and publishing a notice in the Shepparton News on 24 April 2018.

Notices were sent to a total of fourteen affected property owners / occupiers.

Following this process, one objection to the proposal was received.

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## Objections

One objection to the proposal was received. The reasons for objection are addressed and considered as follows.

Reason for objection	Planning Response
The application has not appropriately considered avoidance of native vegetation removal.	<p>The application identifies that the proposed native vegetation removal is required to facilitate the use of the land for irrigated agriculture. The earthworks have previously been approved under the original permit for the land and are not the subject of the application to amend the permit.</p> <p>The applicant submission acknowledges that it is not possible to facilitate the use of the land for irrigated agriculture / associated earthworks without necessitating the removal of some native vegetation. To avoid the removal of vegetation would compromise the overall use / development of the land for farming purposes.</p> <p>On balance it is considered that the loss of vegetation proposed is appropriate to support the use of the land in accordance with the underlying zoning of the land for farming purposes.</p>

<p>Trees in the centre of the property are patches of vegetation, and not scattered trees.</p>	<p>The application material identifies that the application seeks removal of 1.852 hectares of native vegetation, including 26 large trees. The vegetation removal is made up of 5 patches of vegetation, and 5 scattered trees.</p> <p>The vegetation has been appropriately mapped in the Ecological Assessment submitted with the application.</p> <p>The Department of Environment, Land, Water and Planning were provided with a copy of the application material, and have consented to the application and confirmed the extent of native vegetation identified for removal.</p>
<p>Site works have occurred prior to a decision by Council.</p>	<p>Planning permit 2016-206/A was approved by Council on 18 January 2018, and allowed Earthworks in the Farming Zone and Land Subject to Inundation Overlay.</p> <p>Site works have occurred on the land under this existing approval.</p> <p>No vegetation removal has been removed without planning approval.</p>

## Title Details

The land is known as 1730 Fenaughty Road, Kyabram South.

## Consultation

Relevant aspects of consultation included:

- No pre-application meeting was conducted between the permit applicant and the Planning Unit.
- The application is an amendment for a previous permit that has been considered and determined by Council.

## Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions

<p>Department of Environment, Land, Water and Planning.</p>	<p>66.06-2.</p>	<p>Recommending.</p>	<p>In their response of 7 May 2018, DELWP request additional information in relation to the application, as the application material originally provided did not provide:</p> <ul style="list-style-type: none"> <li>• An offset strategy detailing how a compliant offset will be secured.</li> <li>• Sizes of large trees to be removed.</li> <li>• Map showing the location of trees to be secured as part of the offset, including tree protection zones, and the location of the revegetation offset area where a revegetation offset is proposed.</li> <li>• Ownership details of the offset site for a first party offset site.</li> </ul> <p>The additional information was provided and provided the requisite plans and identified that a first party offset is proposed on the applicant's home allotment at 1615 Fenaughty Road.</p> <p>No objections to the proposal were received in their final referral response of 28 June 2018.</p> <p>The following conditions were recommended:</p> <ol style="list-style-type: none"> <li>1. <i>Prior to the commencement of works, all persons undertaking works on the site including vegetation removal must be advised of all relevant conditions of the permit.</i></li> <li>2. <i>Prior to the commencement of works, a tree protection fence must be erected around the stand of native vegetation in the north-west corner of the property at a distance no less than 2 metres from the retained native vegetation. The tree protection fence must remain in place until all works are completed to the satisfaction of the responsible authority. Adequate signage to indicate the tree protection zones must be attached to the tree protection fence and maintained until all works are completed.</i></li> <li>3. <i>To offset the remove of 1.852 hectares of native vegetation including 26 large trees, the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 201&amp;) as specified below:</i> <ul style="list-style-type: none"> <li>• <i>A general offset of 0.378 general habitat units.</i></li> <li>• <i>Located within the Goulburn Broken Catchment Management Authority (CMA) boundary or Greater Shepparton City Council district.</i></li> <li>• <i>With a minimum strategic biodiversity score of at least 0.295.</i></li> <li>• <i>The offset secure must provide protection of at least 26 large trees.</i></li> </ul> </li> <li>4. <i>Before any native vegetation is removed, evidence that the required offset has</i></li> </ol>
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			<p><i>been secured must be provided to the satisfaction of the Responsible Authority. The evidence is one or both of the following:</i></p> <ul style="list-style-type: none"> <li>• <i>An established first party offset including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or</i></li> <li>• <i>Credit extract allocated to the permit from the Native Vegetation Credit Register.</i></li> </ul> <p><i>A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.</i></p> <p>The conditions recommended by DELWP are to be imposed on the permit.</p>
Goulburn Murray Water.	44.04-7	Recommending .	<p>GMW provided comments with respect to the application on 14 May 2018.</p> <p>The GMW advice included information to be provided to the proponent with respect to the implications of the Farm Dams Legislation, details of the irrigation modernisation program, flow rates and irrigation system capacity / supply.</p> <p>GMW have required the following conditions to be imposed on the permit:</p> <ol style="list-style-type: none"> <li>1. <i>Farm works impacted by the future rate or point of irrigation supply should not be undertaken until a Connections Agreement is finalised. The proponent can contact the Central Goulburn Modernisation Coordinator to discuss the impact of Modernisation on their property by contacting 1800 013 357. .</i></li> <li>2. <i>The design plan shows a new farm channel (C1) to be constructed adjacent to Mosquito Drain 23P CSWMS. The farm channel must be constructed with the outside tow a minimum of 7 m from the top of drain cut and outside the drain reserve boundary.</i></li> <li>3. <i>The design plan shows a passive storage area. Filling may not occupy more than 10% of the natural cross sectional volume of the passive storage on the property. Any proposed cut and fill for irrigation bays must meet this requirement.</i></li> <li>4. <i>The design plan shows a travelling linear pivot irrigator adjacent to Mosquito Drain 23P CSWMS. The irrigator must be set up, maintained and operated such that water is not applied to the drain easement or reserve.</i></li> <li>5. <i>The design plan shows a farm Channel (C1) running from the outlet through the adjacent property. Before starting works</i></li> </ol>

			<p><i>the proponent must complete an agreement for an easement prior to any works that reconnect supply to the property.</i></p> <p>GMW confirmed they require no alterations to the plan prior to endorsement of plan.</p>
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Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Sustainability and Environment	<p>Advice received on 4 May 2018 requested additional information be provided with respect to:</p> <ul style="list-style-type: none"> <li>• Confirmation of extent of vegetation removal (noting that some vegetation marked for removal may be impacted by the irrigation system).</li> <li>• The need to protect the Tree Protection Zones of vegetation to be retained.</li> <li>• Dated photographs of the vegetation to be removed (only 5 of the trees to be removed included in the original documentation).</li> <li>• Additional detail with respect to the avoid and minimise statement.</li> </ul> <p>Additional information was provided and was subsequently referred to the Department of Environment, Land, Water and Planning as required by the Planning Scheme.</p> <p>Following the submission of the additional information the Sustainability and Environment Officers consented to the application without requiring any conditions.</p>

## Assessment

### The zoning of the land

The land falls within the **Farming Zone, Schedule 1**.

The purposes of the Farming Zone are identified as:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The use of land for Agriculture is a Section 1 (Permit not required) use in the Farming Zone.

The use of the land, and the installation of the irrigation system to support the use, are consistent with the purposes of the Farming Zone which seek to provide for the use of land for agriculture and encourage the retention of productive agricultural land.

Approval for the proposed earthworks has previously been granted as part of the original permit.

### **Relevant overlay provisions**

The site is affected by a **Land Subject to Inundation Overlay**.

The purposes of the Overlay are identified as:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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 under Clause 44.04-1 to construct a building or carry out works in the Land Subject to Inundation Overlay.

Approval for the proposed earthworks has previously been granted as part of the original permit.

### **The Municipal Planning Strategy and the Planning Policy Framework, local planning policies and Structure Plans**

Clause 14.01-2S seeks to encourage sustainable agricultural land use. The policy identifies the need to ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources, and to encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.

Clause 21.06 highlights the importance of irrigated primary production and the processing of that product to the economy of the municipality and the region. The level of production is nationally important and the region is responsible significant parts of the nation's milk production, deciduous and canned fruit production, stone fruit crop and tomato processing production.

The Clause identifies the need to ensure that agriculture is and remains the major economic driver in the region, and seeks to facilitate the growth of existing farm business, and facilitate growth of new agricultural investment.

The *Regional Rural Land Use Strategy 2010* (RRLUS) is a Reference Document in the Planning Scheme and applies to land in the Farming Zone. The Strategy states on page 45 "*The rural areas of the Greater City are considered to be productive agricultural land based on the soil types, subdivision pattern and climate and the significant level of irrigation infrastructure. Protection and retention of this land for agriculture is of primary strategic importance to the Greater City and it is recommended that it should be included in the Farming Zone*".

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Response: Municipal Planning Strategy and the Planning Policy Framework clearly seek to support, strengthen and enhance the productive agricultural use of the region's farming land. Whilst this needs to be balanced against the other relevant policy objectives of the planning scheme, it is considered that the purpose of the proposed clearing of native vegetation to facilitate the enhanced agricultural productivity of the land supports the policy objectives with respect to agriculture.

Clause 21.05-2 (Floodplain and Drainage Management) seeks to recognise the constraints of the floodplain on the use and development of land. With respect to new development, the free passage and temporary storage of floodwater is to be maintained and the risk of flood damage minimised.

Response: The proposed earthworks were considered as part of the original approval for the land. GMW conditions relating to vegetation removal are able to be appropriately amended.

Clause 12.01-1S (Protection of Biodiversity) aims to assist the protection and conservation of Victoria's biodiversity.

Relevant strategies seek to use biodiversity information to identify important areas of biodiversity and ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity.

Planning must consider the State biodiversity information maintained by the Department of Environment, Land, Water and Planning.

Clause 12.01-2S (Native vegetation management) seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

The three-step approval for the removal, destruction or lopping of native vegetation should be application in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation*:

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

Response: The application identifies that the proposed native vegetation removal is required to facilitate earthworks associated with the use of the land for irrigated agriculture.

Noting that the use of land for irrigated agriculture does not require planning approval under the provisions of the Farming Zone, it is not possible to facilitate the irrigation infrastructure without necessitating native vegetation removal. The irrigated agriculture proposal has been designed to maximise return on water use.

The application details that the design / layout that avoids the healthier patch of vegetation at the north of the property. There are some scattered trees and small patches located centrally on the site that are in poor condition due to previous farming pursuits to the bases of the trees and cannot be practically retained.



The Ecological Assessment submitted with the application identifies that no feasible opportunities exist to further avoid removal or minimise impacts without compromising the proposed development.

The application has appropriately addressed that the proposed vegetation removal will not have a significant impact on Victoria's biodiversity. The vegetation is in an Endangered Ecological Vegetation Class, and the vegetation is in various stages of decline.

The Ecological Assessment submitted with the application identifies that the proposal is appropriate subject to appropriate offsets being secured. A first party offset is proposed, and the applicant has a history of caretaking native vegetation.

#### **Relevant Particular Provisions**

Clause 52.17 (Native vegetation) applies to an application to remove native vegetation.

The provisions seek to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (the Guidelines).

A permit is required for the removal of native vegetation pursuant to Clause 52.17-1 of the Planning Scheme.

Clause 52.17-2 identifies application must comply with the application requirements specified in the Guidelines. The decision guidelines identified in the Guidelines and the offset requirements must be addressed in an application.

Response: The application was submitted with material to address the relevant requirements of Clause 52.17 and the Guidelines. This information was provided in the form of an Ecological Assessment report.

The application material identifies the offset requirements for the vegetation to be removed. The offsets are identified as 0.378 general habitat units with a minimum strategic biodiversity score of 0.295, within the Goulburn Broken Catchment or the Greater Shepparton LGA. The offset strategy is to provide first party offsets.

The application was also referred to the Department of Environment, Land, Water and Planning. DELWP have indicated that they are satisfied with the level of documentation submitted in support of the application, and do not object to the proposal on biodiversity grounds.

#### **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 adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

The application seeks amend an existing permit to provide approval for the removal of native vegetation to facilitate earthworks and the installation of an irrigation system to support the agricultural use of the land.

The purpose of the vegetation removal is consistent with the purposes of the Farming Zone, which include to provide for the use of land for agriculture and encourage the retention of productive agricultural land.

The vegetation to be removed is able to be appropriately offset and therefore achieve an appropriate environmental outcome for the site.

#### **Relevant incorporated or reference documents**

The *Regional Rural Land Use Strategy 2008* applies to the proposal.

The proposal is consistent with the objectives of the Strategy that recognise the importance of irrigated agriculture to the region and support the protection and expansion of agricultural enterprises.

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

There are no relevant adopted State or strategic policies that relate to this application for a planning permit.

#### **Relevant Planning Scheme amendments**

There are no relevant Planning Scheme Amendments that relate to this application for a planning permit.

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

There are no relevant significant social or economic effects that relate to this application for a planning permit.

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

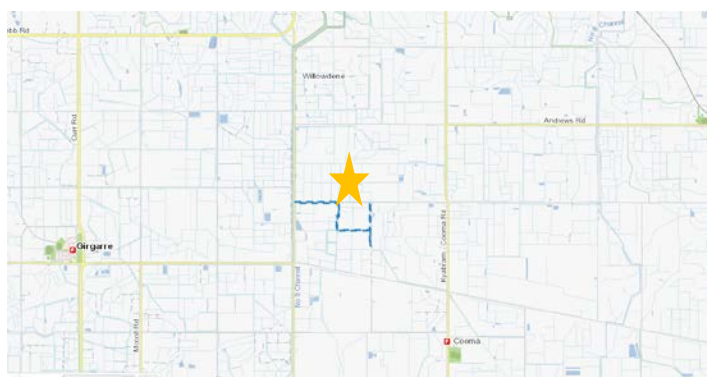
There are no other relevant Acts that relate to this application for a planning permit.

## 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 Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

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## Conclusion

It is considered that a Notice of Decision should issue on the basis that:

- The land is appropriately zoned for the use of land for irrigated agriculture, and the proposed native vegetation removal will provide for the approved planning permit for earthworks to facilitate this use to be acted on.
- The application appropriately addresses the requirements of Clause 52.17 with respect to native vegetation removal, including demonstrating how the vegetation removal is able to be appropriately offset.
- The Department of Environment, Land, Water and Planning have consented to the amended permit subject to the appropriate permit conditions.
- Goulburn Broken Catchment Management Authority have consented to the application subject to their conditions being amended to reflect the amended proposal.



# Draft Notice Of Decision to Amend a Permit

APPLICATION NO: 2016-206/B  
PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME  
RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO AMEND A PERMIT.

