

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 3/2018

HELD ON

FRIDAY 6 APRIL 2018

AT 10.00AM

**IN THE COUNCIL BOARDROOM
90 WELSFORD STREET**

CHAIR

Councillor Chris Hazelman

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 3 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 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 Chris Hazelman (Chair),
- Colin Kalms – Manager Building and Planning, Greater Shepparton City Council
- Jonathan Griffin – Team Leader Development, Greater Shepparton City Council
- Veronica Schilling – General Manager Development and Environment, 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:

- Sarah Van Meurs
- Andrew Dainton

APOLOGIES

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of DHP meeting No. 02/2018 held on Monday 9 March 2018. Minutes have been circulated.

Moved by Colin Kalms and seconded by Cameron Fraser that the minutes of the meeting held on 9 March 2018 be adopted.

Carried

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.

MATTERS FOR CONSIDERATION

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

1. Planning permit application 2017-180 seeking permission for DWELLING IN THE Farming Zone and buildings and works in the Heritage Overlay (HO57) and salinity Management Overlay
2. Planning permit application 2017-377 seeking permission for a two lot subdivision in the Township Zone at 10 Station Street Murchison
3. Planning permit application 2018-68 seeking permission for a sign at 228-234 High Street, Shepparton.

10. LATE REPORTS

None

11. NEXT MEETING

TBC

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Development Hearing Delegates Report

Application Details:

Responsible Officer:	Sarah van Meurs (prepared by Alex Winfield)
Application Number:	2017-180
Applicant Name:	T C Ewert
Date Received:	12-Jul-2017
Land/Address:	410 Wet Lane MURCHISON VIC 3610
Zoning & Overlays:	Farming Zone 1 Heritage Overlay (HO57 – <i>Prisoner of War Camp No. 13</i>) Salinity Management Overlay Bushfire Management Overlay (part)
Why is a permit required (include Permit Triggers):	Clause 35.07-1 Use of land for a dwelling in the Farming Zone, Schedule 1. Clause 35.07-4 Buildings and works associated with a Section 2 Use (dwelling) in the Farming Zone, Schedule 1. Clause 43.01-1 Construct a building or construct or carry out works in the Heritage Overlay. Clause 44.02-1 Buildings and works in the Salinity Management Overlay.
Are there any Restrictive Covenants on the title?	No.
Is a CHMP required?	No.
Was the correct application fee paid?	\$1,102.10 plus half \$604

Proposal

The application form submitted with the application seeks approval for “*Sheds x 2 (Agricultural) and a temporary dwelling*”.

The application is a result of enforcement where by the site has already been developed with two shipping containers which have had a roof constructed over them to create a shed area. A temporary dwelling and three water tanks have also been constructed on the land. Some levelling works have also occurred in the building envelope area. It is understood that retrospective approval is being sought for the buildings and works.

An additional shed is also proposed.

A basic site plan submitted with the application shows the location of the existing container shed and temporary cabin, along with a proposed shed generally in the south east portion of the site. The buildings are to be sited generally a minimum of 250 metres from Camp Road to the east and 200 meters – 250 metres from Wet Lane to the south.

The site plan does not provide any other details (e.g. existing and proposed natural features, location of access points, driveways, internal fences etc.).

The dwelling (“cabin”) has a rectangular footprint of 12 m by 4 m. No floor plans or elevations of the dwelling have been provided.

The container sheds each have a footprint of 12 metres by 12 metres. The additional proposed shed is proposed to have a footprint of 20 metres by 25 metres. No elevation or floor plans of either of the sheds have been provided.

No written submission was provided with the application detailing the proposal.

Summary of Key Issues

The application proposes the use and development of a dwelling and storage sheds at 410 Wet Lane, Murchison.

The site is vacant land that falls within the Farming Zone. The land is 57.6 hectares and is less than the 60 hectare “as of right” area for a dwelling under the zone provisions, therefore the use of land for a dwelling is subject to planning approval. Given the size of the land being so close to the “as of right” area it is considered that the use of the land for a dwelling would be appropriate in this instance.

The Salinity Management Overlay also affects the whole of the land, and the Bushfire Management Overlay applies to a small portion of the site to the south west. No assessment of the site has been provided with respect to the salinity risk applicable to the land. Given Planning Officers are of the view the application should be refused based on heritage grounds, referral of the application was not given to DELWP.

The land is also affected by the Heritage Overlay (HO57 – *Prisoner of War Camp No. 13, 410 Wet Lane, 510 Wet Lane, Part of 258 Angle Road and 12011 Basin Road, Murchison*). The extent of surviving fabric and archaeological remains on the site are considered at the very least to be of state cultural heritage significance.

The key heritage considerations for this application are:

- Whether the site is suitable for further development given the cultural significance of the site or impact on its integrity or intactness.
- Whether the proposed buildings and works will impact on the heritage significance and cultural values of the site.
- Whether further investigations should be undertaken with the intent of proposing the site be included on the National Heritage List.
- Whether the site is suitable for further development given the cultural significance of the site or impact on its integrity or intactness.

- Whether the proposed buildings and works will impact on the heritage significance and cultural values of the site.
 - Whether further investigations should be undertaken with the intent of proposing the site be included on the National Heritage List.
-

Recommendation

Refusal

That the Council having not caused notice of Planning Application No. **2017-180** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Refuse to Grant a Permit under the provisions of Clauses 35.07-1, 35.07-4, 43.01-1 and 44.02-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as **420 Wet Lane, Murchison**, for the **use of land for a dwelling and buildings and works in the farming zone, Heritage Overlay and Salinity Management Overlay**.

For the following reasons:

- The proposal does not satisfy the relevant objectives and decision guidelines of Clause 43.01-5 of the Heritage Overlay as the proposal will fundamentally degrade the site and reduce the cultural heritage significance.
- The proposal does not satisfy the objectives of Clause 15.03-1 (Heritage conservation) as the application fails to appropriately provide for the protection of a site with significant heritage value.
- The proposal does not satisfy the objectives of Clause 21.05-4 (Cultural heritage) as the proposal would unreasonably impact on the cultural heritage values of the site.
- The proposal does not satisfy the application requirements of Clause 35.07-5 of the Farming Zone as the application was not supported by a written statement demonstrating how the proposed dwelling responds to the decision guidelines for dwellings in the zone
- The proposal does not satisfy the application requirements of Clause 44.02-5 of the Salinity Management Overlay as the application was not supported by the relevant information addressing salinity risk.

Moved by Colin Kalms

Seconded by Cameron Fraser

That the Council having not caused notice of Planning Application No. **2017-180** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Refuse to Grant a Permit under the provisions of Clauses 35.07-1, 35.07-4, 43.01-1 and 44.02-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as **420 Wet Lane, Murchison**, for the **use of land for a dwelling and buildings and works in the farming zone, Heritage Overlay and Salinity Management Overlay**.

CARRIED

Subject Site & Locality

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

The site located on the north west corner of the intersection of Wet Lane (running east west) with Camp Road (running north south), in Murchison. The site is located approximately 7.5 kilometres from the Murchison township.

The site is generally rectangular in shape with a frontage to Wet Lane of approximately 950 metres and a frontage to Camp Road of approximately 600 metres. The site has a total area of approximately 57.6 hectares.

The application form describes the existing use and development of the land as "farmland".

Key characteristics of the site are described as follows:

- "Container shed" has been erected on the site without planning permission (and retrospective approval forms part of this application). This building is sited approximately 250 metres from both the Wet Lane and Camp Road frontages.
- A "Temporary Cabin" has been located on the site (and retrospective approval forms part of this application). This building is sited approximately 200 metres from the Wet Lane frontage and approximately 250 metres from the Camp Road boundary.
- Associated water tanks have been erected on the land.
- The applicant has also undertaken some internal road (driveway) works and earthworks for drainage.

There are no permanent buildings currently on the land. There are however a number of items of archaeological significance remaining on the site from the land's historical use as part of Camp 13, a Prisoner of War Camp.

Camp 13 was designed especially to meet the needs of PoW internees. The camp itself was octagonal in shape and divided into four compounds of equal size, separated by two roads at right angle to each other.

While most of the buildings have been removed from the Camp site, the site can still be interpreted through the remaining ruins and building footprints. Surviving fabric from the PoW Camp still on site includes:

- Septic / sewage works;
- Roadways;
- Stone guard boxes;
- Stone gate post;
- Gardens, and
- Other extensive archaeological features.

The site is located in an area broadly zoned for farming purposes. The main site / locality characteristics are:

- Both Wet Lane and Camp Road are rural profile, unsealed all weather roads.
- The land adjoining the site to the north is 256 Angle Road, Murchison. This property has an area of approximately 41 hectares. The land is predominantly cleared grazing land, with only scattered native trees across the site. The Heritage Overlay that applies to the application site also affects the southern portion of this property.
- Two properties abut the site to the west.
 - 510 Wet Lane is located at the intersection of Wet Lane with Basin Road. The property is a rectangular allotment with an area of approximately 14.5 hectares. This property is heavily vegetated with native vegetation cover. A remnant solitary confinement building is located within the vegetation approximately 175 metres from the eastern boundary and approximately 100 metres from Wet Lane. This property is entirely affected by Heritage Overlay 57 that also applies to the application site.
 - 1201 Basin Road is a generally square allotment with an area of approximately 40 hectares. This property is characterised by areas of vegetation cover across the site, with a number of cleared areas (cleared grazing land). The land is not developed with a dwelling. There are some storage containers / buildings located generally centrally on the lot. Approximately the south east half of the property is affected by Heritage Overlay 57.
- Two properties are located opposite the site to the south. These properties have areas of approximately 30 hectares to 40 hectares. Both properties are developed with dwellings. One of the properties (485 Wet Lane) is used for grazing.

- A triangular shaped allotment is located opposite the site in Camp Road to the east. This property has an area of approximately 25 hectares and is predominantly cleared grazing land, with limited scattered native vegetation, generally across the northern part of the site. Outbuildings are located near the south east corner of the site.
- The broader area is characterised by use for grazing and cropping purposes and contains scattered and patches of native vegetation.

The Photos below show the existing site:



Pre-Application Meeting Details

Has there been a pre-application meeting? Yes.

If yes with Whom? Tim Watson, Planning Officer

Date of Meeting? 11 July 2017.

What advice was given by the Council Officer?

Council officers advised on 16/1/2017 planning permit required for use and development of a dwelling on the land. Council Officers advised that as the site is a highly significant site, an application would be required to be submitted with an archaeological report. Informed no guarantee of issue of permit.

Other correspondence included Council officers noting the protection of the Camp area should be the primary consideration of any Planning Application, as once the site is redeveloped it will be very difficult to preserve the integrity of the site.

Note: This application is also the result of enforcement action, as the cabin (dwelling) and shipping container storage shed have been erected on site without planning approval.

Permit/Site History

Previous planning permit applications for the site include:

2006-209, 2006-209/A, 2006-209/B For the use and development of a dwelling on the land (permit expired 27 February 2012).

The City of Greater Shepparton Heritage Advisor has provided detailed advice outline the cultural and heritage significance of the site:

“Camp 13

Camp 13 was designed to accommodate 4,000 prisoners of war and was the largest in the Tatura Group of camps. The land (240 hectares) was compulsorily acquired from the land owner. It was located six kilometres from Camp 1, and is often referred to as the “Murchison Camp”.