THE AMENDED PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 1730 FENAUGHTY ROAD KYABRAM  
SOUTH VIC 3620

PERMIT FOR WHICH AMENDMENT WAS SOUGHT: 2016-206/A

WHAT AMENDMENT IS BEING MADE TO THE PERMIT ?:

Include permission to remove native vegetation

TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT?:

1. **Layout Not Altered**

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

2. **Engineering Conditions**

a) **Retention of Drainage and Irrigation Water**

The Whole Farm Plan and subsequent works shall ensure that all irrigation and concentrated drainage water is retained within the property to the satisfaction of the responsible authority.

b) **Damage to Roads**

Any damage to the Council's assets (i.e. roads, table drains etc) shall be repaired at the cost of the applicant to the satisfaction of the responsible authority.

c) **No Restriction Flows**

No earthworks shall be permitted to restrict the flow of water entering or leaving

the depression and low lying land indicated on the plan.

d) No restriction to Drainage

The approved works must not cut off natural drainage from adjacent properties.

e) Restricted Outflows

The outflows are to be restricted to natural rainfall run-off only.

f) Modification with Future Schemes

The drainage system must be modified as and when required to accommodate any future drainage scheme implemented for the area.

g) Structures

All structures on the floodway must be at or below the existing natural surface level

h) Amended Agreement Required if Change of Ownership

An amended outfall arrangement and redevelopment of the endorsed plans will need to be approved by the responsible authority in the event that any part of the existing tenement is subdivided and/or changes ownership.

**3. Vegetation Management Plan**

Prior to the removal of any native vegetation, a Vegetation Management Plan is to be prepared addressing the following:

- a) Measures taken to protect vegetation not approved for removal under this permit through the appropriate design and siting of all works on site. This includes detailing the offset of any site works from vegetation to be retained
- b) Protection measures proposed to protect retained vegetation during works on site (such as temporary fencing, vehicle exclusion areas, storage areas etc.)
- c) Proposed ongoing protection methods to protect vegetation proposed to be retained.

Once approved the vegetation management plan is to be implemented to the satisfaction of the responsible authority.

**4. Department of Environment Land Water and Planning**

- a) Prior to the commencement of works, all persons undertaking works on the site including vegetation removal must be advised of all relevant conditions of this permit.
- b) Prior to the commencement of works, a tree protection fence must be erected around the stand of native vegetation in the north-west corner of the property at a

distance no less than 2 meters from the retained native vegetation. The tree protection fence must remain in place until all works are completed to the satisfaction of the responsible authority. Adequate signage to indicate the tree protection zones must be attached to the tree protection fence and maintained until all works are completed.

- c) To offset the removal of 1.852 hectares of native vegetation including 26 large trees, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:
  - a) A general offset of 0.378 general habitat units
  - b) Located within the Goulburn Broken Catchment Management Authority (CMA) boundary or Greater Shepparton City Council district
  - c) With a minimum strategic biodiversity score of at least 0.295
  - d) The offset secured must provide protection of at least 26 large trees
- d) Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. The evidence is one or both of the following:
  - e) An established first party offset including a security agreement signed by both parties, and a *management* plan detailing the 10-year management actions and ongoing management of the site, and/or
  - f) Credit extract allocated to the permit from the Native Vegetation Credit Register.

## 5. APA

No machinery or plant is to enter the easement or cross the pipeline without prior approval and assessment from APA.

## 6. Goulburn Murray Water Requirements

- a) Farm works impacted by the future rate or point of irrigation supply should not be undertaken until a Connections Agreement is finalised. The proponent can contact the Central Goulburn Modernisation Coordinator to discuss the impact of Modernisation on their property by contacting 1800 013 357.
- b) The design plan shows a new farm channel (C1) to be constructed adjacent to Mosquito Drain 23P CSWMS. The farm channel must be constructed with the outside to a minimum of 7m from the top of drain cut and outside the drain reserve boundary
- c) The design plan shows works within a passive storage area. Filling may not occupy more than 10% of the natural cross-sectional volume of the passive storage on the property. Any proposed cut and fill for irrigation bays must meet this requirement.
- d) The design plan shows a travelling linear pivot irrigator adjacent to Mosquito Drain 23P CSWMS. The irrigator must be set up, maintained and operated such that water is not applied to the drain easement or reserve.
- e) The design plan a farm channel (C1) running from the outlet through the adjacent property. Before starting of works the proponent must complete an

agreement for an easement prior to any works that reconnect supply to the property.

**7. 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.



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## Application Details:

Responsible Officer:	Patricia Garraway (report prepared by Natalie Taggart)
Application Number:	2018-37
Applicants Name:	Peps Plans P/L
Date Application Received:	6 February 2018
Statutory Days:	120
Land/Address:	58 Regent Street SHEPPARTON VIC 3630
Zoning and Overlays:	General Residential Zone Bushfire Management Overlay Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	32.08-3 Subdivision in the GRZ1 32.08-6 Construction of two or more dwellings on a lot in the GRZ1 44.04-2 Buildings and works in the LSIO 44.04-3 Subdivision in the LSIO 44.06-2 Subdivision and buildings and works for a second dwelling in the BMO
Are there any Restrictive Covenants on the title?	No

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## Proposal

The application is for the subdivision of land into two lots and development of a second dwelling on a residential lot at 58 Regent Street, Shepparton.

The land is within the General Residential Zone 1 and is affected by the Bushfire Management Overlay and the Land Subject to Inundation Overlays.

A planning permit is required pursuant to the provisions of the General Residential Zone for subdivision and construction of two dwellings on a lot; pursuant to the provisions of the Land Subject to Inundation Overlay for subdivision and buildings and works; and pursuant to the provisions of the Bushfire Management Overlay for subdivision and buildings and works for a second dwelling.

The site abuts Regent Street, which is a local, Council managed road.

The subject land is in an identified area of Aboriginal Cultural Heritage, however as a two lot subdivision and construction of two dwellings is not considered a high impact activity in the Aboriginal Cultural Regulations a Cultural Heritage Management Plan is not required.

The land is proposed to be subdivided into two lots. The existing dwelling containing two bedrooms is to be retained and sited within Lot 1, a generally square shaped allotment with an area of 317.97 m<sup>2</sup>. The second lot will be a battle axe shaped allotment to the rear of the existing dwelling with an area of 406.15 m<sup>2</sup>.

The existing garage is to be demolished. A new single garage will be constructed to the west of the existing dwelling to provide an under-cover parking space for the existing dwelling.

A new crossover and driveway is proposed to be sited in Lot 2, to the east of the existing dwelling, providing access to the rear.

The existing dwelling on Lot 1 will utilise the existing crossover and driveway.

The new dwelling is to be developed to the rear of the existing dwelling. The new dwelling is proposed to contain:

- 3 bedrooms
- Kitchen and dining room opening out to north facing open space with pavilion
- Living room.
- Bathroom and laundry and an ensuite.
- Double garage presenting to the east boundary.

The new dwelling will have a generally rectangular footprint with a double garage adjoining to the north. The dwelling will generally run east west across the width of the lot. The dwelling will be single storey and provided with a skillion roof form on either side, pitched at the middle of the dwelling. The dwelling will be clad with brick veneer and rendered panels with some timber features.

All walls of the proposed dwelling are to be sited off existing property boundaries. Only the garage to the new dwelling will be sited on the northern internal boundary to be shared with proposed Lot 1.

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## Summary of Key Issues

The application proposes a two lot subdivision and the development of a second dwelling on the lot at 58 Regent Street, Shepparton.

The site is located within an area zoned General Residential and within an identified "Incremental Change Area" where there is capacity to accommodate substantial residential development, including low rise medium density housing.

The application was notified to adjoining properties and one objection was received.

The application was referred to CFA, GBCMA, and TfV and no objections were received, subject to conditions.

The application was notified to Goulburn Valley Water, APA Group and Powercor. No objections were received, subject to conditions.

The application was internally referred to Council's Development Engineering Team, who did not object and provided standard engineering conditions.

The key considerations for this application are:

- Whether the proposal is consistent with the purposes of the General Residential Zone.

- Whether the proposal is consistent with the relevant objectives of Clause 55 (ResCode – Two or more dwellings on a lot) of the Greater Shepparton Planning Scheme. In particular:
  - Whether the proposal will result in any off site amenity impacts through overlooking or overshadowing.
  - Whether the proposal provides adequate provision of open space for the each of the dwellings.
  - Whether the access and car parking arrangements are satisfactory.
- Whether the proposal is consistent with the relevant objectives of Clause 56 (ResCode – Residential Subdivision) of the Greater Shepparton Planning Scheme.
- Whether the proposal will result in any adverse amenity outcomes for the adjoining properties, particularly with respect to impact on privacy to the adjoining property to the south (rear).

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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2018-81** 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 Clause 32.08-6 of the General Residential Zone of the Greater Shepparton Planning Scheme in respect of the land known and described as **58 Regent Street SHEPPARTON VIC 3630, to subdivide the land into two lots and construct a second dwelling on the lot.**

### Key Conditions:

- 1) Recommended that a Condition 1 requirement for amended plans be imposed on the permit to address the following:
  - (a) Garage details (elevation and floor plans) of proposed garage to Dwelling 1
  - (b) Revised site plans showing all proposed fencing details and demonstrating compliance with Clause 55.04-6.
  - (c) Revised site plans to show the location of all letter boxes and bin storage areas.
  - (d) Revised site plans to show storage areas to in accordance with ResCode requirements
- 2) Standard servicing conditions to be applied in accordance with referral authority conditions.
- 3) Requirement of a BMP to be submitted in accordance with the CFA referral response.
- 4) Requirement of plans to be submitted detailing the relocation of the bus stop outside the site, in accordance with the referral response received from TfV.

- 5) Standard condition to require site management to Council's satisfaction (e.g. dust, mud on roads, erosion and sediment control).
  - 6) Standard condition relating to preparation of a detailed landscaping and maintenance schedule.
  - 7) Standard condition relating to preparation of detailed drainage plans.
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## **Moved by Jonathan Griffin**

## **Seconded by Michael MacDonagh**

That Council having caused notice of Planning Application No. **2018-81** 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 Clause 32.08-6 of the General Residential Zone of the Greater Shepparton Planning Scheme in respect of the land known and described as **58 Regent Street SHEPPARTON VIC 3630, to subdivide the land into two lots and construct a second dwelling on the lot.**

**CARRIED**

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## **Subject Site & Locality**

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

Date: 20 August 2018

Time: 12 pm

The site is described as follows:

The site has a total area of 724 m<sup>2</sup> and is developed with a dwelling. The land is oriented north south at its longest axis and has a depth of ~ 35 m.

The dwelling is sited at the front of the property, with a front setback of ~ 6 m from Regent Street. The dwelling is constructed from cream brick and contains a metal clad gable ended roof, with the gables projecting towards the sides of the property.

A cream brick garage with a flat roof form is sited to the rear of the dwelling, along the western boundary of the site.

The rear yard is characterised by open grassed lawn, as is the front yard of the property.

A wire front fence denotes the front boundary of the site.

A concrete kerb leads to a gravel crossover provided vehicle access to the site. A concrete driveway is sited along the western boundary of the site, leading to the garage.

The main locality characteristics are:

- Regent Street is a sealed, local road with two-way vehicle access. The road reserve is characterised by formal concrete footpaths on either side of the road, grassed nature strips and established street trees. A large street tree is present outside the subject site.
- Power lines are present within Regent Street, with power poles sited on the southern side of the street.
- Public transport is available in Regent Street, with a bus stop directly outside the subject site.
- The predominant housing type in the area is made up of single storey, detached dwellings constructed from brick or weatherboard. Roof style is predominantly gable ended projecting to sides of properties, giving dwellings a horizontal style within the streetscape. Roof materials are generally corrugated iron or tiles. Several dwellings contain brick chimneys.
- Towards the eastern end of Regent Street, dwelling styles vary, with less horizontality and a mixture of roof and dwelling styles.
- There are several infill developments and unit developments within the neighbourhood, particularly along Mason Street, The Boulevard, Regent Street and Gowrie Street.
- The land is within close proximity to several existing services and facilities, including small activity centres, bus stops, schools, universities and parks.

The immediate site context is described as follows:

- The adjoining property to the east (60 Regent Street) is developed with a single storey brick dwelling with a pitched roof with gable ends projecting to the side boundaries of the site. The property contains outbuildings and a grassed open rear yard. The front of the property is denoted by a high timber picket fence. Vehicle access to the property is via a concrete crossover sited along the eastern boundary of the site.
- The adjoining property to the west at 56 Regent Street is developed with a single storey weatherboard dwelling containing a tiled roof and brick chimneys on either side of the dwelling. The property contains outbuildings at the rear. The front of the property is denoted by a low, transparent style wire fence. Access to the property is via concrete kerb and a gravel crossover sited along the eastern boundary of the site.
- Adjoining the site to the rear is a three unit development at 9 Mason Street. Access to the unit development is via a concrete crossover shared with the adjoining property to the west, 7 Mason Street which contains four units. Each of the three units at 9 Mason Street is a single storey brick dwelling with a tiled roof. Each dwelling has a square building footprint and is sited on a lot of between 250-275 m<sup>2</sup>. The rear dwelling is setback ~ 6 m from the boundary shared with the subject site.

- Also abutting the site to the rear at 11 Mason Street is a property developed with a single dwelling. The dwelling is constructed from weatherboards and has a skillion style roof. An outbuilding is sited to the rear of the dwelling. The front boundary of the site is denoted by a transparent style, high steel fence painted cream. Access to the site is via a paved crossover along the western boundary of the site.

The Photos below show the existing site:



Looking at the existing dwelling from Regent Street.



Looking at the western boundary and western neighbouring dwelling.



Views in each direction along Regent Street in front of the site.

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## Permit/Site History

The history of the site includes:

- No planning history.

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## Further Information

Was further information requested for this application?

Yes.

Further information was requested on 14 February 2018.

The further information requested was a plan showing compliance with the garden area requirements of Clause 32.08-3 and a response to the Bushfire Management Overlay requirements as per Clause 44.06-3.

The CFA requested additional further information on 26 April 2018.

The further information letter requested a bushfire hazard site assessment, a bushfire hazard landscape assessment, and a bushfire management statement. The letter also requested that the objectives of Clause 52.47-2 be properly met, noting that the application requirements of Clause 44.06-3 had not been fulfilled.

The information was provided on 29 May 2018.

CFA provided their final response to the application on 21 August 2018.

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## Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **two lot subdivision and construction of a second dwelling on the lot in the General Residential Zone**, by sending notices to the owners and occupiers of adjoining land and displaying a sign on the site.

The applicant provided a signed declaration stating that the sign on site was displayed on the land between 19 April and 6 May 2018.

The application was exempt from being advertised in accordance with Clause **44.04-4 and 44.06-7 (LSIO and BMO)** of the Planning Scheme.



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Following this process, one objection to the proposal was received.

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## Objections

One objection to the proposal was received.

The objection was received from the adjoining property owner to the rear at 3/9 Mason Street, Shepparton.

The grounds of objection are identified and responded to as follows:

Ground of Objection	Officer's Response
Impact on views.	Whether a development blocks a distant view is not a relevant planning consideration. Furthermore, the proposed development is single storey and should not cause any loss of significant views more so than any other residential development within the General Residential Zone.
Impact on crowding.	A two lot subdivision of the land is considered appropriate for land within the General Residential Zone, as well as within Regent Street and the surrounding area. The proposed second dwelling is to be setback from all existing property boundaries, with a setback of ~ 2.8 m from the southern boundary, and will not unreasonably encroach on the objector's property given the residential context of the neighbourhood.
Impact on noise.	The site is located within an area zoned for residential use and development. The residential neighbourhood is established. It is not considered that residential noise resulting from a single dwelling in an area zoned and developed for residential purposes would result in any unreasonable off site amenity impacts.
Height and appearance of roof.	ResCode is the primary tool for ensuring height of buildings respects existing or preferred neighbourhood character. The maximum building height specified under standard B7 of ResCode is 9 m. The proposed dwelling is single storey, is below the limits permissible under ResCode and is consistent with the existing building heights in the area.
Impact on solar access.	ResCode is the primary tool for considering the potential amenity impacts resulting from new developments.  <u>Standard B19</u> relates to daylight to existing windows, ensuring adequate daylight is allowable into existing habitable room windows.  The standard requires that buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 m <sup>2</sup> and a



	<p>minimum dimension of 1 m clear to the sky. Walls or carports more than 3 m in height opposite an existing habitable room window should be setback from the windows 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.</p> <p>The proposed dwelling will be single storey and will not have walls more than 3 m in height. Furthermore, the dwelling to the south of the site (3/9 Mason Street) is setback 6.5 m from the shared boundary fence, and a further 2.8 m setback of the new dwelling from the shared boundary is proposed. The proposed dwelling will be setback a total distance of ~ 9.3 m from the existing dwelling at 3/9 Mason Street.</p> <p>Therefore, there are no existing habitable room windows within a distance of the proposed dwelling that would be affected by reduced daylight.</p> <p><u>Standard B20</u> relates to north facing windows, ensuring adequate solar access is provided to existing north facing habitable windows.</p> <p>The existing dwelling to the south is located approximately 6.5 m from the northern boundary, therefore any habitable rooms with north facing windows would be greater than 3 m from the development and would not be affected by the new dwelling.</p> <p><u>Standard B21</u> relates to overshadowing of open space and ensures buildings do not significantly overshadow existing secluded private open space.</p> <p>Whilst this standard relates to overshadowing of open space, the provision of shadow diagrams submitted with the application demonstrate the extent of shadowing from the proposed dwelling, and indicates that shadowing is minimal over areas of adjoining open space. This therefore ensures that shadowing will not inappropriately occur over the objector's rear yard, nor will shadowing occur over the objectors dwelling.</p> <p>As the proposal complies with the relevant amenity and solar impact considerations of ResCode, it is not considered that the proposal could be refused on the basis of any potential impacts on the solar access of any existing dwelling.</p>
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## Title Details

The land is known as 58 Regent Street, Shepparton.

The Title description is Lot 57 on Plan of Subdivision 051904.

There are no covenants or other restrictions registered on the Title Search to the land.

There are no easements or other restrictions shown on the Title Plan to the land.

## Consultation

Relevant aspects of consultation included:

- Please confirm any pre-application advice.
- Please confirm any consultation with respect to the objection (no record of it in the documents I have been provided with).

## Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
CFA	44.06-6	Determining	The CFA provided a response on 21 August 2018 and does not object to the grant of a permit subject to any mandatory conditions specified within the Planning Scheme; and subject to the following conditions: 1. A bushfire management plan must be submitted to and endorsed by the Responsible Authority. 2. A section 173 Agreement must be prepared in accordance with the requirements of Clause 44.06-5 and must address the requirements for that condition listed in the referral response.
Goulburn Broken CMA	44.05-7	Recommending	The GBCMA provided a referral response on 17 April 2018. The CMA does not object to the granting of a permit subject to the following condition: 1. The finished floor level of the proposed dwelling must be constructed at least 300 mm above the 100-year ARI flood level of 112.1 m AHD, i.e. 112.4 m AHD, or higher level deemed necessary by the responsible authority.
Transport for Victoria	66.02-11	Determining	Transport for Victoria (TFV) provided a referral response on 10 July 2018. TFV does not object to the grant of a planning permit subject to the following conditions: 1. Before the development starts, plans must be amended and endorsed to show: a) The existing bus stop infrastructure relocated 1 m east of the new

			<p>crossover</p> <p>b) Works must comply with Disability Standards for Accessible Public Transport and be to the satisfaction of PTV</p> <p>2. Costs of relocating infrastructure must be borne by the permit holder.</p> <p>3. The permit holder must notify PTV a minimum of 8 weeks prior to any bus stop relocation works.</p> <p>4. GPS co-ordinates and high-resolution photos of the infrastructure must be provided to PTV.</p> <p>5. Public transport infrastructure must not be altered without the consent of PTV.</p> <p>6. The permit holder must ensure minimal disruption to bus operation during construction.</p>
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External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
<p>Goulburn Valley Water</p>	<p>GVW has advised that they offer no objections to the proposal. The Corporation also considers the proposed development should be connected to both water supply and waste water facilities. Goulburn Valley Water recommends that Council consider the inclusion of the following conditions in the Permit, or Notice of Decision to Grant a Permit, for the proposed development:</p> <p>(a) <i>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>(b) <i>Provision of separate water services and individual water supply meters to each allotment within the development;</i></p> <p>(c) <i>Any existing water service that crosses any of the proposed allotment boundaries development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;</i></p> <p>(d) <i>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>(e) <i>Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.</i></p> <p><i>In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and include disconnection of any existing house connection drain to the satisfaction of the Corporation's Property Services Section;</i></p> <p>(f) <i>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</i></p>

	<p><i>Water Corporation.</i></p> <p><i>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>(g) <i>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>(h) <i>A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development;</i></p> <p><i>Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation;</i></p> <p>(i) <i>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>
Powercor	<p>Powercor offered no objections to the proposal. Conditions required by Powercor:</p> <ul style="list-style-type: none"> <li>- The plan of subdivision submitted for certification shall be referred to Powercor Australia Ltd.</li> <li>- The applicant shall:                     <ul style="list-style-type: none"> <li>• Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.</li> <li>• Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry.</li> <li>• The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.</li> <li>• Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.</li> <li>• Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.</li> </ul> </li> </ul>
APA Group	<p>APA did not object to the proposal, and did not require any conditions to be imposed on any permit / Notice of Decision. APT does not require the plan to be forwarded under Section 8 of the Act 1988 and consents to the issue of a statement of compliance.</p>

Internal Notice:

<b>Internal Council Notices</b>	<b>Advice/Response/Conditions</b>
Development Engineers	<p>No objection to the proposal was received, subject to the following conditions:</p> <p><b><u>Construction Phase</u></b></p> <p><i>Implementation of soil erosion control measures, and measures to minimise mud and rock debris in public areas.</i></p> <p><b><u>Council's Assets</u></b></p>

	<p><i>Before subdivision or development works, a written report and photos of prior damage to public infrastructure must be submitted.</i></p> <p><i>Notations are also listed, relating to the requirements for building approval, works within a road reserve and civil construction.</i></p>
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## Assessment

### The zoning of the land

The land falls within the **General Residential Zone, Schedule 1**.

The purposes of the zone include to implement the Municipal Planning Strategy and the Planning Policy Framework, to encourage development that respects the neighbourhood character of the area, to encourage a diversity of housing types and housing growth, particularly in locations offering good access to services and transport, and to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Clause 32.08-3 identifies that a permit is required to subdivide land.

The proposal complies with the required in Clause 32.08-4 garden area whereby 35% of the site is available for garden area across the overall lot (prior to subdivision).

Clause 32.08-6 of the Zone identifies that a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55 (ResCode – Two or more dwellings on a lot).

Schedule 1 to the General Residential Zone does not specify any variations to the requirements of Clause 55.

The Zone identifies a number of Decision Guidelines, identified and responded to as follows:

#### General

- *The Municipal Planning Strategy and the Planning Policy Framework.*  
The relevant provisions of the Scheme are addressed later in this report. The proposal is considered to be consistent with the Municipal Planning Strategy and the Planning Policy framework.
- *The purpose of this zone.*  
The proposed development of subdivision and an additional dwelling on the lot is consistent with the purposes of the zone that seek to encourage development that respects the neighbourhood character of the area and encourage a diversity of housing types and housing growth particularly in locations of offering good access to services and transport.
- *The objectives set out in a schedule to this zone.*  
Not applicable as no objectives are specified in Schedule 1 to the General Residential Zone.
- *Any other decision guideline set out in a schedule to the zone.*  
Not applicable as no decision guidelines are set out in Schedule 1 to the General Residential Zone.

### Subdivision

- *The pattern of subdivision and its effect on the spacing of buildings.*

The layout of the proposed subdivision is considered to be suitable for the lot size and is consistent with subdivision patterns within the immediate surrounding area.

- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

Clause 56 is addressed later in this report. It is considered that the proposal meets the objectives of Clause 56.

### Dwellings and residential buildings

- *For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.*

Not applicable as the proposal is not for a single dwelling.

- *For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.*

The application has been considered against the relevant objectives, standards and decision guidelines of Clause 55 of the Scheme (see later discussion for details). The proposal is considered to comply with Clause 55 of ResCode.

- *For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.*

Not applicable as the proposal is not for an apartment development of five or more storeys.

### Non-residential use and development

As the proposal is for residential development only, these considerations are not applicable to this development.

Clause 32.08-4 of the Zone also addresses Minimum garden area requirements for new development. The minimum garden area requirement is 35% as the lot is greater than 650 square metres in size. The applicant has identified that 35% garden area equates to 275.80 square metres. The application plans demonstrate 276.28 square metres have been provided.

### **Relevant overlay provisions**

#### **Land Subject to Inundation Overlay**

The land falls within the **Land Subject to Inundation Overlay**.

The purposes of the overlay include to implement the Municipal Planning Strategy and the Local Planning Policy Framework; 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

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

Clause 44.04-2 identifies that a permit is required to construct a building or construct or carry out works.

Clause 44.04-3 identifies that a permit is required to subdivide land.

The overlay identifies a number of Decision Guidelines at Clause 44.04-8, identified and responded to as follows:

- *The Municipal Planning Strategy and the Planning Policy Framework.*  
The relevant provisions of the Scheme are addressed later in this report. The proposal is considered to be consistent with the Municipal Planning Strategy and the Planning Policy framework.
- *Any comments from the relevant floodplain management authority.*  
The GBCMA did not object to the grant of a permit subject to a condition that the finished floor level be constructed at least 300 mm above the 100 year ARI flood level of 112.1 m AHD.
- *The existing use and development of the land.*  
The land is sited within a residential area and is currently developed with a single dwelling, with a relatively large open space at the rear.
- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.*  
The whole of the site is affected by the LSIO, therefore the proposal is not able to be located outside of the area affected by the overlay.
- *The susceptibility of the development to flooding and flood damage.*  
The application was referred to the CMA who identified a suitable finished floor level for the construction of a dwelling to reduce risk of potential flooding / 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 application was referred to the CMA who identified a suitable finished floor level for the construction of a dwelling to reduce risk of potential flooding / flood damage.

- *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 did not object to the proposal, and identified a suitable finished floor level for the construction of a dwelling to reduce risk of potential flooding / flood damage.

- *The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.*

The proposal is not considered to have an impact on the natural environment in relation to water quality.

- *Any other matters specified in a schedule to this overlay.*

There are no other matters specified in a schedule to the overlay.



## **Bushfire Management Overlay**

The land falls within the **Bushfire Management Overlay – Schedule 1**

The purposes of the overlay include to implement the Municipal Planning Strategy and the Planning Policy Framework; to ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire; to identify areas where the bushfire hazard warrants bushfire protection measures to be implemented; and to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Clause 44.06-2 states that a permit is required to subdivide land. It is also stated that a permit is required to construct a building or construct or carry out works associated with accommodation.

Whilst the subject land is in the Schedule 1 to the BMO, it is noted that as the proposal is for subdivision and construction of more than one dwelling on a lot, therefore Clause 52.47 (now 53.02) applies as stated in Clause 1.0 of Schedule 1 to the BMO.

The overlay identifies Decision Guidelines at Clause 44.06-8, identified and responded to as follows:

- *The Municipal Planning Strategy and the Planning Policy Framework.*  
The relevant provisions of the Scheme are addressed later in this report. The proposal is considered to be consistent with the Municipal Planning Strategy and the Planning Policy framework
- *Any other matters specified in a schedule to this overlay*  
- Whether all of the bushfire protection measures in this schedule have been met.  
Not applicable as no additional alternative measures are specified in the schedule to the overlay.

### **The Planning Policy Framework (PPF)**

Clause 11.01-1S aims to promote the sustainable growth of Victoria. The major regional areas, including Shepparton, are to be the focus of investment and growth as it is a place of State significance.

Clause 11.02-1S aims to ensure a sufficient supply of urban land, including residential land, by providing opportunities to consolidate and intensify existing urban areas.

Clause 12.03-1S aims to protect and enhance river corridors, waterways, lakes and wetlands.

Clause 13.03-1S aims to assist the protection of human life and properties / infrastructure from flood hazard, whilst protecting the capacity and functioning of waterways.

Clause 14.02-1S aims to protect and restore catchments, water bodies, groundwater and the marine environment.

Clause 14.02-2S aims to protect water quality.

Clause 15.01-3S aims to ensure subdivision designs are attractive, safe and accessible.

Clause 15.03-2S aims to ensure protection and conservation of places of Aboriginal cultural heritage significance.

Clause 16 – Housing seeks to provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Clause 16.01-2 seeks to locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport. The proportion of new dwellings in designated locations within established urban areas should be increased, along with encouraging higher density housing development on sites that are well located in relation to jobs, services and public transport. Urban areas should be consolidated through increasing residential densities in appropriate areas.

Clause 16.01-3 aims to provide for a range of housing types to meet increasingly diverse needs. Well-designed medium density housing which respects neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficient housing is expressly encouraged.

The proposal is consistent with the Planning Policy Framework objectives to encourage increased housing density existing urban areas that are fully serviced with both physical and social infrastructure (i.e. urban consolidation). The proposal is also considered consistent with objectives relating to protection of water quality, as identified by the GBCMA's referral response. Furthermore, the proposal should not have an impact on Aboriginal cultural heritage as the proposal is not considered a high impact activity.

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

Clause 21.04-1 – Urban Consolidation and Growth identifies that population forecasts predict that the population of the City will grow from 59,502 persons in 2006 to 71,509 by 2026. It is expected that to accommodate this additional population, there will need to be a corresponding growth in the number of dwellings.

The *Greater Shepparton Housing Strategy 2011* (GSHS) outlines Council's approach to housing delivery and growth in the municipality. A significant portion of the residential growth in the short-medium term will be met by the identified growth corridors, along with the urban areas of Shepparton and Mooroopna.