The camp was unfinished when the first prisoners arrived and they lived in tents until the compound barracks were built. Some of the prisoners worked on the construction of the buildings, and amenities such as a library and tennis courts were gradually introduced, along with a soccer ground outside the perimeter fence. This outer fence was octagonal in form and divided into four equal sized compounds by minor and major access roads. Each compound was designed to accommodate 1,000 prisoners (4,000 in total) and they all had their own toilets, washing blocks, kitchens and mess buildings. All boundaries had a double row of wire fencing, about two metres high, with coiled barbed wire pegged-down in between. There were four guard towers. The huts, when they were eventually built, each accommodated twenty men. Additionally, there was a mess hall that could serve 250 and an ablution block with showers and latrines ‘where you sit with twenty others’.

...

Design of Camp 13

Camp 13 was designed to particularly meet the needs of PoW internees. Camp 1 was the first purpose built internment camp, but Camp 13, as a later model had a number of improvements, and this particularly applies to the layout of the camp. The camp was octagonal in shape and divided into four compounds of equal dimensions and was separated by two road ways at right angles. There were four guard towers mounted on timber poles (approximately 6.6m high) and this gave the guards a clear view of the each of the two boundary fences. The towers were so placed as to provide the armed guards with an unrestricted line of sight along two complete lengths of fencing at night even during the black-out search lights covered the external fencing and made regular sweeps through the compounds. Each boundary consisted of a double row of wire fencing approximately two metres high with coiled barbed wire in between and pegged down by star pickets.

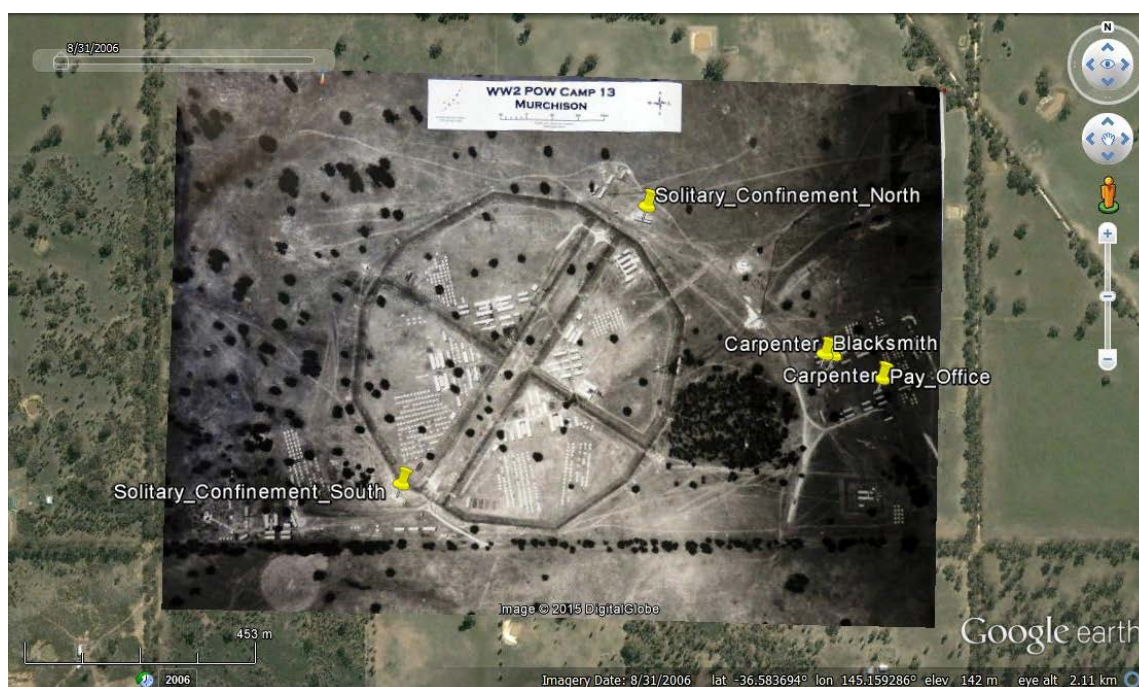
It is difficult to appreciate how many troops were required to guard and service the internee and PoW camps. For example for every 1000 prisoner the Camp needed approximately 300 guards. At Camp 13 a large garrison was housed adjacent to the prisoners’ compounds.

The camp was initially housed in tents until the huts were built. Once the camp became established one of the barracks (huts) was set up as library, a tennis court was built and there was a soccer ground outside the perimeter fence. In addition classes were held as well as a number of theatre pieces were produced. These types of recreational activities were important for the morale of the prisoners. Gus Pohlig – one of the Afrika Korps men captured in north Africa said that:

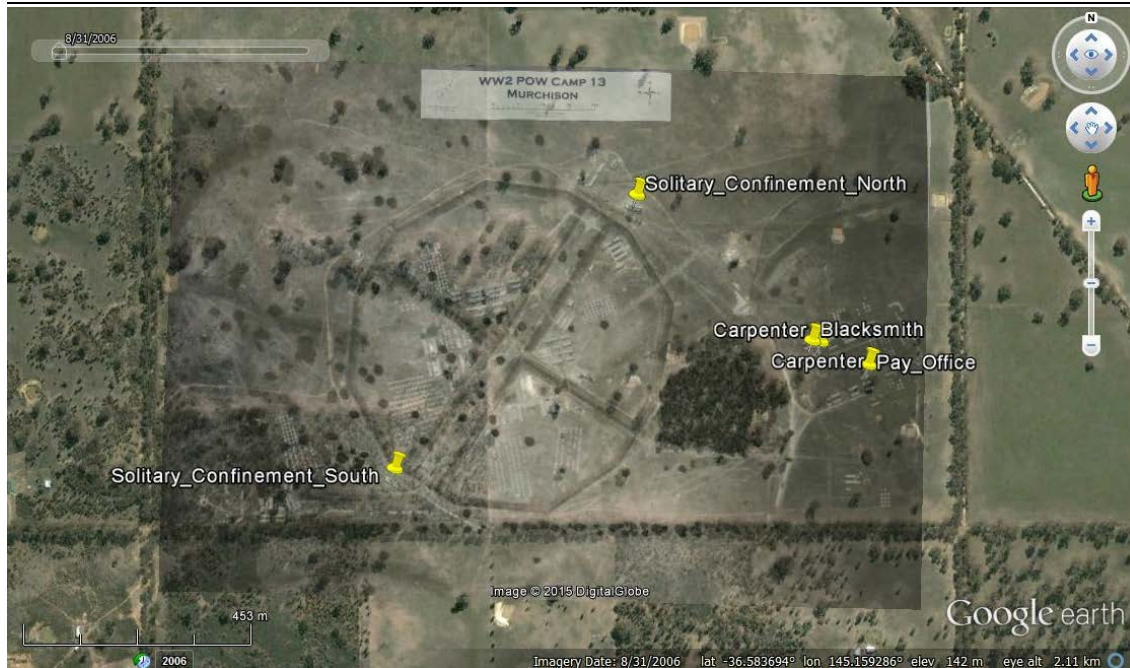
Life in a P.O.W Camp can be understood only by those who have experienced it. To be with 1,000 men in a small area for several years creates certain problems. There is practically no privacy – you sleep in a hut with twenty other men. You eat with two hundred and fifty men in a Mess Hall, you shower with others, and you sit with twenty others in the latrines. This lack of privacy was hard to take. You are told where to go, when to sleep, and when to get up. You have really no responsibility for your own life any longer.

It was the compound leader responsibility to maintain the fitness and the discipline of the compound. Food and clothing was supplied to the prisoners, but it was the prisoners responsibility to organise the preparation of their meals and the cleanliness of their compound.”

The following images illustrate the layout of Camp 13, and show the Camp in the context of the existing site conditions:



Above: Camp 13 Overlay



Above: Camp 13 Overlay (50% Transparency)

The site is currently used for grazing.

Further Information

Is further information required for the application? Yes.

What additional information is required? The following additional information was requested from the applicant:

- Copy of Title.
- Details of the nature of the proposed use of the cabin (whether used for overnight accommodation).
- If to be used for overnight accommodation, and amended application to seek approval for the use of land for a dwelling, and the information required to support an application as required by the Farming Zone.
- An archaeological report addressing the siting of buildings on the land and making recommendations with regard to the conservation of any artefacts as a result of the previous use of the land as a Prisoner of War camp.

What date was the information requested?: 9 August 2017.

What is the lapsed date? 9 October 2017. This was later extended.

What date was the information received?: The additional information has not been received.

The permit applicant has requested further extension of time and currently has one request for

an extension of time pending. Given the Council Officers are of the view that the application should not be supported it is considered that the application should be determined at this time.

Public Notification

The application was not advertised pursuant to Section 52 of the *Planning and Environment Act 1987* as it is the Planning Officers intent to refuse the application.

Should any appeals be lodged with respect to Council's decision, Council would advise the Tribunal of any parties that would require notification under Section 52 of the *Planning and Environment Act 1987*.

Objections

As notice of the application was not given, no objections to the proposal have been received at this time.

Title Details

The land is known as Lot 2 on Plan of Subdivision 113159.

There are no Restrictive Covenants or Section 173 Agreements registered on the Title to the land.

Consultation

Consultation was held between the applicant and Council officers including:

- Pre application meeting, stating use and development of the land would require planning permission.
- Enforcement correspondence letter sent to applicant on 28 June 2017 stating building and works had been observed on the land.
- Correspondence with applicant regarding lodging of planning permit and details of plans on 12/7/2017.
- Further information correspondence.
- Onsite meeting on 21 August 2017 with applicant, planning officers and representatives from Heritage Victoria.
- Correspondence reminding the applicant of further information request, and notification of Planning Officers preliminary view that the use and development of a dwelling on the land may not be allowed sent on 14 September 2017.
- Letter from applicant informing they are working with Heritage Victoria who are compiling a heritage report on 9 October 2017.
- Various correspondence approving extensions of time.
- Letter to applicant on 21 March 2018 informing Planning Officers intention to refuse application at Development Hearings Panel.
- Email and telephone correspondence with Heritage Victoria (David Bannear), informing Planning Officers intention to refuse. Heritage Victoria stated looking to include in State Heritage. David stated that he believes that there would be somewhere on the site that

could accommodate a dwelling. Informed that Planning department could only assess application provided, in the location stated. Informed Council's Heritage Advisor has undertaken an assessment and has found the application to produce an unacceptable planning outcome.

As the application was not advertised and no objections were received, consultation was not undertaken.

Referrals to Authorities

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Secretary to the Department of Environment, Land, Water and Planning	Clause 44.02-7 Clause 66.03	Determining	Clause 66 requires an application under the overlay and any site capability report to be referred. As no site capability report was submitted in support of the application and Council Officers are not supportive of the application, this referral was not undertaken.

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
Nil.	N/A

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Heritage Advisor	<p>Council's Heritage Advisor provided a detailed referral response to the application dated 27 February 2018. The Heritage advisor recommendations are:</p> <p>Recommendations</p> <p>The Kormoran Memorial and the machine gun emplacement are not included within the Permit Application area. However, they have been included in this report to provide a better understanding of the complexity of the site and its cultural heritage significance.</p> <p>These memorials and the extent of surviving fabric and archaeological remains that do fall within the current Permit Application area, at the very least, of state cultural heritage significance. The place is of State Significance for the following reasons:</p> <ul style="list-style-type: none"> • Camp 13 was the largest and is the most intact PoW site remaining in Victoria (if

	<p>not Australia). There is sufficient surviving fabric to appreciate the extent and the type of facilities that were made available to the PoW.</p> <ul style="list-style-type: none">• Historically, the place is associated with at least one nationally significant event in Australia's history – the sinking of the HMAS <i>Sydney</i>.• The Cowra breakout was possibly one of the most shocking domestic war events because it occurred on Australian soil. The brutality shocked the nation. Camp 13 was seen as the safest and most secure area to relocate the Japanese offenders. This in part demonstrates the efficiency of the design of the Camp which was considered to be an improvement on Camp 1.• Camp 13 was the scene of an escape and the death of a German soldier – a rare war time casualty on Australian soil.• The surrounding landscape clearly illustrates the deprivations found within the physical environment, the isolation faced by internees and the organisational arrangements of World War II internment camp. The physical evidence associated with demonstrating the scale of the Camp and its high security design, the provision of services (water, food, ablutions, latrines etc), evidence of former roadways and compound divisions are all important and of high significance. <p>On the basis of the history of the site, the extent of surviving fabric and archaeological features, the harshness of the landscape and the fact that little has changed in terms of the surrounding rural landscape and the significance of the place it is strongly recommended that any further development of this site is not supported. It is recommended that the current Permit Application be refused.</p> <p>The types of activities that are proposed in the Planning Application will fundamentally degrade the site and reduce the cultural heritage significance through a reduction in integrity and intactness. The site is fragile and the proposed changes as listed in the current Planning Application will either destroy fabric or alter the setting in such a manner that the cultural values will be compromised.</p> <p>It is strongly recommended that archaeological advice is sought on what should be done to remediate the site because of the works that have already been undertaken on the site – without permits.</p> <p>It is strongly recommended that further investigation of the site be undertaken with the intent of proposing this place for inclusion on the National Heritage List.</p>
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Assessment

The zoning of the land

The land is within the **Farming Zone – Schedule 1**.

The use of land for a dwelling is a Section 1 Use in the Farming Zone in Clause 35.07-1 where the following conditions are met:

- *Must be the only dwelling on the lot.*
- *The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.*

- *Must meet the requirements of Clause 35.07-2.*

The land is vacant so the dwelling would be the only dwelling on the lot.

With respect to the second point, the land has an area of approximately 57.6 hectares. Schedule 1 applies to the land (FZ1). This schedule identifies that the minimum area for which no permit is required to use land for a dwelling in this area is 60 hectares. As the land does not meet this minimum lot size requirement, the use of land for a dwelling is a Section 2 (Permit required) use in this instance.

Clause 35.07-4 identifies that planning approval is required to construct a building or construct or carry out works associated with a Section 2 Use (dwelling).

The requirements of Clause 35.07-2 (Use of land for a dwelling) are addressed later in this report.

The purposes of the Farming Zone are identified as:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for 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.*

Key considerations for this application include whether the dwelling would result in the loss of productive agricultural land, and whether the dwelling would impact on existing or future agricultural uses.

Use of land for a dwelling

Clause 35.07-2 identify servicing requirements for dwellings with respect to all-weather access, on-site effluent disposal, water and electricity supply. The application did not detail how the land would be appropriately serviced, however it is noted that it may be possible to do so. As the application was to be refused on heritage grounds, this matter was not pursued further.

Application requirements

Clause 35.07-5 identifies that an application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

The applicant has not provided a response to the decision guidelines.

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines on Clause 65, the responsible authority must consider the decision guidelines at Clause 35.07-6 of the Scheme.

General issues

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.* See later discussion.
- *Any Regional Catchment Strategy and associated plan applying to the land.* The proposal is consistent with the relevant Regional Catchment Strategy.
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.* The application has not identified whether the site is capable of sustaining a dwelling in terms of wastewater. No referral was made to Council's Environmental Health Unit as it was the Council Officers intention to refuse the application on heritage grounds.
- *How the use or development relates to sustainable land management.* The application has not demonstrated that the land is able to sustain a dwelling (although it may be possible to do so). The land is currently used for agriculture (grazing), without a dwelling present on the site. The application has not clearly demonstrated how a dwelling on the land is required to support the sustainable agricultural use of the site.
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.* The land is currently used for agriculture (grazing). A dwelling on the land may increase the risk of a potential land use conflict with adjoining and nearby agricultural activities.
- *How the use and development makes use of existing infrastructure and services.* Limited new infrastructure is required for the ongoing agricultural use of the land. The application has not detailed how / where relevant services are available for a new dwelling.

Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production.* The land is currently being used for agriculture (grazing). The application has not demonstrated whether the new use and development will support or enhance agricultural production.
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.* The land is located in an area of strategic agricultural importance. The application has not demonstrated with the proposal will affect soil quality or permanently remove the land from agricultural production.
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.* An additional dwelling on a small lot in the

Farming Zone has the potential to limit the operation and expansion of existing rural sites. The application has not demonstrated how this risk may be mitigated.

- *The capacity of the site to sustain the agricultural use.* The land has a history of agricultural use, and is currently being used for agriculture (grazing). The site is located in an area characterised by and zoned for rural activities. The land is capable of continuing to sustain rural activities.
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.* The site is located within a strategically important agricultural area and is provided with rural infrastructure. No detailed information with respect to the agricultural qualities of the land has been provided.
- *Any integrated land management plan prepared for the site.* No integrated land management plan has been prepared for the site.

Dwelling issues

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.* There is a risk that the dwelling will result in the loss or fragmentation of the land. Limited investment is required to continue the agricultural use of the site, which may result in a rural lifestyle use of the property. The application has not detailed whether the dwelling will result in a loss of productive agricultural land.
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.* The proposed dwelling may be impacted by nearby agricultural activities.
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.* The use of land for a dwelling may impact future potential agricultural uses on adjoining and nearby sites.
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.* The proposal will result in an additional dwelling within an area identified as being of strategic agricultural importance.

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.* Effluent disposal fields have not been nominated as part of the application. The land is affected by a Salinity Management Overlay, and insufficient information has been provided to address salinity risk.

- *The impact of the use or development on the flora and fauna on the site and its surrounds.* No native flora or fauna would be affected as no vegetation removal is proposed.
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.* No native vegetation would be affected by the proposal.
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.* Effluent disposal fields have not been identified on the application plans to appropriately consider whether the proposal will have an impact on waterways or native vegetation.

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.* The proposed dwelling and other buildings are proposed to be sited in the southern east portion of the site. The application has not detailed how the siting of buildings will avoid adverse impacts on surrounding agricultural land or the loss of productive agricultural land.
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.* The siting of the proposed buildings is a key consideration of the proposal with respect to the heritage values of the land. This matter has been considered in more detail under the discussion relating to the Heritage Overlay.
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.* The siting of the proposed buildings is a key consideration of the proposal with respect to the heritage values of the land. This matter has been considered in more detail under the discussion relating to the Heritage Overlay.
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.* The dwelling may be able to be suitably serviced, however it has not been appropriately detailed in the application.
- *Whether the use and development will require traffic management measures.* No traffic management measures would be required to support a single dwelling on the site.

Response: When considering the proposal against the decision guidelines of the Farming Zone, the key considerations are whether the dwelling:

- will genuinely support or enhance the agricultural productivity of the site,

- is required for the sustainable management of the site,
- has the potential to limit the operation or expansion of adjoining / nearby agricultural uses;
- can be appropriately sited; and
- will result in the loss or fragmentation of productive agricultural land.

It is considered that these matters have not been adequately addressed in the application to justify support of the proposal.

Relevant overlay provisions

The land is within the **Heritage Overlay**. Schedule 57 (*Prisoner of War Camp No. 13, 410 Wet Lane, 510 Wet Lane, Part of 256 Angle Road and 1201 Basin Road, Murchison*) applies to the land.

The purposes of the Heritage Overlay are identified as:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

Clause 43.01-1 of the Heritage Overlay identifies that a permit is required to construct a building or construct or carry out works in the Heritage Overlay.

The site is not currently included on the Victorian Heritage Register. It is understood that Heritage Victoria are currently undertaking further assessment of the site with a view to potentially include the site on the Victorian Heritage Register in future.

Clause 43.01-5 of the Scheme identifies decision guidelines that the responsible authority must consider when determining an application under the Heritage Overlay.

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

See later discussion.

- *This significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*

The site is considered to be of high significance. The Camp was constructed in 1941 and was in operation as a prisoner of war camp under 1947 when all prisoners had been repatriated. There are a number of items of surviving fabric and archaeological evidence associated with this type of use, including the layout, septic sewage works, roadway, stone guard boxes, stone gate post, gardens and other extensive archaeological features. Council's Heritage Advisor has identified that the protection of the Camp area should be the primary consideration of any planning application as once it is redeveloped, the integrity of the site may be compromised.

- *Any applicable statement of significance, heritage study and any applicable conservation policy.*

The site has been nominated for inclusion on the Victorian Heritage Register. This process has been commenced.

- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*

Council's Heritage Advisor has advised that the types of activities proposed in the application will fundamentally degrade the site and reduce the cultural heritage

significance through a reduction in integrity and intactness. The site is fragile and the proposed changes will either destroy the fabric or alter the setting in such a manner that the cultural values will be compromised.

- *Whether the location, bulk, form or appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*

The site is a highly complex one. Council's Heritage Advisor has identified that the location of the proposed buildings and works will emasculate the site and will remove the implicit understanding of the site that can be gained now through aerial images. The development will, through the scale of the buildings, skew view lines and appreciation of the stark military qualities of the site.

- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*

Not applicable as no demolition or external alterations to a building are proposed.

- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

The works associated with the proposal also have the potential to adversely impact the significance of the place. The road (already constructed) does not reflect the original road alignment and is not appropriate. As previously identified, the site is fragile and the proposed changes with either destroy the fabric or alter the setting in such a manner that the cultural values will be compromised.

- *Whether the proposed subdivision will adversely affect the significance of the heritage place.*

Not applicable as no subdivision of the land is proposed.

- *Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.*

Not applicable as no subdivision of the land is proposed.

- *Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.*

Not applicable as no signage is proposed.

- *Whether the lopping or development will adversely affect the health, appearance of significance of the tree.*

Not applicable as to vegetation lopping or removal is proposed and no impacts on vegetation have been identified.

Response: It is considered that the proposal will not achieve a satisfactory outcome with respect to the objectives and decision guidelines of the Heritage Overlay as the proposal will fundamentally degrade the site and reduce the heritage significance of the property through a reduction in integrity and intactness.

The land is within the **Salinity Management Overlay**.

The purposes of the Salinity Management Overlay are identified as:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*

- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

A permit is required under Clause 44.02-1 of the Salinity Management Overlay to construct a building or construct or carry out works in the Salinity Management Overlay.

Clause 44.02-5 identifies application requirements (to be provided, as appropriate) for applications under the overlay. None of the information identified under this Clause was submitted with the application.

Clause 44.02-7 identifies referral requirements under Section 55 of the Act. However as Council Officers intended to refuse the application on Heritage grounds, no referral of the application under Clause 44.02-7 was undertaken.