The proposed development of a two lot subdivision and a second dwelling on a lot in an area that is well serviced and within an established General Residential Zone will contribute to achieving the aim of the Urban Consolidation and Growth Policy, and in particular is consistent with the following identified objectives of Clause 21.04-1:

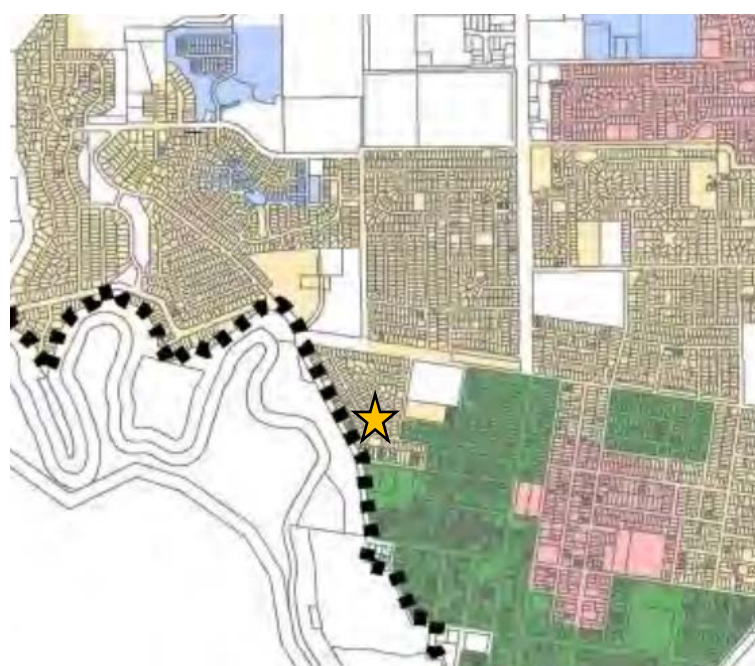
- *To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.*
- *To provide a greater range of housing choices to attract more people to live in the Shepparton CBD which will support the vibrancy and economy of the CBD.*
- *To make better use of available land by allowing higher scale built form in appropriate locations within the CBD.*
- *To increase the supply of medium density housing in appropriate locations.*
- *To balance the need to achieve urban consolidation with the need to respect and retain the valued characteristics of existing neighbourhoods*

The *Greater Shepparton Housing Strategy 2011* (GSHS) is a reference document listed at Clause 21.09 of the Scheme. The GSHS identifies the site is within an identified “Incremental Change Area”, as shown on the map on the following page. These areas are established residential areas that over time have the capacity to accommodate a moderate level of residential development. This will mostly include extensions to existing dwellings, new single or double storey dwellings on existing lots and low rise medium density housing. It is expected that the general character of Incremental Change Areas will evolve over time as new types and more intense development is accommodated.

Incremental Change Areas are generally in locations that:

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

The proposal is consistent with the objectives of the GSHS as it will result in a low rise medium density development in an area that has the capacity to accommodate new residential development that is well serviced.



### Legend

- ■ ■ ■ Settlement Boundary
- ➔ Long Term Future Growth
- ▨ Potential Low Density
- ⋯ Potential Rural Living
- ◇◇◇◇ Investigation Area
- Urban Growth Areas
- Minimal Change
- Incremental Change
- Substantial Change

Clause 21.05-2 – Floodplain and Drainage Management aims to identify and respond to constraints of the floodplain on land use and development. Development and subdivision on land subject to flooding should be discouraged, and new development should maintain free passage and temporary storage of floodwater, minimising damage and reducing flood hazards. The proposal is able to respond to flood risk by being constructed with a particular finished floor level as indicated by the GBCMA’s referral response.

Clause 21.07 – Infrastructure seeks to provide for the appropriate design, management and delivery of infrastructure in the Shire. The *Infrastructure Design Manual* prepared by the Local Government Infrastructure Design Association is a Reference document in the Planning Scheme. The proposed development, along with standard planning permit conditions, will be consistent with the requirements of the IDM.

### Relevant Particular Provisions

Clause 52.06 (Car parking) applies to a development to develop two or more dwellings on a lot.

The existing dwelling contains two bedrooms and requires a single car space. The proposed dwelling contains three bedrooms and therefore requires two parking spaces, one of which must be under cover.

Garages are required to be 6 metres long and 3.5 metres wide for a single space and 5.5 m wide for a double space. Uncovered spaces are required to be 4.9 metres long with 0.5 metre space between any other parking space where provided in tandem.

Design standards for car parking are identified. Plans must meet the requirements unless the responsible authority agrees otherwise. Accessways are required to be a minimum of 3 metres wide. Where the accessway serves four or more cars or connects to a road in a

Road Zone, the accessway must be designed so that cars can exit the site in a forwards direction.

Response:

The existing garage associated with the existing two bedroom dwelling is proposed to be demolished, and a new garage proposed to be constructed adjoining the western side of the existing dwelling. The garage will provide one covered car space with room for another car to park in front of the garage, uncovered. The single garage is shown as having dimensions of ~ 4 m in width and ~ 6.4 m in length, compliant with the car parking space design standards. The existing dwelling is provided with its own accessway, utilising the existing crossover and driveway at the site.

The proposed three bedroom dwelling is provided with an attached double garage providing two covered vehicle spaces. The double garage is proposed to be ~ 6 m in width and 6.4 m in length, compliant with the car parking space design standards. The proposed dwelling will be provided with its own access, sited along the eastern side boundary of the site. The accessway is proposed to be wider than 3 m, compliant with the design standards for accessways.

As neither of the accessways serves four or more car spaces or connect to a road in a Road Zone, cars do not have to be able to exit the site in a forward direction. However, the accessway for the new dwelling has been designed so that vehicles can enter and exit the site in a forward direction.

Clause 55 (ResCode – Two or More Dwellings on a Lot) applies to the development. An assessment of the proposal against the relevant objectives and standards of Clause 55 is provided as follows.

Objectives	Standards	Compliance
<p><b>Clause 55.02-1 Neighbourhood Character Objectives</b>                      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><b>Standard B1 (Cannot be varied)</b>                      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><b>Complies</b>                      The proposed construction of a two single storey dwellings is consistent with the preferred character of the area as it is within the General Residential Zone and is identified in the Greater Shepparton Housing Strategy for Incremental Change Area. Lot sizes in the area have been varied over time with re-subdivisions of the existing lot layout. The proposed infill development is considered to be similar to others in the area.</p>
<p><b>Clause 55.02-2</b></p>	<p><b>Standard B2 (Cannot be</b></p>	<p><b>Complies</b></p>

Objectives	Standards	Compliance
<p><b>Residential Policy Objectives</b>  To ensure that residential development is provided in accordance with any policy for housing in the MPS and the PPF;  To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p><b>varied)</b>  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"> <li>• the MPS; and</li> <li>• the PPF</li> </ul>	<p>The application proposes to provide additional housing within the municipality, contributing to an appropriate level of increase density and infill development in an area well serviced by public transport and nearby community services.</p>
<p><b>Clause 55.02-3 Dwelling Diversity Objective</b>  To encourage a range of dwelling sizes and types in development of ten or more dwellings</p>	<p>■ <b>Standard B3 (Can be varied)</b>  ■ Developments of 10 or more dwellings should provide a range of dwelling sizes and types including:</p> <ul style="list-style-type: none"> <li>• dwellings with a different number of bedrooms; and</li> <li>• at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level.</li> </ul>	<p><b>N/A</b></p>
<p><b>Clause 55.02-4 Infrastructure Objectives</b>  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><b>Standard B4 (Can be varied)</b>  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><b>Complies</b>  The application proposes the development of a second dwelling to the rear of an existing dwelling.  The existing crossover to the land is constructed of concrete and located to the west of the dwelling. A new crossover will be required to be constructed to the east. As a result a bus stop will be required to be re-located.  The condition on permit will require the applicant to submit drainage plans for the proposal.  All other infrastructure exists in the area. Connection requirements will be required as per the relevant authorities.</p>

Objectives	Standards	Compliance
<p><b>Clause 55.02-5 Integration with the Street Objective</b>  To integrate the layout of development with the street</p>	<p><b>Standard B5 (Can be varied)</b>  Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.  Development 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><b>Complies</b>  The existing dwelling is oriented towards Regent Street. The new dwelling to the rear will also be oriented towards Regent Street. A footpath is existing along Regent Street to the front of the land.</p> <p>Each dwelling is provided with its own accessway.</p> <p>The ResCode submission makes conflicting comments regarding the provision of new front fencing. No details of side or rear fencing (retention or replacement) is provided. A condition is recommended requiring all proposed fencing details to be shown on the development plans.</p>
<p><b>Clause 55.03-1 Street Setback Objective</b>  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><b>Standard B6 (Can be varied)</b>  Walls of buildings should be setback from streets the distance specified in Table B1</p>	<p><b>N/A</b></p> <p>The dwelling to the front of the site is existing and is setback 6.23m from the front boundary. No change is proposed.</p>
<p><b>Clause 55.03-2 Building Height Objective</b>  To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B7 (Can be varied)</b>  The max building height should not exceed 9 m.</p>	<p><b>Complies</b>  The proposed dwelling is single storey and is consistent with the existing building heights in the area.</p>
<p><b>Clause 55.03-3 Site Coverage Objective</b>  To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</p>	<p><b>Standard B8 (Can be varied)</b>  The site area covered by buildings should not exceed 60%.</p>	<p><b>Complies</b>  The site has an area of approximately 724 square metres.</p> <p>The total building coverage is 299.24 sqm equating to ~ 41 % of the site and therefore complies.</p>

Objectives	Standards	Compliance
<p><b>Clause 55.03-4 Permeability Objectives</b>  To reduce the impact of increased stormwater run-off on the drainage system;  ■ To facilitate on-site stormwater infiltration.</p>	<p><b>Standard B9 (Can be varied)</b>  At least 20% of the site should not be covered by impervious surfaces.</p>	<p><b>Complies</b>  The applicant has identified that buildings are 299.24sqm and driveways are 147.7sqm leaving 277.19sqm of permeable area of 38.28% of the site.</p>
<p><b>Clause 55.03-5 Energy Efficiency Objectives</b>  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><b>Standard B10 (Can be varied)</b>  Buildings should be:</p> <ul style="list-style-type: none"> <li>• Orientated to make appropriate use of solar energy.</li> <li>• Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> </ul> <p>Living areas and private open space should be located on the north side of the dwelling, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p><b>Partially Complies</b></p> <p><b>Proposed dwelling 1</b></p> <ul style="list-style-type: none"> <li>• The dwelling is existing and has secluded open space located to the south of the dwelling.</li> <li>• The lounge and two bedrooms have a windows facing north. The kitchen and dining face south and open to secluded private open space.</li> </ul> <p><b>Proposed dwelling 2</b></p> <ul style="list-style-type: none"> <li>• Private open space is located to the north of the dwelling.</li> <li>• The living area and dining area face north.</li> <li>• The dining area faces onto the pavilion and the private open space to the north.</li> </ul>
<p><b>Clause 55.03-6 Open Space Objective</b>  To integrate the layout of the development with any public or communal open space provided in or adjacent to the development</p>	<p><b>Standard B11 (Can be varied)</b>  Any public or communal open space should:</p> <ul style="list-style-type: none"> <li>• be substantially fronted by dwellings, where appropriate;</li> <li>• provide outlook for as many dwellings as practicable</li> <li>• be designed to protect any natural features on the site; and</li> <li>• be accessible and useable.</li> </ul>	<p><b>N/A</b>  There is to be no communal open space as part of this development. Public space is located throughout Shepparton.</p>
<p><b>Clause 55.03-7 Safety Objective</b>  To ensure the layout of</p>	<p><b>Standard B12 (Can be varied)</b>  Entrances to dwellings and</p>	<p><b>Complies</b>  The front entrance to the existing</p>



Objectives	Standards	Compliance
<p>development provides for the safety and security of residents and property</p>	<p>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>dwelling is visible from the street. The entrance to the rear dwelling will not be clearly visible from the street due to being setback over 25 m from Regent Street. The front entrance of the rear dwelling will however be visible from the internal driveway, presenting towards Regent Street with a front porch clearly delineating the front entrance.</p>
<p><b>Clause 55.03-8 Landscaping Objectives</b>  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><b>Standard B13 (Can be varied)</b>  Landscape layout and design.</p>	<p><b>Complies</b>  Landscaping is not currently shown on the plans submitted with the application.   A condition on permit will require a landscaping plan to be submitted.</p>
<p><b>Clause 55.03-9 Access Objectives</b>  To ensure the number and design of vehicle crossovers respects the neighbourhood character</p>	<p><b>Standard B14 (Can be varied)</b>  The width of accessways should not exceed:</p> <ul style="list-style-type: none"> <li>• 33% of the street frontage, or</li> <li>• if the width of the street frontage is more than 20m, 40% of the street frontage.</li> </ul>	<p><b>Complies</b>  The existing crossover will be used to access the existing dwelling.   A new access will be required to be created for the dwelling to the rear. This will require an existing bus stop to be relocated. The crossover is also in close proximity to a power pole. The application was referred to Powercor who did not object to the proposal subject to conditions.   The frontage of the site is approximately 19.91 metres. The total width of crossovers will be 6 metres which equates to 30.1% of the</p>

Objectives	Standards	Compliance
		site frontage and therefore complies.
<p><b>Clause 55.03-10 Parking Location Objectives</b></p> <p>To provide for convenient parking for residents and visitor vehicles;  To protect residents from vehicular noise within developments</p>	<p><b>Summary of Standard B15 (Can be varied)</b></p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>• Be reasonably close and convenient to dwellings and residential buildings;</li> <li>• Be secure;</li> <li>• Be well ventilated if enclosed.</li> </ul> <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 m from the windows of habitable rooms. This setback may be reduced to 1 m where there is a fence at least 1.5 m high or where window sills are at least 1.4 m above the accessway.</p>	<p><b>Complies</b></p> <p>Dwelling one is proposed to have 2 bedrooms.</p> <p>Dwelling 2 is proposed to have 3 bedrooms.</p> <p>A new single garage is proposed for dwelling one with room for an additional car to park in front of the garage.</p> <p>A double garage is proposed for dwelling 2 with an additional hard stand area which will accommodate a third car.</p> <p>On-street car parking is available for visitors and it is not envisaged that the additional dwellings will cause any significant impact on the neighbourhood.</p>
<p><b>Clause 55.04-1 Side and Rear Setbacks Objective</b></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><b>Summary of Standard B17 (variable)</b></p> <p>New building not on, or within 200mm of boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> <li>• 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m.</li> <li>• Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard.</li> </ul>	<p><b>Complies</b></p> <p>The new dwelling is setback ~ 1 m from the western side boundary, ~ 2.8 m from the southern rear boundary, and ~ 3.4 m from the eastern side boundary.</p> <p>The new dwelling will be less than 3.6m in height.</p>
<p><b>Clause 55.04-2 Walls on Boundaries Objective</b></p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and</p>	<p><b>Standard B18 (Can be varied)</b></p> <p>New wall on or within 200mm 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>	<p><b>Complies</b></p> <p>The only wall on the boundary is the garage of dwelling 1 of which is 6.4m in length. No elevation has been provided. A condition on permit will require the submission of garage plans.</p>

Objectives	Standards	Compliance
<p>limits the impact on the amenity of existing dwellings</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• A building on a boundary includes a building up to 200mm from a boundary.</li> <li>• New walls on or within 200mm of a side or rear boundary of a lot, or a carport on or within 1m <ul style="list-style-type: none"> <li>▪ of a side or rear boundary should not exceed an average of 3.2m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall.</li> </ul> </li> </ul>	
<p><b>Clause 55.04-3 Daylight to existing windows objective</b>  To allow adequate daylight into existing habitable room windows.</p>	<p><b>Standard B19 (Can be varied)</b>  Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m<sup>2</sup> 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</p>	<p><b>Complies</b>  The closest abutting dwelling to the proposed dwelling is the existing dwelling, located at the front of the site (north). The proposed dwelling will have a setback of 5 m from the existing habitable windows of the existing dwelling.</p> <p>The proposed dwelling is also setback over 8 m from the adjoining dwelling located to the south.</p>