Response: The application was not accompanied by appropriate information to adequately consider whether the proposal would achieve a satisfactory outcome with respect to salinity risk. In particular, no information was provided in relation to:

- Water use requirements and effluent or water disposal provision.
- Any existing vegetation proposed to be removed.
- Water balance under the current land use and any proposed land use.
- Topographical information.
- Geology and soil types.
- Size and location of high discharge areas and areas of high salinity risk.

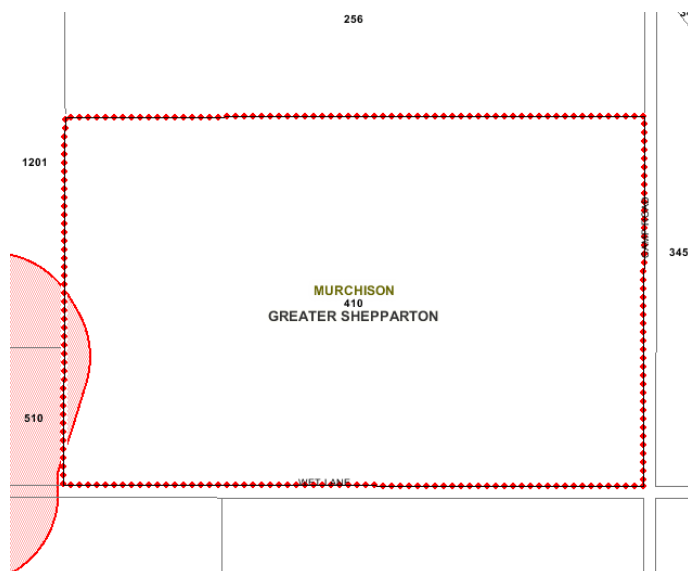
However as Council Officers intended to refuse the application on Heritage grounds, the information was not required to be submitted before making a decision.

The land is partly affected by the **Bushfire Management Overlay**.

The purposes of the Bushfire Management Overlay are identified as:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *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.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Response: The site is only partly affected by the Bushfire Management Overlay (see map below). As the location of the new works are outside the affected area, no permit is required under the Overlay and there is no requirement to address the application requirements of decision guidelines of the overlay.



Above: Extent of Bushfire Management Overlay

The State Planning Policy Framework (SPPF) 11.12-1 A Diversified Economy

The objective is to *develop a more diverse regional economy while managing and enhancing key regional economic assets.*

The relevant strategies are:

- *Plan for a more diverse and sustainable regional economy by supporting existing economic activity and encouraging appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.*
- *Avoid encroachment from rural residential settlement and other land uses that are non-complementary to agriculture in areas identified as strategic agricultural land and direct proposals for settlement to existing centres and townships.*
- *Support agricultural production through the protection and enhancement of infrastructure and strategic resources such as water and agricultural land including areas of strategic agricultural land.*

11.12-5 Hume Regional Growth Plan

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VC134



The Hume Regional Growth Plan identifies the land as within a locality of Strategic Agricultural Importance (shown with a star below, land shaded orange is of Strategic Agricultural Importance).

13.03-3 Salinity

Objective

To minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.

Strategies

- *Identify areas subject to salinity in the preparation of planning scheme and land use planning decisions.*
- *Promote vegetation retention and replanting in aquifer recharge areas contributing to groundwater salinity problems.*
- *Prevent inappropriate development in areas affected by groundwater salinity.*

Response: The land is located within the Salinity Management Overlay. The application has not adequately addressed the application requirements of the Overlay or identified how the proposal will appropriately managed the salinity risk associated with the site.

13.05-1 Bushfire planning

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. .

Strategies

- *Identify areas subject to salinity in the preparation of planning scheme and land use planning decisions.*
- *Promote vegetation retention and replanting in aquifer recharge areas contributing to groundwater salinity problems.*
- *Prevent inappropriate development in areas affected by groundwater salinity. .*

Response: The land is only partly affected by a Bushfire Management Overlay (south western portion of the site). The proposed dwelling location is located outside the affected area (eastern side of the lot), which is an appropriate response to the identified bushfire risk. The application has not provided any further assessment with respect to the identification and implementation of any appropriate bushfire risk measures to address bushfire risk.

14.01-1 Protection of agricultural land

Objective

To protect productive farmland which is of strategic significance in the local or regional context.

Strategies

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Assessment of the land capability.*

Response: The application has not adequately demonstrated *why* the dwelling is required given that the land is currently used for agriculture without a dwelling on the site, and has not appropriately considered the impact of an additional dwelling in an area identified as being of strategic importance for agriculture.

14.01-2 Sustainable agricultural land use

Objective

To encourage sustainable agricultural land use.

Strategies include to:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long term sustainable use and management of existing natural resources.*
- *Encourage sustainable agricultural and associated rural land use and support and assist innovative approaches to sustainable practices.*

- *Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibility to market changes.*

Response: The application has not adequately demonstrated *why* the dwelling is required given that the land is currently used for agriculture without a dwelling on the site.

15.03-1 Heritage Conservation

Objective

To ensure the conservation of places of heritage significance.

Strategies include to:

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.*
- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive re-use of heritage buildings whose use has become redundant.*

Response: The application fails to appropriately provide for the protection of a site with significant heritage value.

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

21.05-4 Cultural Heritage

Clause 21.05-4 (Cultural Heritage) seeks to ensure that places of cultural heritage significance are conserved or restored, ensure that development does not adversely affect places of cultural heritage significance, conserve and enhance significant view and settings in any heritage precinct, and ensure that archaeological remains are not inadvertently damaged or destroyed.

Response: Council's Heritage Advisor has viewed the proposal and is of the view that the proposal would represent an unsatisfactory outcome with respect to its impact on the cultural heritage values of the site. There is also a concern that the proposal in its current form represents an unreasonable risk to the existing archaeological remains on the site.

21.06-1 Agriculture

Irrigated primary production and the processing of that product underpin the municipality and the Region's economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production.

It is increasingly evident that prospective agricultural investment is jeopardized, deterred, or completely lost by land uses and developments that have the potential to compromise the scale and location of such investment. In particular, agricultural investment is far less likely where land is already fragmented in ownership with housing dispersed throughout.

A Regional Rural Land Use Strategy 2008 (RRLUS) has been adopted by Moira Shire Council, the City of Greater Shepparton and the Shire of Campaspe. This strategy identifies new categories of farming areas in the municipalities and recommends different subdivision and minimum lot size provisions for dwellings for each category.

Objectives - Agriculture

- *To ensure that agriculture is and remains the major economic driver in the region.*
- *To facilitate growth of existing farm businesses.*
- *To facilitate growth of new agricultural investment.*
- *To provide for small scale, specialized agriculture.*

Strategies – Agriculture

The relevant strategies for agriculture are:

- *Identify 'growth', 'consolidation' and 'niche' areas in the Farming Zone.*
- *Encourage growth and expansion of existing farm businesses and new investment in 'growth' and 'consolidation' areas.*
- *Encourage opportunities for smaller scale, specialized agriculture in 'niche' areas.*
- *Discourage land uses and development in the Farming Zone, Schedule 1 that would compromise the future agricultural use of the land, including farm related tourism.*
- *Encourage tourism in the Farming Zone, Schedule 2 that is carefully managed to prevent conflict and impact on agricultural operations.*
- *Encourage value adding and new enterprises for agricultural production.*
- *Encourage the preparation of Whole Farm Plans for on farm earthworks.*
- *Discourage non-agricultural uses on rural land other than rural based industry.*
- *Discourage non-agricultural development in rural areas except where development is dependent on a rural location, and cannot be accommodated within existing industrial or business zoned land.*
- *Discourage non-agricultural development along major roads in rural areas especially at the fringe of existing urban areas when it may contribute to ribbon development.*
- *Buildings for non-agricultural purposes in rural areas should be set back a minimum of 100 metres from any road, be constructed in muted coloured 'colorbond' materials or similar and screened from any road by dense tree and shrub planting.*

The Regional Rural Land Use Strategy (RRLUS) is a Reference Document in the Planning Scheme and applies to the proposal. 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”.

With respect to Rural dwellings, the Strategy at page 79 states “Many of the proposals received by Council include a justification that the land use is agricultural and that the dwelling is required to support that use. Calf raising is a commonly used proposed use. Based on experience, Council staff are aware that although the land use proposal may be legitimate in the short term, it often is not maintained. In many cases, it may be unlikely that there is any intention to establish the use. Council staff understand that the prevailing land use trend for key agricultural industries is one of expansion and consolidation and genuine new farm housing is rarely required or applied for, especially on smaller lots.”

The Strategy goes on to state “Inappropriate rural housing displaces agricultural activities and can hinder ongoing operation through amenity complaints. The Councils have advised of complaints being received about sprays, dust, odour and noise, and farmers, during the consultation, advised of issues with dogs and weeds from neighbouring rural living properties. Those seeking to expand within or into the region with new agricultural investment have advised of the need to have minimal neighbours. Unplanned rural housing also imposes a burden on Council in terms of infrastructure and service provision such as roads and waste management”.

Response: It is considered that the proposed dwelling is inconsistent with the objectives for Agriculture and does not appropriately address the considerations for Rural dwellings in the Regional Rural Land Use Strategy.

21.06-3 Dwellings in Rural Areas

While it is acknowledged that a dwelling will often be needed to properly farm land, these must be limited to those that genuinely relate to agricultural production. The number of dwellings that a farm can economically sustain relates to its rural land capability, the labour needs of the farming practice, the intensity of the farm activity and the volume of rural output. Development of dwellings at a density greater than is required for the rural use of land can give rise to conflicts with legitimate farming practices. Isolated dwellings in the rural areas have the potential to disrupt agricultural activities and should not impinge on the appropriate use of farming land.

The RRLUS identified new categories of Farming Zone and has included objectives and policies for each with respect to rural dwellings.

Objectives - Dwellings in Rural Areas

- *To discourage new dwellings unless it can be demonstrated that it is required for the agricultural use of the land.*
- *To ensure that new dwellings support rural activities and production and are not to meet lifestyle objectives, which may conflict with the rural use of the land.*
- *To avoid potential amenity impacts between rural activities and dwellings in rural areas.*

Strategies - Dwellings in Rural Areas

- *Discourage the establishment of dwellings not associated with or required for the agricultural use of the land.*

- *Discourage dwellings on old and inappropriate lots where amenity may be negatively impacted by farming activities, or where dwellings may inhibit rural activities.*
- *Discourage dwellings which are proposed to meet personal or financial circumstances or to create dwellings for 'rural lifestyle' purposes.*
- *Discourage the clustering of new dwellings unless they do not limit the productive use and development of surrounding land.*

Policy Guidelines - Dwellings in Rural Areas

Criteria

An application for a dwelling in the Farming Zone, Schedule 1 (FZ1) and Farming Zone,

Schedule 2 (FZ2) should meet the following criteria:

- *The dwelling is required for the operation of the rural use of the land. The land has historically been used for grazing, without a dwelling having been on the site.*
- *The agricultural use is established on the land prior to the construction of a dwelling (or an Integrated Land Management Plan under Clause 35.07-6 in place). There is no Integrated Land Management Plan in place for the site. The site has historically been used for grazing. No new works have been identified as being required to support the ongoing agricultural use of the site.*
- *The dwelling is located on a lot of at least 2ha in area. The lot has an area of greater than 2 hectares.*
- *The dwelling is located on a lot created after 1st January 1960. The Title submitted with the application indicates that the lot was created by instrument LP113159 in November 1974.*

Response: It is considered that the proposal has not adequately addressed how the first two objectives of Clause 21.06-3 have been appropriately addressed.