Objectives	Standards	Compliance
	<p>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.</p> <p><b>Note:</b> 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>The proposal complies with the minimum setback required for habitable windows of the existing dwellings.</p>
<p><b>Clause 55.04-4 North-facing windows objective</b> To allow adequate solar access to existing north-facing habitable room windows.</p>	<p><b>Standard B20 (Can be varied)</b> 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"> <li>• 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.</li> </ul>	<p><b>Complies</b> The existing dwelling to the south is located approximately 6.56 m from the northern boundary. Therefore any habitable rooms with north facing windows will be greater than 3m and will comply with the standard.</p>
<p><b>Clause 55.04-5 Overshadowing open space objective</b> To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p><b>Standard B21 (Can be varied)</b> Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m<sup>2</sup> 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</p>	<p><b>Complies</b> The proposal is single storey and does not significantly overshadow the existing secluded private open space area of adjoining properties.</p> <p>Shadow diagrams demonstrate that due to the proposed dwelling being single storey, minimal shadowing occurs over the property to the south, with all shadowing to the southern property only occurring between 9 am and 12 pm.</p>

Objectives	Standards	Compliance
	sunlight should not be further reduced.	
<p><b>Clause 55.04-6 Overlooking objective</b> To limit views into existing secluded private open space and habitable room windows.</p>	<p><b>Standard B22 (Can be varied)</b> 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><b>Complies</b> The proposed dwelling is single story and separated from other dwellings by existing fences. A condition on permit will require fencing details to be shown, demonstrating compliance with Clause 55.04-6.</p>
<p><b>Clause 55.04-7 Internal Views Objective</b> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development</p>	<p><b>Standard B23 (Can be varied)</b> 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><b>Complies</b> The proposed dwellings are single storey. There will be no impact on existing views.</p>
<p><b>55.04-4 Noise impacts</b> To contain noise sources in developments that may affect existing dwellings.  To protect residents from external noise.</p>	<p><b>Standard B24</b>  Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.  Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.  Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p><b>Complies</b> Not a residential building and therefore no mechanical plant proposed.  The dwellings are located more than 2 km west of the railway line and will not be affected by external noise.  The site is located within a residential area, away from industry and not located on a major road, therefore, external noises will be limited, and standard of residential noise.</p>
<p><b>55.05-1 Accessibility objective</b></p>	<p><b>Standard B25</b>  The dwelling entries of the</p>	<p><b>Complies</b> Dwellings are single storey, do not contains stairs and are considered</p>

Objectives	Standards	Compliance
<p>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p>ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>accessible.</p>
<p><b>55.05-2 Dwelling entry objective</b></p> <p>To provide each dwelling or residential building with its own sense of identity.</p>	<p><b>Standard B26</b></p> <p>Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> <li>• Be visible and easily identifiable from streets and other public areas.</li> <li>• Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul>	<p><b>Complies</b></p> <p>The entrance to dwelling one and two are visible to the street. Both dwellings have sheltered entrance ways.</p>
<p><b>55.05-3 Daylight to new windows objective</b></p> <p>To allow adequate daylight into new habitable room windows.</p>	<p><b>Standard B27</b></p> <p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> <li>• An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>• A verandah provided it is open for at least one third of its perimeter, or</li> <li>• A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>	<p><b>Complies</b></p> <p>All habitable windows face into an outdoor space or clear to the sky or open verandah with a minimum of 1m clear and 3sqm.</p>
<p><b>55.05-4 Private open space objective</b></p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p><b>Standard B28</b></p> <p>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</p> <p>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should</p>	<p><b>Complies</b></p> <p>Both dwellings have open spaces exceeding the minimum requirements. Both have minimum dimension of 3sqm.</p>

Objectives	Standards	Compliance
	<p>have private open space consisting of:</p> <ul style="list-style-type: none"> <li>• An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</li> <li>• A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</li> <li>• A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul>	
<p><b>55.05-5 Solar access to open space objective</b></p> <p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p><b>Standard B29</b></p> <p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall.</p>	<p><b>Complies</b></p> <p>The secluded private open space is located to the north side of the new dwelling (dwelling two).</p> <p>Secluded private open space is located to the south of the existing dwelling (dwelling one). 75 sqm of Private open space is also located to the north of dwelling one.</p>
<p><b>55.05-6 Storage objective</b></p> <p>To provide adequate storage facilities for each dwelling.</p>	<p><b>Standard B30</b></p> <p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage</p>	<p><b>Complies</b></p> <p>A condition on permit will require storage requirements. It is envisaged that there would be enough space within the garages provided with the dwellings.</p>

Objectives	Standards	Compliance
	space.	
<p><b>55.06-1 Design detail objective</b></p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B31</b></p> <p>The design of buildings, including:</p> <ul style="list-style-type: none"> <li>• Facade articulation and detailing,</li> <li>• Window and door proportions,</li> <li>• Roof form, and</li> <li>• Verandahs, eaves and parapets,</li> </ul> <p>should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p><b>Complies</b></p> <p>The proposal respects the existing neighbourhood character whilst providing higher density within a General Residential Zone. The dwellings are single storey and comply with the surrounding character of which is generally single storey.</p> <p>Given the existing dwelling is to remain (to the front of the site) the proposal will not significantly alter the existing character of the streetscape.</p>
<p><b>55.06-2 Front fences objective</b></p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B32</b></p> <p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> <li>• The maximum height specified in a schedule to the zone, or</li> <li>• If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.</li> </ul> <p><b>Table B3</b></p> <p>Maximum front fence height for all other streets apart from Road Zone Category 1 is 1.5m</p>	<p><b>Complies</b></p> <p>No new front fence is proposed.</p>



Objectives	Standards	Compliance
<p><b>Clause 55.06-3 Common Property Objectives</b>  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><b>Standard B33 (Can be varied)</b>  Developments should clearly delineate public, communal and private areas.  Common property where provided, should be functional and capable of efficient management.</p>	<p><b>N/A</b>  No common area provided.</p>
<p><b>Clause 55.06-4 Site Services Objectives</b>  To ensure that site services can be installed and easily maintained;  To ensure that site facilities are accessible, adequate and attractive</p>	<p><b>Standard B34 (Can be varied)</b>  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><b>Complies</b>  The proposed dwellings are appropriately located to allow for the provision of connection to services. Amended plans will be required to show the location of letter boxes and bin storage areas.</p>

**Clause 56 Assessment**

Objectives	Standards	Compliance
<p><b>C6</b></p> <p><b>Neighbourhood Character Objective</b></p> <p>To design subdivisions that respond to neighbourhood character.</p>	<ul style="list-style-type: none"> <li>• Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>• Respond to and integrate with the surrounding urban environment.</li> <li>• Protect significant vegetation and site features.</li> </ul>	<p><b>Complies</b></p> <p>The subject land is identified within the incremental change area of the <i>Greater Shepparton Housing Strategy, 2011</i>, which seeks to allow for increase densities whilst respecting the existing neighbourhood character.</p> <p>The proposed subdivision provides for increased density that does not conflict with the existing character of the area.</p>
<p><b>C8</b></p> <p><b>Lot area and building envelopes objective</b></p> <p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> <li>- Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</li> </ul> <p>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</p> <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p>	<p><b>Complies</b></p> <p>The proposal creates allotments with appropriate areas and orientation to enable the appropriate siting and construction of a dwelling on the vacant allotment and for the existing dwelling to be retained, solar access, private open space, vehicle access and parking.</p>
<p><b>C9</b></p>	<ul style="list-style-type: none"> <li>• Unless the site is constrained by topography or other site conditions, at</li> </ul>	<p><b>Complies</b></p> <p>The subdivision design allows for an</p>

<p><b>Solar Orientation of lots</b></p> <p>To provide good solar orientation of lots and solar access for future dwellings.</p>	<p>least 70 percent of lots should have appropriate solar orientation.</p> <ul style="list-style-type: none"> <li>• Lots have appropriate solar orientation when: <ul style="list-style-type: none"> <li>- The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</li> </ul> </li> <li>• Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.</li> </ul> <p>Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street</p>	<p>existing dwelling to be retained and battle-axe allotment to the rear.</p> <p>The existing site is oriented north-south and is constrained due to the proposal being an infill development.</p>
<p><b>C11</b></p> <p><b>Common Area</b></p> <p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<ul style="list-style-type: none"> <li>• An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: <ul style="list-style-type: none"> <li>- The common area to be owned by the body corporate, including any streets and open space.</li> <li>- The reasons why the area should be commonly held.</li> <li>- Lots participating in the body corporate.</li> </ul> </li> </ul> <p>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</p>	<p>- <b>N/A</b></p> <p>No common property proposed.</p>
<p><b>C21</b></p> <p><b>Lot Access</b></p> <p>To provide for safe vehicle access between roads and</p>	<ul style="list-style-type: none"> <li>• Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets</li> </ul>	<p><b>Complies</b></p> <p>Proposed lot one will utilise an existing crossover with access onto Regent Street.</p> <p>Proposed lot two will require the</p>

lots.	<p>where appropriate and in accordance with the access management requirements of the relevant roads authority.</p> <ul style="list-style-type: none"> <li>• Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</li> </ul> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	construction of a new access.
<p><b>C22</b></p> <p><b>Drink Water supply</b></p> <p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water.</p>	<ul style="list-style-type: none"> <li>• The supply of drinking water must be: <ul style="list-style-type: none"> <li>- Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</li> <li>- Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>The proposed lots will have independent connections to reticulated town water to the satisfaction of Goulburn Valley Regional Water Corporation.</p>
<p><b>C23</b></p> <p><b>Reused and recycled water</b></p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<ul style="list-style-type: none"> <li>• Reused and recycled water supply systems must be: <ul style="list-style-type: none"> <li>- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services.</li> </ul> </li> </ul> <p>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p><b>Complies</b></p> <p>Both proposed lots will be connected to the reticulated water and sewer systems so as to make efficient use of existing infrastructure to the satisfaction of the Goulburn Valley Regional Water Corporation.</p>
<p><b>C24</b></p> <p><b>Waste Water Management</b></p> <p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly</p>	<ul style="list-style-type: none"> <li>• Waste water systems must be: <ul style="list-style-type: none"> <li>- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</li> <li>- Consistent with any</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>Reticulated Sewage is provided to the land and each proposed lot can easily be connected to the satisfaction of the Goulburn Valley Regional Water Corporation.</p>

<p>manner.</p>	<p>relevant approved domestic waste water management plan.  Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	
<p><b>C25</b></p> <p><b>Urban Run-off Management</b></p> <p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<ul style="list-style-type: none"> <li>• The urban stormwater management system must be: <ul style="list-style-type: none"> <li>- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> <li>- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.</li> <li>- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</li> <li>- Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</li> </ul> </li> <li>• The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design. <ul style="list-style-type: none"> <li>- Ensure every lot is provided with drainage to a standard acceptable to</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>Drainage plan requires provision of water sensitive urban design to be incorporated on site or as otherwise agreed to in writing by the Responsible Authority.</p>

	<p>the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</p> <ul style="list-style-type: none"> <li>- Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</li> </ul>	
<p><b>C26</b></p> <p><b>Site Management</b></p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<ul style="list-style-type: none"> <li>• A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: <ul style="list-style-type: none"> <li>- Erosion and sediment.</li> <li>- Dust.</li> <li>- Run-off.</li> <li>- Litter, concrete and other construction wastes.</li> <li>- Chemical contamination.</li> <li>- Vegetation and natural features planned for retention.</li> </ul> </li> </ul> <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p><b>Complies</b></p> <p>The proposed subdivision will require the construction of minor works only. Submission of a construction management plan is not considered necessary; however a permit condition will require site management to the Council's satisfaction (eg dust, mud, erosion and sediment control).</p>
<p><b>C27</b></p> <p><b>Shared Trenching</b></p> <p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on</p>	<ul style="list-style-type: none"> <li>• Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</li> </ul>	<p><b>Complies</b></p> <p>Services should be connected to the site using shared trenching as required by condition.</p>

<p>landscaping within street reserves.</p>		
<p><b>C28</b></p> <p><b>Electricity, Telecommunications and Gas</b></p> <p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<ul style="list-style-type: none"> <li>• The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</li> <li>• Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</li> <li>• The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</li> <li>• Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</li> </ul>	<p><b>Complies</b></p> <p>Services are to be connected to the satisfaction of the relevant authorities.</p>

**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 Municipal Planning Strategy and the Planning Policy Framework.*
- *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 adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

**Response** – As identified in this report, the proposal is consistent with the objectives of the General Residential Zone. The proposal will also implement the objectives of the relevant planning policy and local planning policy frameworks that seek to promote urban consolidation and the development of medium density housing in locations well serviced by physical and social infrastructure.

The proposed development is consistent with the relevant objectives of ResCode that seeks to protect residential amenity.

In addition, there is no native vegetation on the site and there are no identified hazards on the site being located in an established urban setting.

#### **Relevant incorporated or reference documents**

The *Greater Shepparton Housing Strategy 2011* (GSHS) is a Reference Document in the Greater Shepparton Planning Scheme. As previously discussed, the GSHS identifies the site is within an identified “Incremental Change Area” where there is capacity to accommodate substantial residential development, including low rise medium density housing. The proposal is consistent with the GSHS.

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

There are no relevant adopted State or strategic policies that relate to this application for a planning permit.

#### **Relevant Planning Scheme amendments**

There are no Planning Scheme amendments applicable to this application.



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

There are no relevant significant social or economic effects that relate to this application for a planning permit.

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

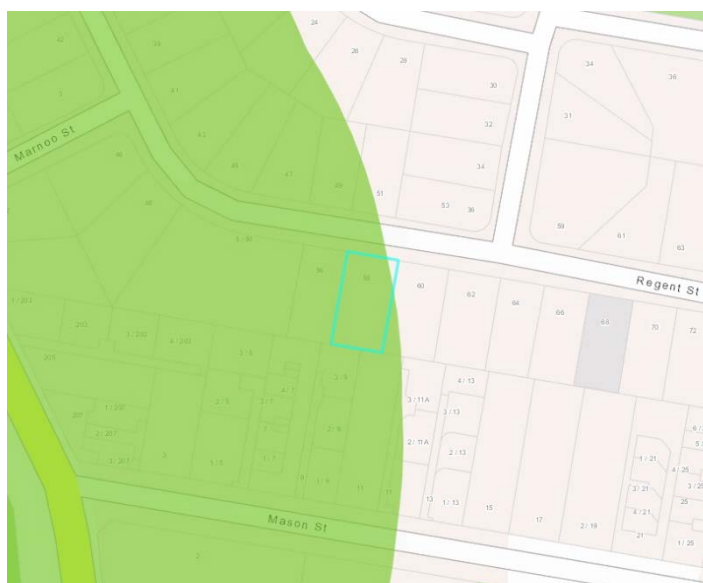
There are no other relevant Acts that relate to this application for a planning permit.