The land is currently used for grazing. A dwelling is not required for the continuation of this use.

When considered against the Criteria for dwellings in Rural Areas the proposal does not adequately demonstrate that the dwelling is required for the agricultural use of the land, or that the agricultural use will be established on the land prior to a dwelling in a manner that provides Council with an appropriate level of certainty that the agricultural pursuit is genuine and the proposed dwelling will not become a dwelling for "rural lifestyle" purposes.

Decision guidelines

When deciding an application for a dwelling, and in addition to the decision guidelines in the zone, the responsible authority will consider the following matters:

- *The relationship between the proposed dwelling and the agricultural activity on the land.*
- *Evidence including an Integrated Land Management Plan under Clause 35.07-6 (or similar) addressing the relationship between agricultural activities on the land and the proposed dwelling.*
- *The agricultural productive capacity or the agricultural potential of the land.*

- *The nature of the existing agricultural infrastructure and activity on the land and any new proposed agricultural infrastructure and activity at the land.*
- *The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.*
- *The proposed siting of the dwelling and whether it minimises impacts on existing and potential agricultural operations on nearby land.*
- *The lot size, context and physical characteristics of the land.*
- *Whether the dwelling will result in a rural living or rural residential outcome in the area.*
- *The planning history of the land.*
- *The potential for land to be consolidated with other land to enhance agricultural productivity.*
- *Whether the planning scheme identifies a 'non-agricultural' future for the land and the implications of development on future development options.*

Response: The relationship between the existing land use (grazing) and new use (dwelling) is a key consideration for Council. Whether there is a genuine, ongoing need for a dwelling on the land, coupled with the limited level of new infrastructure required to support the agricultural use of the site results in potential for the proposal to result in a rural lifestyle dwelling.

Relevant Particular Provisions

Not applicable as no Particular provisions apply to the proposed development.

The decision guidelines of Clause 65

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

Response: The application has not appropriately addressed the matters required to be addressed under the Farming Zone, Heritage Overlay, or Salinity Management Overlay. Based on Heritage grounds, the proposal would not achieve a satisfactory outcome with respect to the orderly planning of the area.

Relevant incorporated or reference documents

The *Regional Rural Land Use Strategy 2008* applies to the proposal and has been considered as part of the assessment of the application (see discussion in relation to the Local Planning Policy Framework).

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?

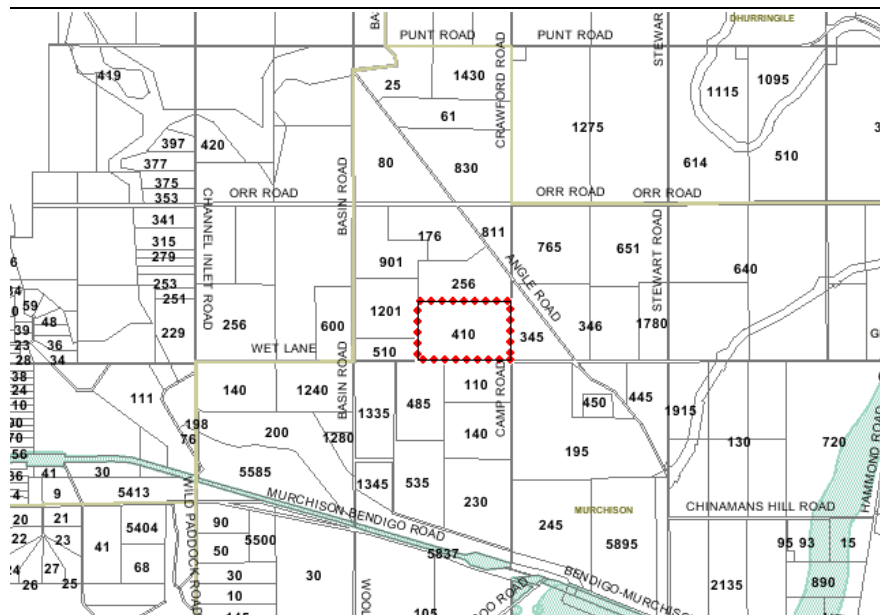
There are no other relevant Acts that relate to this application for a planning permit.

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 as shown on the map reproduced below; 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.

Conclusion

Officers having undertaken an assessment of the application have determined that the application would result in an unacceptable planning outcome, given the heritage significance of the site. The proposal does not achieve an acceptable planning outcome when considered against the relevant policy, zone and overlay requirements and therefore a Notice of Refusal to Grant a Planning Permit should issue.

ADDITIONAL NOTES FOR STATUTORY SUPPORT OFFICERS

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2017-180

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 410 Wet Lane MURCHISON VIC 3610

WHAT HAS BEEN REFUSED: Use and development of the land for a dwelling in the Farming Zone and buildings and works in the Heritage Overlay (HO57) and Salinity Management Overlay

WHAT ARE THE REASONS FOR THE REFUSAL?

1. Heritage

- a) The proposal does not satisfy the relevant objectives and decision guidelines of Clause 43.01-5 of the Heritage Overlay as the proposal will fundamentally degrade the site and reduce the cultural heritage significance.
- b) The proposal does not satisfy the objectives of Clause 15.03-1 (Heritage conservation) as the application fails to appropriately provide for the protection of a site with significant heritage value.
- c) The proposal does not satisfy the objectives of Clause 21.05-4 (Cultural heritage) as the proposal would unreasonably impact on the cultural heritage values of the site.

2. Agriculture

The proposal does not satisfy the application requirements of Clause 35.07-5 of the Farming Zone as the application was not supported by a written statement demonstrating how the proposed dwelling responds to the decision guidelines for dwellings in the zone

3. Salinity

The proposal does not satisfy the application requirements of Clause 44.02-5 of the Salinity Management Overlay as the application was not supported by the relevant information addressing salinity risk.

Application Details:

Responsible Officer:	Tim Watson (prepared by Alex Winfield)
Application Number:	2017-377
Applicants Name:	A W Robertson
Date Application Received:	4 December 2017
Statutory Days:	95
Land/Address:	10 Station Street MURCHISON VIC 3610
Zoning and Overlays:	Township Zone Aboriginal Cultural Heritage Sensitivity
Why is a permit required (include Permit Triggers):	32.05-5 – A permit is required to subdivide land in the Township Zone.
Are there any Restrictive Covenants on the title?	There are no covenants or Section 173 Agreements registered on the Title to the land.

Proposal

The application proposes a two lot subdivision at 10 Station Street, Murchison.

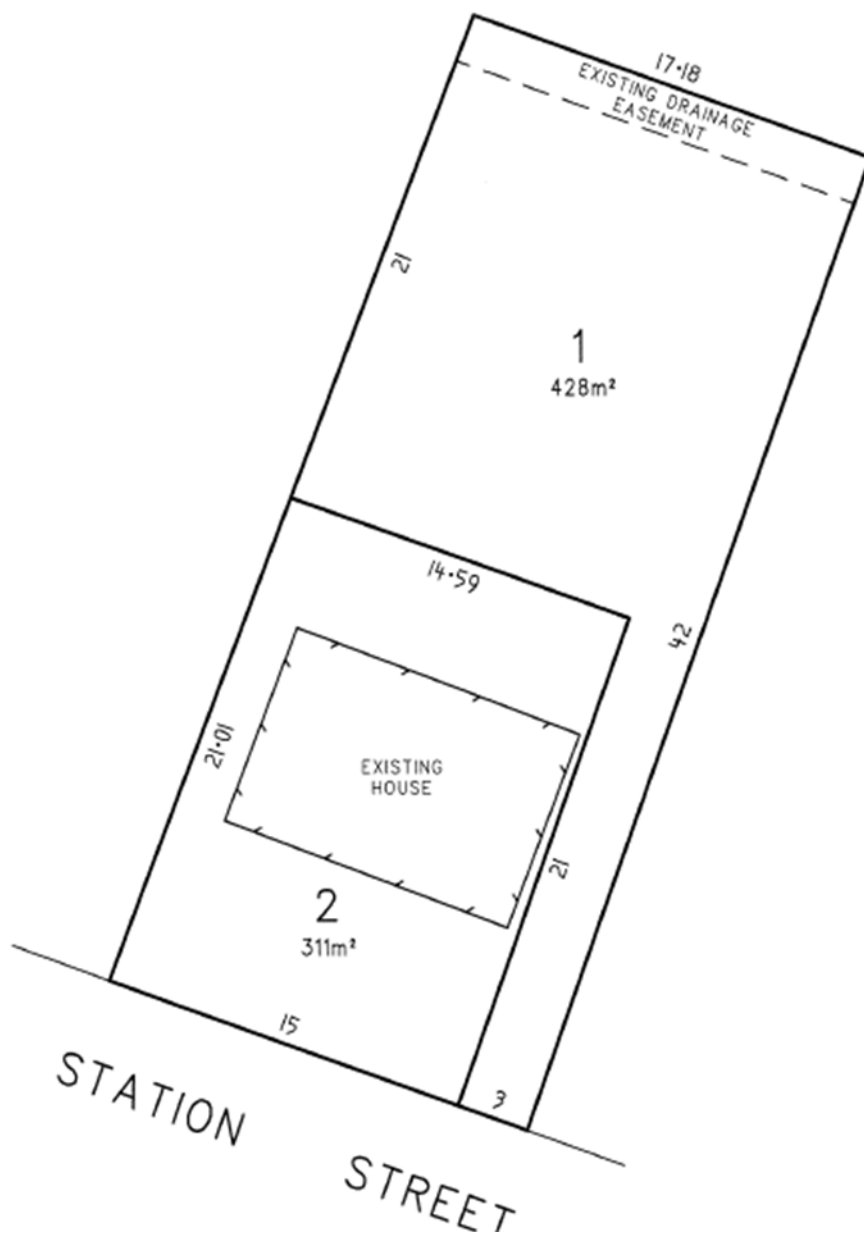
The proposal seeks to subdivide the existing dwelling onto a new allotment of 311 square metres presenting to Station Street. This lot will have a frontage to the street of 15 metres and a depth of generally 21 metres. This Lot is shown on the plans as being "Lot 2".

A vacant, battle axe style allotment will be created to the rear of the existing dwelling. This lot will have a total area of 428 square metres. The developable portion of the site will have dimensions of generally 21 metres by 17 metres. The driveway access servicing the new vacant lot from Station Street will have a minimum width of 3 metres. This lot is shown on the plans as being "Lot 1".

An existing drainage easement of 2 metres will be retained along the rear boundary of the site, contained wholly within proposed Lot 1.

Supporting documents submitted with the application showed development plans of a new dwelling on proposed Lot 1. The application form however states that the application is for the subdivision of the land into two lots only, and the application does not seek approval for the development of a dwelling as part of the application. This situation was confirmed via telephone conversation 11 December 2017 between the Council planner and permit applicant.

The proposed subdivision layout is as shown:



A planning permit is required for subdivision in the Township Zone (Clause 32.05-5).

An application must also meet the relevant objectives of Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2 of ResCode (Residential subdivision).

Summary of Key Issues

The application proposes to subdivide the land at 10 Station Street, Murchison into two lots.

The site is located within an area zoned Township Zone. The Murchison township is identified in the GSHS as being provided with appropriate urban services and having the capacity to accommodate some additional growth.

The key considerations for this application are:

- Whether the proposal is consistent with the purposes of the Township Zone.
- 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.
- Whether the proposal will result in a satisfactory outcome with respect to neighbourhood character.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2017-377** 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 32.05-5** of the Greater Shepparton Planning Scheme in respect of the land known and described as **10 Station Street MURCHISON VIC 3610**, for the **Two lot subdivision** in accordance with the Notice of Decision and the endorsed plans.

Moved by Colin Kalms

Seconded by Veronica Schilling

That Council having caused notice of Planning Application No. **2017-377** 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 32.05-5** of the Greater Shepparton Planning Scheme in respect of the land known and described as **10 Station Street MURCHISON VIC 3610**, for the **Two lot subdivision** in accordance with the Notice of Decision, the endorsed plans and an additional condition as listed below.

Condition 5. Boundary Fencing

Prior to Statement of Compliance being issued, side boundary fencing (excluding the rear boundary) must be extended as follows:

- a) a height of 2m (from finished ground level) to ensure the privacy of adjoining properties; and
- b) The extent of fencing should be no closer than 8 metres to the property frontage with Station Street and be mutually agreed upon by all parties.

The cost of such fencing shall be borne by the developer unless otherwise agreed by the parties to the satisfaction of the responsible authority.

CARRIED

Subject Site & Locality

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

The site is generally rectangular in shape and has a total area of 739 square metres, with a frontage to Station Street of 18 metres and a depth of approximately 42 metres. The land is oriented generally north to south along its longest axis.

The land is developed with a single dwelling. The dwelling presents to Station Street and has a generally rectangular footprint. The dwelling is constructed from brick with a high pitched roof, and is oriented generally parallel to the street, with a setback of approximately 8 metres.

The dwelling is offset from both side boundaries, with a setback of over 3 metres to the eastern boundary.

An existing vehicle crossover is located at the south east corner of the site. The crossover is unsealed.

The rear of the site is a vacant rear yard to the dwelling.

Side and rear boundaries of the site are fenced with colorbond fencing. The front boundary of the site is unfenced.

The surrounding neighbourhood is broadly zoned Township and comprises a mix of predominantly residential uses with some community and commercial uses dispersed throughout. The surrounding area is described as follows:

Adjoining the site to the west at 8 Station Street is an approximately 880 square metre allotment with a frontage to Station Street of approximately 23 metres. The property is developed with a dwelling that has a substantial setback to the street of approximately 16 metres, with the building subsequently predominantly occupying the rear of the site. The dwelling is a brick building that is heritage listed under the provisions of the Greater Shepparton Planning Scheme – HO68 – Masonic Lodge, 8 Station Street Murchison. The building is offset from the east boundary shared with the application site by approximately 4 metres. A planted hedge denotes the street boundary.

Adjoining the site to the east at 12 Station Street is an approximately 800 square metre allotment that is generally rectangular in shape and has a street frontage of approximately 20 metres. The land is developed with a single storey weatherboard dwelling under a pitched, gable ended roof. The dwelling is setback approximately 9 metres from the street and approximately 1-2 metres from the western boundary shared with the application site. The dwelling is oriented generally north west to south east so the front façade of the dwelling is angle to the street frontage (as opposed to being parallel to the street frontage).

Land immediately to the rear (north) forms part of the land at 16 Station Street. This property has an area of approximately 1 hectare. The frontage of the site is a standard lot width (approximately 20 metres) between numbers 14 and 18 Station Street. The balance of the lot is a large property that sits to the rear of lots fronting Station Street to the south, Impey Street to the west, Robin Street to the east and Watson Street to the north. The lot is developed with a single dwelling and outbuildings that are sited over 50 m from the rear boundary of the application site.

The land at 25 Impey Street abuts a rear section of the western property boundary. This site has an area of approximately 4,200 square metres and is developed as an aged persons residential facility.

Properties on the opposite side of Station Street in the vicinity of the site are typically developed with dwellings on lots ranging from approximately 600 square metres to approximately 2,500 square metres.

Other facilities in the immediate vicinity of the site include a lawn bowls club in Robinson Street, Community Centre and Police Station in Watson Street, Pharmacy and Neighbourhood House both in Impey Street.

Station Street is a local road with sealed pavement width for a single vehicle and wide gravel shoulders on each side of the pavement. There are no formed footpaths on either side of the street, nor is there any concrete kerb and channel on this northern side of the street.

The Photos below show the existing site:









Permit/Site History

The history of the site includes:

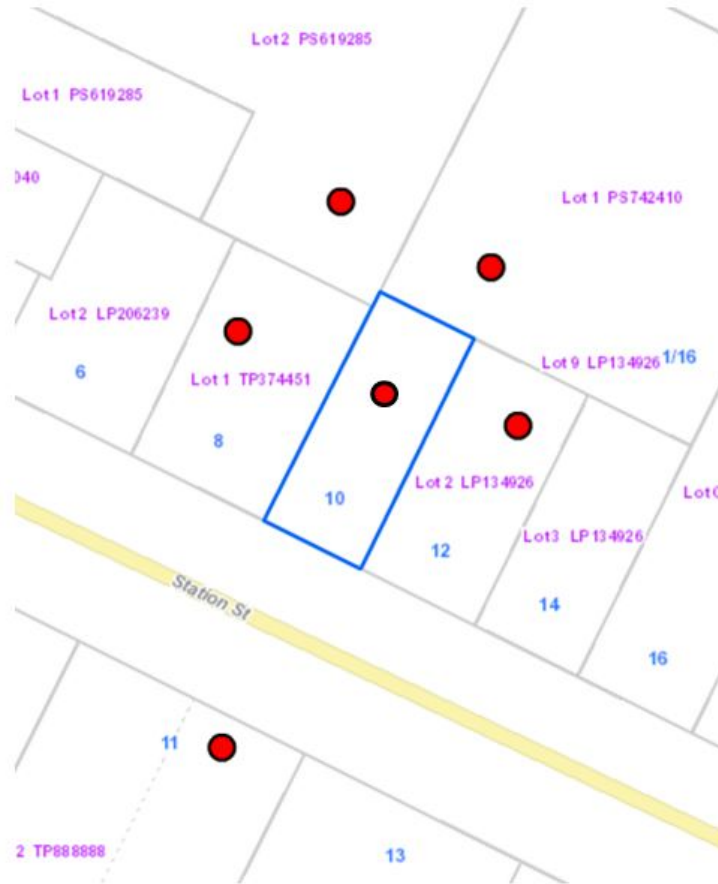
- A previous application (2017-279) for the same proposal which lapsed as a result of a further information request not complied within the prescribed time. **Further**

Information

Is further information required for the application? No formal request for further information was made. The applicant was contacted by the Town Planner to confirm that the dwelling plans submitted with the application were for information only and that the application is to consider only the subdivision of the land into two lots.

Public Notification

- The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987 with the following description two lot subdivision in the Township Zone, by:
- Sending notices to the owners and occupiers of adjoining land.



Objections

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

Reason for objection	Planning Response
Loss of views.	<p>The application proposes the subdivision of the land only. The subdivision of the land will have no impact on any views to or from the site.</p> <p>It is understood that the objector (who owns the former Masonic Lodge on the western side of the subject land) is concerned about the impact of the subsequent development of a dwelling on views from the property. There are no identified views to or from the site that</p>

	<p>require protection. Residential development within an area accordingly zoned will not have any unreasonable impact on views to or from the site.</p>
<p>Loss of privacy.</p>	<p>The application is for the subdivision of the land only.</p> <p>Subsequent future development of the vacant allotment would be subject to further building approval.</p> <p>Matters relating to the protection of the amenity of the existing dwellings on adjoining lots such as overlooking / direct views between properties would be addressed at the building approval stage when the form and siting of a new dwelling is confirmed.</p>
<p>Loss of natural light.</p>	<p>The application is for the subdivision of the land only.</p> <p>Subsequent future development of the vacant allotment would be subject to further building approval.</p> <p>Matters relating to the protection of the amenity of the existing dwellings on adjoining lots such as impacts on overshadowing areas of open space and daylight to existing windows would be addressed at the building approval stage when the form and siting of a new dwelling is confirmed.</p>
<p>Loss of country feel / impact on neighbourhood character.</p>	<p>The application is for the subdivision of the land only. No dwelling plans form part of the application / Council's consideration of the proposal.</p> <p>The Township Zone does not identify any minimum lot size for subdivision, and there is no residential character policy applying to the land.</p> <p>The subdivision retains the existing dwelling</p>

	<p>on the land, and in terms of the streetscape presentation, the proposal will have limited impact.</p> <p>The design and siting of a new dwelling at the rear of the site is not a consideration of an application to subdivide land. It is considered however that it will have limited impact on the streetscape from a character perspective, due to its substantial setback and the presence of the existing dwelling on Lot 2.</p> <p>Character / amenity considerations in terms of the outlook from adjoining properties is not able to be considered as part of this application, however it is noted that the lot is of appropriate size and dimensions to ensure the land can be developed. Design and siting issues would then become a consideration at the building approval stage.</p>
<p>Narrow width of vehicle access / Lack of emergency access.</p>	<p>Proposed access to the new vacant allotment would be along the eastern boundary of the site. This access is shown as having a width of 3 metres.</p> <p>Clause 52.06 (Car parking) does not apply to an application to subdivide land, and does not apply to an application for a single dwelling on a lot in the Township Zone. However it is noted that Design Standard 1 for accessways requires that an accessway must be at least 3 metres wide.</p> <p>Council's Development Engineers has also not raised any issue with the proposed access arrangements.</p> <p>On this basis it is considered that the proposed access arrangement for the rear vacant lot represents an acceptable planning outcome for the site.</p>
<p>Impact of cars being left out on street.</p>	<p>The application proposes the subdivision of</p>

	<p>the land only.</p> <p>The existing dwelling will be provided with car parking via a new crossover from Station Street at the south west corner of the site.</p> <p>Whilst the application is for subdivision only, the subsequent future development of a dwelling will be required to be provided with on-site car parking in accordance with the requirements of the Building Regulations, based on the number of bedrooms the dwelling contains.</p> <p>The subdivision application has appropriately demonstrated that car parking is able to be provided for the existing dwelling. Council's Development Engineers did recommend that a condition of permit require the applicant to show turning templates to demonstrate how vehicles are able to turn around and exit in a forwards direction from Lot 2, however as this is an existing dwelling and cars currently reverse out of the property, it is considered acceptable to allow this situation to continue to occur.</p> <p>The new lot is also of sufficient size to ensure that it provides adequate opportunity for future car parking to be associated with a new dwelling. This car parking arrangement can be designed to allow for all vehicles to enter and exit in a forwards direction.</p>
<p>Increased noise / Loss of rural ambience.</p>	<p>The objection centred around the potential noise implications resulting from the subsequent development of a dwelling on the land.</p> <p>The land falls within the Township Zone, which seeks to provide for residential development and a range of commercial industrial and other uses in small towns.</p> <p>The application proposes the subdivision of</p>

	<p>land into two lots that will facilitate the development of one additional dwelling on a lot of 428 square metres.</p> <p>Any noise generated by the proposed development will be residential in nature, which is entirely in keeping with the nature of uses on the adjoining allotments.</p> <p>It is not considered that the application to subdivide the land into two lots could be refused on the basis of potential noise impacts.</p>
<p>Loss of property value</p>	<p>VCAT has consistently held that property devaluation as a result of planning applications is not a relevant planning consideration.</p>
<p>Environmental impacts, particularly increase in stormwater run-off.</p>	<p>It is not considered that the proposal will have any adverse amenity impacts. The land is able to be appropriately serviced, and conditions of permit will require that detailed drainage design to the identified specifications will be required prior to the commencement of the subdivision.</p>
<p>Adequate supply of vacant lots in Murchison without requiring further subdivision.</p>	<p>The GSHS identifies that 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 remaining growth will be distributed throughout smaller towns, including Murchison.</p> <p>The proposal is consistent with the objectives of the GSHS as it will result in the creation of a new residential allotment at a higher / conventional density within a township that is appropriately serviced.</p>

Title Details

The land is described as Lot 1 on Plan of Subdivision 134926.