**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 subject land is in an identified area of Aboriginal Cultural Heritage, however as a two lot subdivision and construction of two dwellings is not considered a high impact activity in the Aboriginal Cultural Regulations a Cultural Heritage Management Plan is not required.



**Charter of Human Rights and Responsibilities**

The Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

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**Conclusion**

It is considered that:

- The land is appropriately zoned for infill residential development.

- State and Local Planning Policies support residential infill development in this location.
- The proposal complies with the relevant objectives and standards of Clause 55 (ResCode – Two or more dwellings on a lot) and Clause 56 (ResCode – Residential Subdivision) of the Greater Shepparton Planning Scheme.
- The proposal will not result in any adverse amenity impacts to the adjoining properties.

# Draft Notice Of Decision

**APPLICATION NO:** 2018-37

**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:** 58 REGENT STREET SHEPPARTON VIC 3630

**WHAT THE PERMIT WILL ALLOW:** BUILDINGS AND WORKS FOR A SECOND DWELLING AND A TWO LOT SUBDIVISION IN THE GENERAL RESIDENTIAL ZONE, BUSHFIRE MANAGEMENT OVERLAY - SCHEDULE 1 AND LAND SUBJECT TO INUNDATION OVERLAY

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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### 1. Amended Plans Required

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

- a) Garage details (elevation and floor plans) proposed garage dwelling
- b) Revised site plans showing all proposed fencing details and demonstrating compliance with clause 55.04-6
- c) Revised site plans to show the location of all letter boxes and bin storage areas
- d) Revised site plans to show storage areas in accordance with Rescode requirements
- e) A properly prepared plan of subdivision

### 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. Drainage Discharge Plan**

Before any of the development starts, a drainage plan with computations prepared by a suitably qualified person or organisation, 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 submitted in an electronic format. The plans must be in accordance with council's Infrastructure Design Manual and include:

- a) how the land will be drained;
- b) underground pipe drains conveying stormwater to the legal point of discharge;
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) maximum discharge rate shall not be more than **(37)** lit/sec/ha with **(12)** litres (Tank/Basin) or **(14)** litres (Pipe) of storage for every square metre of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority);
- e) 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
- f) 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.

Prior to occupation of the development, all drainage works required by the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

### **4. Urban Vehicle Crossing Requirements**

Before the new dwelling is occupied vehicular crossings shall be constructed in accordance with the endorsed plans 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) and the nature strip reinstated;
- b) be setback a minimum of 1.5 metres from any side-entry pit, telecommunications pole, manhole cover or marker, or 3 metres from any street tree unless otherwise agreed to by Council;
- c) any services pits within the vehicle crossing must be modified and the covers are to be replaced with heavy duty trafficable covers;
- d) be at least 9 metres apart;
- e) the existing crossover be sealed from the edge of Regent Street to the footpath

### **5. Landscape Plan**

Before the development starts a landscape plan prepared by a suitably qualified landscape designer 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 to 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

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 development 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.

## **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
- d) Techniques for Sediment Pollution Control (EPA, 1991) and;
- e) Maintaining a neat and tidy site.

## **7. Underground Connection**

Before the occupation of either dwelling, the electricity connection to that dwelling must be undergrounded to the satisfaction of the responsible authority.

## **8. 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.

## 9. **Telecommunications Referral Condition**

The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

## 10. **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.

## 11. **Country Fire Authority Requirements**

### **Bushfire Management Plan required**

Before certification under the *Subdivision Act 1988*, a bushfire management plan (BMP) must be submitted to and endorsed by the Responsible Authority. When approved, the BMP will be endorsed by the Responsible Authority and be included as an annexure to the section 173 agreement.

The BMP must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

**Defendable space (Lot 2)**

Show an area of defendable space to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building
- The canopy of trees must be separated by at least 5 metres
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

**Construction standards (Lot 2)**

Nominate a minimum Bushfire Attack Level of BAL – 12.5 that the future buildings on the lot 2 will be designed and constructed.

**Water supply (Lot 2)**

Show 2,500 litres of effective water supply for fire fighting purposes which meets the following requirements:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

**Matters to be set out in Section 173 Agreement**

In addition to the requirements of Clause 44.06-5 of the Greater Shepparton City Council Planning Scheme the section 173 Agreement prepared in accordance with that clause must also specify:

- Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Greater Shepparton City Council Planning Scheme:

A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-5.

**12. 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 development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, 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) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and include disconnection of any existing house connection drain to the satisfaction of the Corporation's Property Services Section;

- f) 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

- g) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- h) A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development;  
  
Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation;
- i) 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.

### **13. Goulburn Broken Catchment Management Authority Requirements**

The finished floor level of the proposed dwelling must be constructed at least 300 millimetres above the 100-year ARI flood level of 112.1 metres AHD, i.e. 112.4 metres AHD, or higher level deemed necessary by the responsible authority.

### **14. Powercor Requirements**



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

The applicant shall:-

- b) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
- c) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
- d) The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- e) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- f) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

## **15. Transport for Victoria**

- a) Before the development starts, or other time agreed in writing with the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- The existing bus stop and associated infrastructure relocated 1 metre east of the new crossover (based upon PTV standard drawings STD\_0062, STD\_0064 and STD\_0068 and [barrier kerb built to VicRoads standard design]); and
  - All works must comply with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002 and be;

To the satisfaction of Public Transport Victoria.

- b) Before the commencement of the access works along Regent Street the bus stop and all associated infrastructure, must be relocated at a cost

borne by the permit holder to the satisfaction of Public Transport Victoria and compliant with the Disability Discrimination Act — *Disability Standards for Accessible Public Transport 2002*.

- c) The permit holder must notify PTV a minimum of 8 weeks prior to any bus stop relocation works approved under this permit. The permit holder must notify PTV by either calling 1800 800 007 or email [customerservice@ptv.vic.gov.au](mailto:customerservice@ptv.vic.gov.au)
- d) The permit holder must provide GPS co-ordinates and high-resolution photos (300dpi) capturing the arrival and departure side of the stop and include the pole, flag, timetable case and braille ID case to the satisfaction of Public Transport Victoria.
- e) The permit holder must ensure that public transport infrastructure is not altered without the consent of Public Transport Victoria or damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.
- f) The permit holder must take all reasonable steps to ensure that disruption to bus operation along Regent Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing [customerserviceptv.vic.gov.au](mailto:customerserviceptv.vic.gov.au).

**Permit Note:**

The permit applicant must consult with the property owner of the site abutting the relocated bus stop. Where possible, consent of the abutting property owner must be provided to PTV prior to the bus stop relocation works.

**16. Time for Starting and Completion**

This permit expires if the development does not start (which includes the certification of the plan of subdivision under the *Subdivision Act, 1988*) within two years of the date of the permit or the development is not completed which includes Statement of Compliance within five years of the date of the permit.

**NOTATIONS**

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## Application Details:

Responsible Officer:	Andrew Dainton (report prepared by Alex Winfield)
Application Number:	2018-160
Applicants Name:	D Butler
Date Application Received:	18 June 2018
Statutory Days:	79
Land/Address:	584-586 Wyndham Street, Shepparton
Zoning and Overlays:	Neighbourhood Residential Zone – Schedule 1 (NRZ1) Floodway Overlay Abuts Road Zone, Category 1
Why is a permit required (include Permit Triggers):	Use of land for a food and drink premises under 32.09-2 Buildings and works in the NRZ under 32.09-8 Buildings and works in the FO under 44.03-2 Erection and display of business identification signage under 52.05-9 Creation of access to a RDZ1 under 52.29-2
Are there any Restrictive Covenants on the title?	Covenants registered on Title – A491000 and A621416. Do not impact proposed use or development.

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## Proposal

The application seeks planning approval to use and develop the land for a food and drink premise to sell take away coffee. The shop will provide a drive-through service, as well as a walk up counter for service.

The application was advertised and two objections were lodged.

The development of the land is summarised as follows:

- Development of a new building with a floor area of 56 square metres setback approximately 7 metres from the Wyndham Street property boundary and sited generally centrally along the width of the lot.
- The new building has a rectangular footprint and a flat roof. Three windows are on the eastern elevation presenting to Wyndham Street.
- The building is to be setback approximately 7 metres from the southern boundary, approximately 22 metres from the north and approximately 13 metres from the rear, western boundary.
- A courtyard at the northern end of the building, with the borders denoted by vertically erected recycled timber sleepers.
- An open sided steel canopy is proposed over the northern part of the building and part of the courtyard, with a width of approximately 5 metres and setback from Wyndham Street by approximately 3 metres. The canopy may form a second stage of the development.
- Development of a new double vehicle crossover to Wyndham Street at the northern end of the site.

- Provision of five on site car parking spaces (including one accessible space) in the north west corner of the site.
- An internal access loop for drive through coffee that runs south across the frontage of the building, loops around the building at its southern end, and extends back up to the north along the other side of the building before returning to the entrance / exit point.

Landscaping is proposed around the building and along the property boundaries.

Opening hours are proposed to be Monday to Friday, 6 am to 5.30 pm, Saturday 6 am to 4 pm and Sunday 8 am to 4 pm.

Peak periods are anticipated to be between 7 am and 10 am, where a maximum of four staff would be on site.

The proposal is to sell coffee, which will account for an estimated 90% of sales. Only pre-prepared food is available for sale to complement coffee sales, with no kitchen facilities included within the building.

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## Summary of Key Issues

The key considerations for this application are:

- Whether the proposed use is appropriate for a Neighbourhood Residential Zone.
- Whether the proposal is able to manage any potential off site amenity impacts to an appropriate level, including noise, waste management and access / parking.
- Whether vehicle access, movement and parking can be appropriately managed.

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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2018-160 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clauses 32.09-2, 44.03-2, 52.05-9 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 584-586 Wyndham Street, Shepparton, for use and development of land for a drive through coffee shop, display of business identification signage and creation of access to a Road in a Road Zone, Category 1 in accordance with the Notice of Decision and the endorsed plans.

Standard conditions are recommended, along with the following specific conditions to address key considerations for the application.

- 1) Amended plans to show:

- (a) Scaled and dimensioned site plan showing the location and setbacks of all buildings and works from existing property boundaries.
  - (b) Scaled and dimensioned elevation plans of the proposed building.
  - (c) Floor levels of the proposed building in accordance with the Goulburn Broken Catchment Management Authority conditions.
  - (d) Details of all proposed fencing.
  - (e) Colours of the proposed signage.
- 2) Waste Management Plan detailing the method and timing of all waste removal from the site, and any proposed management to address on site litter.
  - 3) Prior to the commencement of the use, damaged sections of the existing metal fence between the site and 13 Roberts Street must be repaired / replaced to the satisfaction of the responsible authority.
  - 4) Boundary fences must be maintained at all times to the satisfaction of the responsible authority.
  - 5) All staff arriving on site prior to opening time are to be instructed that they make no more noise than necessary in arriving and commencing operation for the day.
  - 6) Hours of operation are to be within the following times only unless with the prior written consent of the Responsible Authority:  
*Monday to Friday – 6 am to 5.30 pm*  
*Saturday – 6 am to 4 pm*  
*Sunday – Sunday 8 am to 4 pm*
  - 7) Conditions required by the Catchment Management Authority.
  - 8) Conditions required by VicRoads.
  - 9) Conditions required by Councils Development Engineers.
  - 10) Standard conditions relating to the expiry of the permit.
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## **Moved by Michael MacDonbagh**

## **Seconded by Nilesh Singh**

That Council having caused notice of Planning Application No. 2018-160 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clauses 32.09-2, 44.03-2, 52.05-9 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 584-586 Wyndham Street, Shepparton, for use and development of land for a drive through coffee shop, display of business identification signage and creation of access to a Road in a Road Zone, Category 1 in accordance with the Notice of Decision and the endorsed plans.

**CARRIED**

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## **Subject Site & Locality**

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

Date: 20 August 2018

Time: 11.30 am

The main site/locality characteristics are:

- The land is located on the western side of Wyndham Street, approximately 50 metres north of the intersection with Longstaff Street.
- The land comprises two contiguous lots, each presenting to Wyndham Street.
- Combined, the lots have a total frontage to Wyndham Street of approximately 48 metres.
- The lots form a rectangular property with a depth of approximately 25 metres and a total area of approximately 1,170 square metres.

- The land is vacant.
- The land is generally flat.
- Fencing exists on the side and rear property boundaries.
- No fencing is provided along the Wyndham Street property boundary.
- A concrete footpath runs along the street boundary.
- The nature strip in front of the site contains a number of street trees.
- A concrete vehicle crossover provides access generally centrally along the site frontage.

The key characteristics of the surrounding area are described as follows:

- Wyndham Street (also known as the Goulburn Valley Highway) is a divided carriageway with dual lane vehicle traffic in each direction.
- On street (parallel) parking is provided and line marked in front of the site.
- Land immediately south of the site (in Longstaff Street) falls within the Commercial 1 Zone and comprises a mix of shops and offices.
- Land to the rear forms lots presenting to Roberts Street to the west of the site. These properties share the same Neighbourhood Residential Zoning as the application site, and are each developed with dwellings presenting to Roberts Street. Dwellings are typically sited approximately 10 metres off their rear boundaries shared with the application site.
- The adjoining property to the north of the site at 585 Wyndham Street is developed with a dwelling presenting to the street. Vehicle access to this site is at the southern end of the property, and provides direct access to a garage at the southern boundary.
- Land opposite the site to the east in Wyndham Street is separated from the site by the approximately 45 metre wide divided carriageway. Properties to the east are broadly commercially zoned Commercial 1 and included uses such as accommodation (Motor Inn) and retail outlets (bottle shop, car accessories etc.).

The Photos below show the site:






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## Permit/Site History

The history of the site includes:

- Nil

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## Further Information

No request for further information was made.

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## Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Use and development of land for a drive through coffee shop, display of business identification signage and creation of access to a Road Zone Category 1**, by sending notices to the owners and occupiers of adjoining land, erecting a sign on site.

Notices were sent to a total of twenty one affected property owners / occupiers.

Following this process, one objection to the proposal was received.

Exemptions from public notice apply to the permission under the FO and 52.29.

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## Objections

Two objections to the proposal were received. The reasons for objections are addressed and considered as follows.

Reason for objection	Planning Response
Impact of exhaust fumes directed at the adjoining residence to the south.	This is the key objection from the neighbour who resides on a property to the south (within the Commercial 1 Zone) and a neighbour in the residential zone to the west. The southern dwelling is sited approximately 13 metres from the south west corner of the application site, and is separated from the application site by an existing lane that services the rear of the commercial sites that



	<p>present to Longstaff Street.</p> <p>The proposed accessway is sited approximately 10 metres from the south west corner of the site. Separation between the accessway and the existing two storey residence is over 20 metres. Landscaping and boundary fencing also separates the two uses.</p> <p>15 Roberts Street is within the residential zone and abuts the land to the west. The rear of the dwelling is setback about 7m from the subject site.</p> <p>The proposed use is not listed at Clause 53.10 of the Scheme (Uses with adverse amenity potential), and there are no specific provisions that address the preferred separation distances between accessways and existing dwellings, on this basis officers do not consider that this ground of objection warrants refusal of the application.</p>
<p>Safety concern relating to vehicles crossing the footpath to access the site.</p>	<p>A proposed new crossover is to be located at the northern end of the site.</p> <p>The crossover is sited south of the northern boundary to assist in achieving sightlines to pedestrians as vehicles exit the site.</p> <p>The application has been considered by Councils Development Engineers and by VicRoads and was considered to result in an acceptable outcome with respect to pedestrian safety.</p>
<p>Safety concern relating to traffic impacts as vehicles slow to access the site from Wyndham Street, and proximity to the Longstaff Street intersection.</p>	<p>A new crossover to the site is proposed at the northern end of the site (furthest from the Wyndham Street / Longstaff Street intersection).</p> <p>The crossover will be designed and constructed to Council standards and requirements.</p> <p>The site layout has been designed with the ability for vehicles to queue within the internal accessway, providing opportunity for vehicles to leave Wyndham Street and not queue within the public road.</p> <p>VicRoads and Councils Development Engineers have also identified no concerns with the proposal on the basis of vehicle</p>

	<p>movements to or from the site.</p>
<p>Increase in noise.</p>	<p>An acoustic report was commissioned in response to the objections.</p> <p>The acoustic report identifies that noise due to a private motor vehicle operating within commercial premises is not assessable under EPA publication 1141 <i>Noise from Industry in Regional Victoria</i> (NIRV) and its reference document <i>State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade No. N-1</i> (SEPP N-1).</p> <p>Noise emission to residential premises was considered by measuring noise due to a range of vehicle types that could be expected to use the facility, calculating the resultant levels likely to occur at existing adjacent residential premises and comparing these calculated levels with the results of ambient noises level monitoring calculated within the back yard of 13 Roberts Street, adjacent to the site. The potential for short term intermittent noise to disturb sleep with the proposed 6 am start time was also considered.</p> <p>The report identified that the existing metal boundary fence which has some existing damage (section between the site and 13 Roberts Street) should be repaired / replaced as part of the site preparations. This recommendation is also recommended to form a condition of permit.</p> <p>The report also identifies that as staff will be arriving prior to opening time, staff should be instructed to ensure that they make no more noise than necessary so as to not unreasonably impact on neighbouring properties. This is also recommended to form a condition of permit.</p> <p>On the basis of these recommendations, the report concluded that when considered in the</p>

	context of the existing ambient noise levels at the site, likely noise emission will be consistent with the existing conditions and the proposal should not present an adverse outcome for residents.
Loss of parking.	The application has been considered against Clause 52.06 of the Planning Scheme, and on site car parking exceeds the requirements identified by the Scheme.

## Title Details

The land is known as 584-586 Wyndham Street, Shepparton.

The Title description is Lots 2 and 3 on Plan of Subdivision 076480.

Two covenants are registered on each Title, for Lot 2 A491000 and A585827 and for Lot 3 - A491000 and A621416. The covenants relate to prohibiting the excavation / removal of clay, stone, gravel or sand from the site (other than for the purposes of excavation for a building on the land). The covenants are not impacted by the proposed use or development.

## Consultation

Relevant aspects of consultation included:

- A pre-application meeting was held with Braydon Aitken prior to the application being formally submitted.

## Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
VicRoads	52.29	Determining.	<p>VicRoads provided a referral response dated 31 August 2018. No objections to the proposal were received, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. <i>Before the use and/or development starts, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application drawn by Ewart Leaf Architects: Ground Floor Plan Revision</i></li> </ol>

			<p><i>E Dated 14.06.18 Landscape Plan                  Revision B Dated 14.06.18 Elevations                  Revision D Dated 14.06.18. but modified                  in accordance with a Traffic Impact                  Assessment Report reviewing the                  geometry of entering and leaving traffic                  to avoid conflicts and resulting queuing                  into Wyndham St north bound lanes.</i></p> <ol style="list-style-type: none"> <li><i>a. A scaled functional layout plan showing the proposed access points to the development including features such as pavement, kerb / shoulders, line marking, power poles, trees and other road furniture within 50 metres of the proposed access. The functional layout plan must also demonstrate how all the proposed accesses fit into, operate and interact with Wyndham St. This must include any required turning movements into or out of the proposed access points.</i></li> <li><i>b. The submission of swept path analysis for the appropriate design vehicle for all movements associated within all the proposed access points, including how the largest design vehicle that could be reasonably anticipated to use the site may enter and exit the development in a forward direction.</i></li> <li><i>c. A Transport Impact Assessment Report (TIAR) in accordance with VicRoads "Guidelines for Transport Impact Assessment Reports for Major Use and Development Proposals". This report must address traffic and access issues arising from the proposed development on this site, predicted traffic generation and the impact of the development on the existing arterial road network in all relevant peak periods, in particular its impact on Wyndham St at which access is proposed, nearby intersections and access points to abutting land. The report will also identify any mitigation works required.</i></li> </ol> <ol style="list-style-type: none"> <li><i>2. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Council and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings or works hereby approved.</i></li> <li><i>3. No internally illuminated, flashing or animated signs shall be displayed on the site.</i></li> <li><i>4. If the signs are externally</i></li> </ol>
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			<i>illuminated, the light source shall be suitable baffled to ensure that no direct light emanates beyond the curtilage of the land.</i>
Goulburn Broken Catchment Management Authority.	44.03-5	Recommending .	GBCMA provided comments with respect to the application on 4 July 2018.  No objections to the proposal have been received subject to the following condition:  1. <i>The finished floor level of the proposed building must be constructed at least 300 millimetres above the 100-year ARI flood level of 113.1 metres AHD, i.e. 113 metres AHD, or higher level deemed necessary by the responsible authority.</i>

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
Goulburn Valley Water.	GMW provided comments with respect to the application on 9 July 2018.  No objections to the proposal have been received subject to the following condition:  1. 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.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Advice received on 22 July 2018 consented to the application and provided advice with respect to conditions.
Environmental Health	Advice received on 6 July 2018 consented to the application subject to the following conditions:  1. The applicant shall lodge with Council's Health Department detailed plans demonstrating that the area of the building proposed to be used for storage, preparation and sale of food are adequate for the type of food to be sold at the premises and that the structure and fittings installed complies with the requirements of Food Standards Australia and New Zealand Food Safety Standards 3.2.3 – Food Premises and Equipment.  2. Prior to commencing construction of any food preparation area, the owner must seek the advice of the Council's Environmental Health Officer.  3. Prior to commencing the business the applicant shall make application to the Council Health Department for the registration of the premises under the Food Act 1984.  4. At the time of making application for registration under the Food Act 1984, the applicant shall lodge a copy of their Food Safety Program as required by the Act and the name and accreditation details of their nominated Food Safety Supervisor.

## Assessment

### The zoning of the land

The land falls within the **Neighbourhood Residential Zone, Schedule 1**.

The purposes of the Neighbourhood Residential Zone are identified as:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The use of land for a Take away food premises (defined at Clause 73 as *Land used to prepare and sell food and drink for immediate consumption off the premises*) is a Section 2 use in the Neighbourhood Residential Zone, subject to the site adjoining, or having access to, a road in a Road Zone. Wyndham Street is a Category 1 Road, satisfying this requirement for the application site.

The Minimum Garden Area requirements of the Zone do not apply to non-residential development.

A permit is required for buildings and works associated with a Section 2 use pursuant to Clause 32.09-8.

Clause 32.09-10 identifies application requirements.

The application material generally satisfies the application requirements. A condition of permit is recommended requiring amended plans to be provided to confirm the following:

- Building dimensions and setbacks of all buildings, driveways and car parking areas from property boundaries.
- Building and canopy heights.

A report was commissioned in relation to the potential noise impacts of the proposed use and development. The report identified that with minor noise control recommendations, when considered in the context of the existing ambient noise levels, likely noise emission will be consistent with the existing ambient noise levels at the site and therefore should not present an adverse outcome for residents.

Clause 32.09-12 identifies decision guidelines under the Zone. These are identified and responded to as follows:

### General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.

- The objectives set out in the schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.

**Response:** The relevant policies are addressed in this report.

The Zone seeks to allow *a limited range of other non-residential uses to serve local community needs in appropriate locations*. The site is located on a Category 1 Road (Wyndham Street), immediately abutting land within the Commercial 1 Zone (south of the site, at the corner of Longstaff Street). The proposal to provide take away coffee in this location, with both drive through and walk up purchase facilities will serve the local community, both the surrounding residents as well as staff and visitors to the abutting commercial area, as well as the commercial land to the east of the site on the opposite side of Wyndham Street.

There are no other objectives or decision guidelines specified in the Schedule to the Neighbourhood Residential Zone.

### **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.*

**Response:** The compatibility of the use with residential use has been addressed through the application. The site is located on a Category 1 Road, abutting an established Commercial 1 Zone. The new development has been appropriately sited away from property boundaries, and a landscape plan provided.

Potential noise impacts were considered in the noise assessment commissioned for the proposal. The report identified that with minor noise control recommendations, when considered in the context of the existing ambient noise levels, likely noise emission will be consistent with the existing ambient noise levels at the site and therefore should not present an adverse outcome for residents.

Hours of operation will be controlled through permit conditions to limit potential amenity impacts. The hours of operation have also been assessed with respect to potential noise limits, and were considered to be acceptable.

The proposal to provide take away coffee in this location, with both drive through and walk up purchase facilities will serve the local community, both the surrounding residents as well as staff and visitors to the surrounding commercial area.

The proposed building is of a modest scale and height and is reasonable for a residential context.

Provision of car and bicycle facilities is addressed later in this report.

Refuse storage areas have been identified on the development plans. A Waste Management Plan is recommended as a condition of permit, identifying the method and timing of waste collection from the site.

The arrangements for vehicle movements have been considered by Councils Development Engineers and VicRoads and are considered acceptable subject to the appropriate conditions.

Under the provisions of the Neighbourhood Residential Zone, signage falls within Category 3 of Clause 52.05. Clause 52.05 is addressed later in this report.

#### **Relevant overlay provisions**

The site is affected by a **Floodway Overlay**.

The purposes of the Overlay are identified as:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and 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.*

Clause 44.03-2 identifies that a permit is required for buildings and works under the Floodway Overlay, including a fence and roadworks (if the water flow path is redirected or obstructed). The proposed development is not exempt from requiring a permit under the provisions of the Schedule to the Floodway Overlay.

Clause 44.03-4 identifies application requirements. Where a Local Floodplain development has been prepared, an application must be consistent with the plan. The Precinct of Goulburn River (2003) Local Floodplain Development Plan applies to the land. The proposal is consistent with the Plan that identifies the need to adopt a performance based approach for decision making that reflects local issues. The required information can be addressed through relevant permit conditions, most notably the Goulburn Broken Catchment Management Authority condition with respect to the finished floor level of the building.

Decision guidelines are at 44.03-6:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The local floodplain development plan or flood risk report.*
- *Any comments of the relevant floodplain management authority.*



- *The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.*
- *Any other matters specified in a schedule to the overlay.*

**Response:** The proposal appropriately responds to the identified flood risk associated with the site. The application was also referred to the relevant Catchment Management Authority as discussed in this report, and no objection to the proposal on floodplain management grounds was received.

**The Municipal Planning Strategy and the Planning Policy Framework, local planning policies and Structure Plans**

Clause 11.01-1S (Settlement) aims to promote the sustainable growth of Victoria. The major regional areas, including Shepparton, are to be the focus of investment and growth as it is a place of State significance.

Clause 11.01-1R (Settlement – Hume) aims to facilitate growth and development specifically in the regional cities including Shepparton.

**Response:** The site is located within the urban boundary of Shepparton. The *Greater Shepparton Housing Strategy, 2011* applies to the proposal. The site is located within a Minimal Change area under the Strategy. These areas are identified as having limited capacity to accommodate future residential development. These areas often apply to land that is flood affected

Clause 13.03-1S aims to assist the protection of human life and properties / infrastructure from flood hazard, whilst protecting the capacity and functioning of waterways.

Clause 13.07-1S aims to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 21.05-2 (Floodplain and Drainage Management) seeks to recognise the constraints of the floodplain on the use and development of land. With respect to new development, the free passage and temporary storage of floodwater is to be maintained and the risk of flood damage minimised.

**Response:** The proposed development has been considered with respect to flood risk and the Catchment Management Authority has been consulted as part of the application. Subject to the floor level of the new building being constructed at the relevant height, the proposal will not have any adverse impact on or be adversely affected by flood risk.

Clause 13.05-1S (Noise abatement) aims to assist the control of noise effects on sensitive land uses. Development should not be prejudiced and community amenity not reduced by noise through a range of building design, urban design and land use separation techniques as appropriate to the land use functions and the character of the area.

**Response:** A report was commissioned to address the potential noise impacts resulting from the development. The report identified that noise due to a private motor vehicle operating within commercial premises is not assessable under the relevant EPA publications. The report concluded that with minor noise control recommendations, when considered in the context of the existing ambient noise levels, likely noise emission will be consistent with the

existing ambient noise levels at the site and therefore should not present an adverse outcome for residents.

Clause 21.04-6 (Non Residential Uses) acknowledges that there is a need to protect the amenity of residential areas. While non-residential uses provide services to the local community, it is important to ensure that these do not have a negative impact on residential amenity through inappropriate location, unsympathetic design and traffic impacts. Petrol stations and car washes in particular are discouraged in residential zone.

The objectives for non-residential uses seek to ensure they are appropriately located, allow complementary uses to be integrated into residential areas and ensure they are appropriately located having regard to the intensity and hours of the operation, the siting and design of buildings and works (including car parking and signage) and the location of access points.

Response: The site is located at the interface of a commercial area, on a Category 1 Road. The proposed use of the land is permissible within the Neighbourhood Residential Zone where access to a Category 1 Zone is available.

The proposal is consistent with the identified strategy to ensure facilities servicing catchments beyond the local level are located in commercial areas or sited on roads which avoid the generation of additional through traffic on local streets, as the site is located on a Category 1 Road.

The proposal does not involve the development of a service station or car wash which are expressly discouraged under the policy.

The proposed building is modest in scale, and has been sited away from all property boundaries. Landscaping is proposed to soften the impact of the development, including accessways. With appropriate repairs / replacement of boundary fences, noise levels will be maintained to an acceptable level as detailed in the acoustic report commissioned for the proposal.

#### **Relevant Particular Provisions**

Clause 52.05 (Signs) applies to the proposal. The purposes of the Clause are

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contrite to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

**52.05-9 Category 3 - High amenity areas**

27/02/2018  
VC144

Medium limitation

**Purpose**

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

**Section 1 - Permit not required**

Sign	Condition
Bed and breakfast sign	Only one to each premises.
Home based business sign	The advertisement area must not exceed 0.2 m <sup>2</sup> .
Direction sign	None specified

**Section 2 - Permit required**

Sign	Condition
Above-verandah sign	None specified
Business identification sign	
Electronic sign	The advertisement area must not exceed 3 m <sup>2</sup> .
Floodlit sign	None specified
High-wall sign	Must be a business logo or street number.
Internally-illuminated sign	None specified
Pole sign	
Promotion sign	The advertisement area must not exceed 3 m <sup>2</sup> .
Reflective sign	None specified

**Section 3 - Prohibited**

Sign	Condition
Any sign not in Sections 1 or 2	None specified

Signage falls within Category 3 under the Neighbourhood Residential Zone. Business identification and pole signage falls within Section 2 (permit required).