The title does not contain any Restrictive Covenant or Section 173 Agreements.

Consultation

Consultation was not undertaken.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Nil.	Clause 66 does not require any Section 55 referrals	Not applicable.	Clause 66.01-1 identifies mandatory conditions for subdivision permits that are to be applied in this situation for a two lot subdivision of the land.

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVW	<p>GVW did not object to the application. GVW considers that the proposal should be connected to both waste supply and wastewater facilities, and recommended the following permit conditions:</p> <ul style="list-style-type: none"> (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) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation; (c) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment; (d) 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. <p>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;</p> <ul style="list-style-type: none"> (e) 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; <p>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;</p> <ul style="list-style-type: none"> (f) 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.
Powercor	<p>Powercor offered no objections to the application, subject to the following conditions:</p> <p>CONDITIONS REQUIRED BY POWERCOR AUSTRALIA LTD</p>

	<p>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.</p> <p>b) The applicant shall:-</p> <ul style="list-style-type: none"> ▪ 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. ▪ 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. ▪ 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. ▪ Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations. ▪ Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
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Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	The application for a planning permit was referred internally to the Council's Development Engineers, who do not object to the issue of a permit subject to conditions.

Assessment

The zoning of the land Township Zone.

The purposes of the Township Zone are identified as:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A permit is required to subdivide land pursuant to Clause 32.05-5 of the Township Zone. Each lot must be serviced by reticulated sewer, if available. GVW has required that both lots be serviced by reticulated sewer.

The proposal to subdivide the land into two lots to create a vacant allotment suitable for infill residential development is consistent with the purpose of the zone to provide for residential development.

Clause 32.05-1 of the Township Zone identifies that a Schedule to the zone may contain the neighbourhood character objectives to be achieved for the area. The Schedule to the Township Zone does not identify any character objectives.

An application to subdivide land must also meet the relevant objectives of Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2 of (ResCode - Residential subdivision).

A number of decision guidelines are identified under the Township Zone.

General

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

The State and Local Planning Policy Frameworks are addressed in this report.

- *The objectives set out in a schedule to this zone.*

The Schedule to the Township Zone does not set out any objectives.

- *The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.*

There is no vegetation on the site to be protected.

There is no residential character policy / statement applying to the land.

The proposed subdivision will retain the existing dwelling presenting to Station Street. New car parking spaces will be provided at the south west corner of the site. It is recommended that these spaces and turning areas be appropriately landscaped (require as a condition of permit).

Development of the vacant lot is not proposed under this application. The design and siting of a dwelling on the lot will be subject to future building approvals. The subdivision application however has demonstrated that the lot is of appropriate overall size, minimum dimensions and orientation to provide an appropriate development opportunity.

- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*

The land is able to be appropriately serviced.

- *In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*

Not applicable – the land will be connected to reticulated sewer.

- *The design, height, setback and appearance of the proposed buildings and works including provision for solar access.*

Not applicable – no buildings are proposed under this application to subdivide land.

- *The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.*

Not applicable – the application does not involve buildings or works or commercial development.

- *Provision of car and bicycle parking and loading bay facilities and landscaping.*

Car parking will meet the requirements for residential development (single dwellings). No loading or unloading of goods is required. Landscaping will be standard residential landscaping.

- *The effect that existing uses on adjoining or nearby land may have on the proposed use.*

The land is located in an area generally characterised by residential development, with all adjoining properties residentially used and developed. The application proposes the subdivision of the land only that will provide for a future residential development opportunity. The existing uses are compatible with a new future dwelling site opportunity.

- *The scale and intensity of the use and development.*

The application is to subdivide the land into two lots only. The proposed subdivision is of a low scale.

- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

The application is for subdivision only. The subdivision of the land into two lots will create an opportunity for an additional dwelling to the rear of the existing dwelling. Additional traffic created by an additional lot will not be significant.

Car parking / access arrangements will need to be to the satisfaction of Council's Development engineers through appropriate permit conditions.

- *Any other decision guidelines specified in a schedule to this zone.*

No Decision guidelines are identified in the schedule to the Township Zone.

Subdivision

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

The existing dwelling on the front allotment will be retained. The subdivision will provide for access along the eastern side of the dwelling but will have no impact on the siting of the dwelling on the site and the adjoining dwelling to the east.

Development of any future dwelling at the rear of the site will be subject to future building approval. Building approval would address design and siting requirements. There are no planning restrictions on the siting of buildings on or near property boundaries. The new vacant allotment is of appropriate size and dimensions to provide an appropriate infill development opportunity.

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

The relevant objectives of Clause 56 are addressed in this report.

- *Any other decision guidelines specified in a schedule to this zone.*

No Decision guidelines are identified in the schedule to the Township Zone.

Relevant overlay provisions

There are no Overlay controls applying to the land.

The State Planning Policy Framework (SPPF)

Clause 11.01-1 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 15.01-3 – Neighbourhood and subdivision design seeks to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable diverse and sustainable neighbourhoods.

Response: The application seeks approval of a two lot subdivision only. The existing dwelling will be retained on the front allotment presenting to Station Street.

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.

Clause 16.01-4 aims to provide for a range of housing types to meet increasingly diverse needs. Supporting opportunities for a wide range of income groups to choose housing in well serviced locations, and ensuring planning for growth provides for a mix of housing types and higher housing densities in and around activity centres is encouraged.

Response: The proposal is consistent with the State Planning Policy objectives to encourage increased housing options in identified locations that are fully serviced with both physical and social infrastructure (i.e. urban consolidation).

Clause 19.03-2 Water supply, sewerage and drainage seeks to plan for the provision of services that efficiently and effectively meet State and community needs and protect the environment.

Response: The land is able to be appropriately serviced to the satisfaction of the relevant servicing authorities.

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 remaining growth will be distributed throughout Tatura, Murchison, Merrigum Dookie, Congupna, Katandra West, Tallygaroopna, Toolamba and Undera.

Response: The proposed two lot subdivision will provide an opportunity for a single infill dwelling on land within the Township Zone of Murchison. The proposal will contribute to achieving the aim of the Urban Consolidation and Growth Policy, and in particular is consistent with the following identified objectives:

- To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.
- To minimise the impacts of housing on the natural environment.
- To 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 21.10 of the Scheme.

The GSHS identifies the key growth areas for the municipality, of which Murchison is not one.

In relation to Murchison, the GSHS identifies that Murchison has a small town setting, and that protecting the character of the setting while accommodating additional residential growth is a key challenge to planning for housing.

The availability of sewer to the townships (including Murchison) is a key determinant of the scale and density of the township growth. With Murchison being seweraged, the township will need to provide standard residential densities as part of its mix of future housing.

Response: The proposal is consistent with the objectives of the GSHS as it will result in the creation of a new residential allotment at a higher / conventional density within a township that is appropriately serviced. The subdivision layout will appropriately protect the character of the township by retaining the existing dwelling at the site frontage and providing for an infill development opportunity to the rear.

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.

Response: The proposed subdivision, along with standard planning permit conditions, will be consistent with the requirements of the IDM.

Relevant Particular Provisions

Clause 56 (ResCode – Residential Subdivision) applies to the development. An assessment of the proposal against the relevant objectives and standards of Clause 56 is provided as follows.

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>C6 Neighbourhood Character Objective To design subdivision that respond to neighbourhood character.</p>	<ul style="list-style-type: none"> 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. Respond to and integrate with the surrounding urban environment. Protect significant vegetation and site features. 	<p>1) ✓ Complies 2) Comments: The subject land is located within the Murchison Township. There is no residential character policy for the area.</p> <p>The GSHS acknowledges that fully serviced townships such as Murchison have the capacity for residential growth at conventional lot densities.</p> <p>The proposed subdivision will create a single infill development opportunity at the rear of an existing dwelling.</p> <p>No vegetation will be impacted by the proposal.</p>
<p>C8 Lot area and building envelopes objective 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"> Contain a building envelope that is consistent with a development of the lot approved under this scheme, or <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>3) ✓ Complies 4) Comments: The proposal creates two new allotments. One will contain the existing dwelling, and the other will be a vacant lot at the rear of the site. The vacant allotment will have an area of 428 square metres. The lot dimensions (generally 21 metres by 17 metres) are sufficient to contain the requisite 15 metre by 10 metres building rectangle, demonstrating its suitability for future residential development.</p>
<p>C9 Solar Orientation of lots To provide good solar orientation of lots and solar access for future dwellings.</p>	<ul style="list-style-type: none"> Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. Lots have appropriate solar orientation when: <ul style="list-style-type: none"> 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. Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the 	<p>5) ✓ Complies 6) Comments: The long axis of the vacant allotment is at 20 degrees east, which is within the preferred range of north 20 degrees west to north 30 degrees east.</p>

	<p>long axis of the lots should be within 30 degrees east and 20 degrees west of north.</p> <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>C11 Common Area 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"> 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"> The common area to be owned by the body corporate, including any streets and open space. The reasons why the area should be commonly held. Lots participating in the body corporate. <p>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</p>	<p>7) ✓ Not applicable 8) Comments: No common property is proposed.</p>
<p>C21 Lot Access To provide for safe vehicle access between roads and lots.</p>	<ul style="list-style-type: none"> Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. 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. <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	<p>9) ✓ Complies 10) Comments: Both lots will be provided with direct vehicle access to Station Street.</p> <p>Council's Development Engineers have consented to the application with standard conditions requiring vehicle crossing permits.</p>
<p>C22 Drink Water supply To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.</p>	<ul style="list-style-type: none"> The supply of drinking water must be: <ul style="list-style-type: none"> Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<p>11) ✓ Complies 12) Comments: The proposed lots will have independent connections to reticulated town water to the satisfaction of Goulburn Valley.</p>
<p>C23 Reused and recycled water To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<ul style="list-style-type: none"> Reused and recycled water supply systems must be: <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and 	<p>13) ✓ Complies 14) Comments: The 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</p>

	Department of Human Services. Provided to the boundary of all lots in the subdivision where required by the relevant water authority.	Regional Water Corporation.
<p>C24 Waste Water Management To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<ul style="list-style-type: none"> • Waste water systems must be: <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. - Consistent with any relevant approved domestic waste water management plan. <p>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>15) ✓ Complies 16) Comments: Reticulated Sewage is provided to the land and each proposed lot can be connected to the satisfaction of the Goulburn Valley Regional Water Corporation. This is a requirements of GVW's consent to the application.</p>
<p>C25 Urban Run-off Management 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"> • The urban stormwater management system must be: <ul style="list-style-type: none"> - Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. - Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. - 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. - 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. • The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design. - Ensure every lot is provided with drainage to a standard acceptable to 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>17) ✓ Complies 18) Comments: 19) Council's Development Engineers have responded to the development application and consented to the application subject to generally standard conditions. Drainage plans will need to be submitted show in accordance with the identified standards.</p>

	<ul style="list-style-type: none"> - 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. 	
<p>C26 Site Management 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"> • 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"> - Erosion and sediment. - Dust. - Run-off. - Litter, concrete and other construction wastes. - Chemical contamination. - Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>20) ✓ Complies 21) Comments: 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>C27 Shared Trenching To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<ul style="list-style-type: none"> • Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services. 	<p>22) ✓ Complies 23) Comments: Services should be connected to the site and undergrounded.</p>
<p>C28 Electricity, Telecommunications and Gas 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"> • 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. • Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. • 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 	<p>24) ✓ Complies 25) Comments: Service to be connection to the satisfaction of the relevant authorities.</p>

	<p>authority.</p> <ul style="list-style-type: none"> 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. 	
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The decision guidelines of Clause 65

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

65.01 Approval of an application or plan

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Response – The proposed subdivision responds to the existing features of the site and provides for a future infill development opportunity. The development is able to be appropriately serviced with all services, and is able to provide for appropriate on site car parking. The land is suitable for subdivision and the proposal will result in an appropriate planning outcome.