A double sided 2.5 metre high by 1.5 metre wide is proposed near the entrance to the site, with the bottom edge of the sign being 3.45 metres above ground level. A sign 4 metres long and 0.7 metre high is also proposed above the canopy over the new building.

Response: One stand-alone pole sign is proposed, with other signage limited to above the proposed canopy. The extent and scale of signage is considered appropriate for a site abutting a commercial site and located on a Category 1 Road.

Clause 52.06 (Car parking) applies to the proposal. The purposes of the provisions are:

- *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 food and drink premises requires 4 car parking spaces to each 100 square metres of floor area.

The proposed building has a floor area of less than 100 square metres (56 square metres) and generates a requirement for 2 on site car parking spaces.

Response: The application proposes a total of 5 on site car parking spaces, exceeding the planning scheme requirements.

Clause 52.29 (Land adjacent to a Road Zone, Category 1) applies to the proposal. The purposes of the provisions are:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

A permit is required to create or alter access to a road in a Road Zone, Category 1.

An application is required to be referred to the Roads Corporation.

Response: A new access to Wyndham Street, a Category 1 Road, is proposed at the north east corner of the site. The application was referred to VicRoads and no objection to the proposal was received subject to the appropriate permit conditions.

Clause 53.04 (Convenience restaurant and take away food premises) applies to the proposal.

The provisions apply only to land in a residential zone.

The provisions identify a number of Decision guidelines, identified and responded to as follows:

- *Any policy in this scheme relating to convenience restaurants or take-away food premises.*  
There are no policies dedicated to convenience restaurants or take-away food premises identified in the Greater Shepparton Planning Scheme. The proposal has been considered against Clause 21.04-6 (Non Residential Uses) as detailed in this report.
- *Whether the location is appropriate for a convenience restaurant or take-away food premises having regard to:*
  - *Amenity of the neighbourhood.*
  - *Proximity of the land to non residential uses and zones.*
  - *Effect of the use on heritage and environment features.*
  - *Capacity of the land to contain significant off-site effects.*
  - *Access to land in a Road Zone.*

- *The suitability of the land for a residential use.*

Response: The site is located immediately adjacent to an existing Commercial 1 Zone to the south, and has direct access to a Category 1 Road (Wyndham Street). There are residential developments on adjoining properties however dwellings are generally setback from common property boundaries. With appropriate repairs / replacement of boundary fences, noise levels will be maintained to an acceptable level as detailed in the acoustic report commissioned for the proposal.

- *The effect on the amenity or character of the street or neighbourhood having regard to:*
  - *Massing and proportions of any building.*
  - *Ground floor height above ground level.*
  - *Ceiling heights.*
  - *Roof form and pitch.*
  - *Facade articulation.*
  - *Window and door proportions.*
  - *Building features including verandahs, towers, eaves, parapets and decorative elements.*
  - *Building materials, patterns textures and colours.*

Response: The proposed new building is of a generally modest scale and uses appropriate building forms, materials and colours. Landscaping of the site is also proposed to soften the impact of the proposal, including the impact of associated works such as accessways.

- *Whether the site layout and the design of buildings, noise attenuation measures, landscaping, car parking, vehicle access lanes, loading bays, rubbish bins, plant and equipment, lights, advertising signs, drive through facilities and playgrounds are designed to prevent significant loss of amenity to adjoining land due to noise, emission of noise, emission of light or glare, loss of privacy, litter or odour.*

Response: The proposed development has been designed so as to have minimal impact on privacy. The new building is single storey only and setback from all property boundaries. Boundary fencing will ensure that no direct views for staff or customers are available. With appropriate repairs / replacement of boundary fences, noise levels will be maintained to an acceptable level as detailed in the acoustic report commissioned for the proposal.

- *Whether any special measure may be necessary to protect the amenity of adjoining land in residential use, including buffer planting, noise attenuation measures and litter collection arrangements.*

Response: A landscape plan has been submitted with the application and a condition of permit will require additional details to be provided. A condition of permit is recommended relating to the development of a Waste Management Plan for the site. With appropriate repairs / replacement of boundary fences, noise levels will be maintained to an acceptable level as detailed in the acoustic report commissioned for the proposal.

- *The adequacy of traffic measures to:*
  - *Provide safe pedestrian movement.*

- *Achieve safe, efficient vehicle movement on site and access to and egress from the land.*
- *Avoid disruption to traffic flow on land in a Road Zone.*
- *Prevent inappropriate use of local residential streets.*

Response: The application has been referred to VicRoads and Council's Development Engineers and no objections to the proposal have been received. The VicRoads conditions require the preparation of a Traffic Impact Assessment Report (TIAR) to address the impacts on the road network resulting from the proposal.

- *The adequacy of car parking, loading and drive through queuing spacing to accommodate customers at peak periods and employee requirements on the land.*

Response: Loading and unloading and refuse storage areas are shown on the development plans and have been considered acceptable by Council's Development Engineers.

The provision of on-site car parking exceeds the level of parking required by the Planning Scheme. In addition, the nature of the proposed use for drive-through service means that customers typically do not park on site, rather queue through the driveway of the premises, providing additional capacity of cars to be stored and queued off the street.

#### **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 Municipal Planning Strategy and the Planning Policy Framework.*
- *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 adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Response: The site is located on a Category 1 Road, immediately adjacent a Commercial 1 Zone. The site is accessible and has capacity for non-residential use.

The scale of development is considered modest and acceptable for the site. Amenity considerations are able to be appropriately addressed through appropriate fencing and limiting hours of operation.

Provision has been made for waste collection and deliveries. A condition of permit is recommended to ensure that a suitable Waste Management Plan is prepared and implemented for the proposal.

**Relevant incorporated or reference documents**

The *Greater Shepparton Housing Strategy, 2011* applies to the proposal.

The site is located within a Minimal Change area under the Strategy. These areas are identified as having limited capacity to accommodate future residential development. These areas often apply to land that is flood affected.

The proposed use and development of the site with a small scale building on flood affected land is consistent with the objectives of the strategy.

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

There are no relevant adopted State or strategic policies that relate to this application for a planning permit.

**Relevant Planning Scheme amendments**

There are no relevant Planning Scheme Amendments that relate to this application for a planning permit.

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

There are no relevant significant social or economic effects that relate to this application for a planning permit.

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

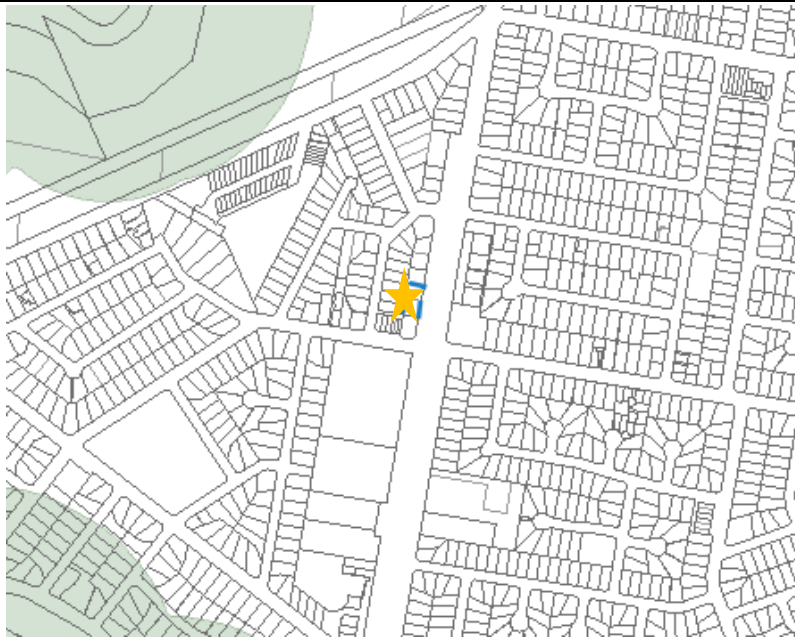
There are no other relevant Acts that relate to this application for a planning permit.

**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 Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

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## **Conclusion**

It is considered that a Notice of Decision should issue on the basis that:

- The land is located at a commercial / residential interface and has appropriate access to a Category 1 Road.
- The land is located within the Floodway Overlay and the proposal appropriately addresses flood risk.
- Amenity impacts on existing residential properties resulting from noise are able to be appropriately managed.
- Vehicle access and car parking will be subject to a further Traffic Impact Assessment Report being undertaken and any identified requirements being implemented, and the relevant authorities have consented to the application being satisfied that the use and development can occur without adverse impact on the surrounding road network.



# Draft Notice Of Decision

**APPLICATION NO:** 2018-160

**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:** 584-586 WYNDHAM STREET  
SHEPPARTON VIC 3630

**WHAT THE PERMIT WILL ALLOW:** USE AND DEVELOPMENT OF LAND FOR A TAKE AWAY FOOD PREMISES (DRIVE THROUGH COFFEE) IN THE NEIGHBOURHOOD RESIDENTIAL ZONE AND FLOODWAY OVERLAY, ERECTION AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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### 1. Amended Plans Required

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

- a) Scaled and dimensioned site plan showing the location and setbacks of all buildings and works from existing property boundaries.
- b) Scaled and dimensioned elevation plans of the proposed building.
- c) Floor levels of the proposed building in accordance with the Goulburn Broken Catchment Management Authority conditions.
- d) Details of all proposed fencing including repairs to the damaged boundary fence with 13 Roberts Street
- e) Colours of the proposed signage
- f) A waste management plan detailing the method and timing of all waste removal from the site and how on site litter management will be managed

Before the development is occupied all building and works as shown on the endorsed

plans must be completed to the satisfaction of the responsible authority.

## 2. **Civil Construction Requirements**

Before any of the development starts, detailed plans with computations (by a suitably qualified person or organisation) 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 information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual.

- a) details (and computations) of how the works on the land are to be drained including underground pipe drains conveying stormwater to the legal point of discharge;
- b) the legal point of discharge is the side entry pit adjacent to the property, on Wyndham St.
- c) existing kerb discharge drains should be removed and reinstated with kerb and channel to the satisfaction of the Responsible Authority.
- d) maximum discharge rate shall not be more than (65) lit/sec/ha with (15) litres (Tank/Basin) or (17) litres (Pipe) of storage for every square metre of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority).;
- e) details of how water sensitive urban design has been incorporated into the development and submission of a MUSIC model demonstrating compliance with the performance provisions nominated in Table 2.1 of "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- f) maintenance schedules for the stormwater treatment features;
- g) a gross pollutant and/or litter trap shall be installed at the drainage outfall from the site;
- h) carparking areas, circulation lanes and access' shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'
- i) no fewer than five car parks shall be provided including one car park provided for people with a disability;
- j) all areas associated with carparking, circulation lanes and access' shall be surfaced with an all-weather seal coat, linemarked to indicate each car space and access lane and traffic control signage installed including signage directing drivers to the area(s) set aside for carparking;
- k) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;
- l) the design of the carparking areas, access and circulation lanes shall 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;
- m) the access and parking areas must be constructed, sealed and drained to

ensure compliance with the approved/endorsed drainage plans

- n) provision must be made for bicycle racks to accommodate two bicycles. Bicycle racks must be designed, constructed and located to the satisfaction of the responsible authority.
- o) Adjacent to the exit, landscaping/fencing within two and a half (2.5) metres of the front boundary must not exceed one (1) metre in height.

to the satisfaction of the Responsible Authority.

All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit.

### **3. Landscape Plan**

Before any of 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. The landscaping 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) details of surface finishes of pathways and driveways;
- c) landscaping and planting within all open areas of the site.

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.

### **4. 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.

5.

**Hours of Operation**

The use of the food and drink premise may operate only between the hours of:

6:00 am – 5.30 pm Monday to Friday

6.00am – 4.00pm Saturday

8.00am – 4.00pm Sunday and Public Holiday's

6. **General Amenity**

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

**Control of Lightspill**

Before the occupation of the development any lighting within the site both under roof areas and in open areas of the site must be designed, baffled and located in such positions so as to effectively illuminate all pertinent public areas, without spilling onto the road reserve or adjoining land, and must be connected to a time clock switch or other approved system to the satisfaction of the responsible authority.

Only lighting essential for the security of the site may operate when the facility is not operating, to the satisfaction of the responsible authority.

7. **Consolidation**

Before the development is occupied all lots comprising the land must be consolidated into one lot.

8. **Health Requirements**

- a) The applicant shall lodge with Council's Health Department detail plans demonstrating that the area of the building proposed to be used for storage, preparation and sale of food are adequate for the type of food to be sold at the premises and that the structure and fittings installed complies with the

requirements of Food Standards Australia and New Zealand Food Safety Standards 3.2.3 – Food Premises and Equipment.

- b) Prior to commencing construction of any food preparation area, the owner must seek the advice of the Council's Environmental Health Officer.
- c) Prior to commencing the business the applicant shall make application to the Council Health Department for the registration of the premises under the Food Act 1984.
- d) At the time of making application for registration under the Food Act 1984, the applicant shall lodge a copy of their Food Safety Program as required by the Act and the name and accreditation details of their nominated Food Safety Supervisor.

## 9. VicRoads Requirements

- a) Before the use and/or development starts, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application drawn by Ewart Leaf Architects: Ground Floor Plan Revision E Dated 14.06.18 Landscape Plan Revision B Dated 14.06.18 Elevations Revision D Dated 14.06.18. but modified in accordance with a Traffic Impact Assessment Report reviewing the geometry of entering and leaving traffic to avoid conflicts and resulting queuing into Wyndham St north bound lanes.
  - A scaled functional layout plan showing the proposed access points to the development including features such as pavement, kerb / shoulders, line marking, power poles, trees and other road furniture within 50 metres of the proposed access. The functional layout plan must also demonstrate how all the proposed accesses fit into, operate and interact with Wyndham St. This must include any required turning movements into or out of the proposed access points.
  - The submission of swept path analysis for the appropriate design vehicle for all movements associated within all the proposed access points, including how the largest design vehicle that could be reasonably anticipated to use the site may enter and exit the development in a forward direction.
  - A Transport Impact Assessment Report (TIAR) in accordance with VicRoads "Guidelines for Transport Impact Assessment Reports for Major Use and Development Proposals". This report must address traffic and access issues arising from the proposed development on this site, predicted traffic generation and the impact of the development on the existing arterial road network in all relevant peak periods, in particular its impact on Wyndham

St at which access is proposed, nearby intersections and access points to abutting land. The report will also identify any mitigation works required.

- b) All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Council and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings or works hereby approved.
- c) No internally illuminated, flashing or animated signs shall be displayed on the site.
- d) If the signs are externally illuminated, the light source shall be suitable baffled to ensure that no direct light emanates beyond the curtilage of the land.

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

The finished floor level of the proposed building must be constructed at least 300 millimetres above the 100-year ARI flood level of 113.1 metres AHD, i.e. 113.4 metres AHD, or higher level deemed necessary by the responsible authority.

**11. Goulburn Valley Region Water Corporation Requirements**

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;

**12. 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.

**NOTATIONS**