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 appropriately serviced township where some additional growth may occur outside of the major centres. The proposal is consistent with the GSHS.

Other relevant adopted State policies or strategies policies

There are no other relevant 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?

Subdivision Act 1988.

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 mapped 'Area of Cultural Heritage Sensitivity in Victoria' includes the application site.



An application for a two lot subdivision however is an exempt activity under the Cultural Heritage Legislation. As a result, no Cultural Heritage Management Plan is required for the project.

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.

Conclusion

It is considered that:

- The land is appropriately zoned to allow for subdivision that creates an opportunity for infill residential development.
- State and Local Planning Policies support residential infill development within the Murchison township.
- The proposal complies with the relevant objectives and standards of Clause 56 (ResCode – Residential subdivision) of the Greater Shepparton Planning Scheme.
- The proposed subdivision will not result in any adverse amenity impacts to the adjoining properties.

Draft Notice Of Decision

APPLICATION NO: 2017-377

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: 10 STATION STREET MURCHISON VIC 3610

WHAT THE PERMIT WILL ALLOW: TWO LOT SUBDIVISION IN THE TOWNSHIP ZONE

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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. Drainage Discharge Plan

Before the certification of the Plan of Subdivision, 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 both lots will be drained;
- b) underground pipe drains conveying stormwater to the legal point of discharge which is the existing stormwater pipe in Station Rd. A stormwater pit is to be constructed over the existing pipe;
- 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 **(14)** litres (Tank/Basin) or **(11)** 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.

3. **Statement of Compliance**

Before a Statement of Compliance is issued under the *Subdivision Act 1988*,

- a) the works listed in Planning Permit number 2017-377 and shown on the endorsed drainage plans must be completed to the satisfaction of the relevant authority; and
- b) vehicular crossings shall be constructed for lots 1 and 2 in accordance with the endorsed plan(s) and constructed to Councils IDM standard drawing SD235, and must:
 - I. where it abuts an existing sealed road, the pavement is to be sealed no less than 5 metres in length (from the existing footpath to the existing road);
 - II. include a pipe of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of (375) mm);
 - III. Culverts located in the clear zone shall be installed with trafficable end walls (refer IDM standard drawing SD 255); and
 - IV. The final location of the crossing is to be approved by the responsible authority via a 'Works within the Roads Reserve' (Road Opening) permit.
- c) A section 173 agreement entered into in accordance with condition 4 of this permit and a vehicular crossing constructed for lot 2 in accordance with condition 3b(I – IV) requirements of this permit.

4. **Section 173 Agreement**

If the owner does not wish to construct the drainage as required in the endorsed Drainage Discharge Plan and vehicle crossings prior to the issue of a Statement of Compliance, the owner must then enter into an agreement with the responsible authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered on the title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide that:

- a) **Prior to the occupation of any development on the lot 2, the drainage shall be constructed in accordance with the endorsed Drainage Discharge Plan forming part of Planning Permit (2017-377) to the satisfaction of the Responsible Authority.**

b) Prior to the occupation of any development on lot 2, vehicle crossings shall be constructed and must

- 1. Be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);**
- 2. Be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree unless otherwise agreed to by Council.**

The said agreement is to be prepared by the Council. The Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

5. 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.

6. Standard 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 easement 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.

7. 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.

8. 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) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation;
- c) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- d) 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; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains);

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;
- e) (e) 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;
- f) 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.

Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.

9. Powercor Requirements

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:

- a) 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.
- b) 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.
- c) 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.
- d) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- e) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

10. Time for Starting and Completing a Subdivision

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

- a) the subdivision is not started (certification) within **two (2)** years of the date of this permit;
- b) the subdivision is not completed (statement of compliance) within **five (5)** years of the date of certification.

NOTATIONS

Application Details:

Responsible Officer:	Tim Watson
Application Number:	2018-68
Applicants Name:	GV Advanced Advertising
Date Application Received:	9 March 2018
Statutory Days:	
Land/Address:	3/228-234 High Street SHEPPARTON VIC 3630
Zoning and Overlays:	Activity Centre Zone, Schedule 1 – <i>Shepparton Central Business District</i> Parking Overlay, Schedule 1 – <i>Shepparton Central Business District</i> Abuts a Road Zone Category 1
Why is a permit required (include Permit Triggers):	52.05-7 - the erection and display of an Electronic promotion sign (sky sign).
Are there any Restrictive Covenants on the title?	Lot 2 of Plan of Subdivision 621196R. There are no covenants or other restrictions registered on the Title to the land. There are no easements or other restrictions identified on the Title Plan.

Proposal

The application proposes the erection of an Electronic Promotion sign / Sky sign on the land.

A Promotion sign is defined as “A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.”

An Electronic sign is defined as “A sign that can be updated electronically. It includes screens broadcasting still or moving images.”

The sign is single sided, with a height of 2 metres and a width of 3 metres, total advertising area of 6 square metres.

The sign is an electronic screen, used to advertise both the business that operates from the site (GV Advanced Advertising) and other businesses.

The sign was originally proposed (at pre—application stage) to be erected on the front façade of the building, above the building entrance (satisfying the definition of Electronic sign and Promotion sign).

As proposed / constructed, the sign would meet the definition of a Sky sign, which is “A sign a) on or above the roof of a building, but not a verandah, b) fixed to the wall of a building and which projects above the wall; or c) fixed to a structure (not a building) so that part of it is more than 7 metres above the ground.”



Summary of Key Issues

The application proposes the erection and display of an electronic promotional sign / sky sign.

The site is developed with an existing shop constructed to the front street boundary and occupying the width of the site. The shop presents to High Street and has a cantilevered verandah extending over the footpath. The site falls within a strip of commercial sites falling within the Activity Centre Zone. High Street is Category 1 Road (VicRoads managed road).

Electronic promotion signage and a Sky sign requires planning approval under the provisions of Clause 52.05 – Advertising signage.

This is the second time the applicant has made this application, however the application shows the correct location of where the sign proposed has been erected.

The key considerations for this application are whether the form, scale, siting and purpose of the advertising sign are appropriate for the site and its context having regard to the pattern and character of established development and signage within the precinct and the objectives of the Activity Centre Zone 1.

Recommendation

Refusal

That the Council having not caused notice of Planning Application No. **2018-68** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of 21.04-1, 52.05 and 65 of the Greater Shepparton Planning Scheme in respect of the land known and described as **3/228-234 High Street SHEPPARTON VIC 3630**, for the **erection and display of an electronic promotional sky sign**.

For the following reasons:

- The proposed signage is inconsistent with the objectives of Clause 21.04-4 of the Greater Shepparton Planning Scheme as:
 - a) The siting of the sign on the roof would constitute a Sky sign which is expressly discouraged in all areas of the CBD.
 - b) The siting of the sign is inconsistent with the preferred siting for advertising signs on (and integrated into) buildings, and will disrupt the visual amenity of the area through its inappropriate siting on the roof of the building and orientation towards the intersection rather than directly to (parallel with) the street.
 - c) The proposed sign would promote other businesses or activities not undertaken on the land.
- The proposed signage is inconsistent with the objectives of the Design and Development clause of Schedule 1 to the Activity Centre Zone as
 - a) The sign is not integrated into the building design.
 - b) The location and form of the sign is not consistent with the character of the area.
- The proposed signage results in an unacceptable outcome with respect to the decision guidelines of Clause 52.05 of the Scheme as:
 - a) The siting of the sign on the roof of the building results in a sign that does not integrate with the building or its façade and has the potential to dominate the skyline.
 - b) The provision of a sign above the roof line of a building is inconsistent with the character / theme of advertising signage within the precinct that typically comprises of Business identification signage, generally sited on buildings / verandahs either perpendicular or parallel to the street.

Moved by Veronica Schilling

Seconded by Colin Kalms

That the Council having not caused notice of Planning Application No. **2018-68** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of 21.04-1, 52.05 and 65 of the Greater Shepparton Planning Scheme in respect of the land known and described as **3/228-234 High Street SHEPPARTON VIC 3630**, for the **erection and display of an electronic promotional sky sign.**

CARRIED

Subject Site & Locality

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

Date: 22 January 2018

Time: 9.45 am

The site is known as 3/228 High Street, Shepparton and has a total area of approximately 185 square metres in two parts, with the main part having an area of approximately 160 square metres and a second part surrounded by common property access at the rear.

The larger part contains an existing building (shop) and the smaller part contains car parking spaces, serviced by access from common property.

The shop building is developed to the High Street property boundary. The building is single storey and has a cantilevered verandah extending over part of the footpath in the High Street road reserve.

The building is constructed to both side property boundaries, with side walls common to the adjoining shop to the west (4/228 High Street) and east (2/228 High Street).

The main locality characteristics are:

- The site is located in an area broadly zoned Activity Centre 1, and most properties in the vicinity of the site are accordingly commercially used and developed.
- 1-228 to 4-228 High Street occupy the width of the block presenting to High Street bound by North Street to the west and Hoskin Street to the east.
- All four properties are developed with single storey shops / offices sited at the High Street boundary and occupying the width of the lots.

- All four of these properties have common property access at the rear from North and Hoskin Streets and designated car parking spaces associated with each lot.
- The High Street / North Street intersection is within 10 metres to the west of the site. This intersection is controlled by traffic lights.
- Opposite the site to the north at 233-251 High Street is the Goulburn Valley Hotel. The hotel is a two storey building (which single storey elements) individually heritage listed under the provisions of the Greater Shepparton Planning Scheme (HO81).
- At the south west corner of the intersection of High and North Streets is the Terminus Hotel. The Terminus is located at 212 High Street, Shepparton and is also afforded Heritage protection under the provisions of the Planning Scheme with an individual heritage listing (HO80). The Hotel building has a two storey element focussed along the High Street frontage.

The Photos below show the existing site:



Permit/Site History

The history of the site includes:

- 2006-429 – The construction of four shops, business identification signage exceeding eight square metres, the alteration of vehicle access to a road in a Road Zone Category 1 (High Street) and a reduction in car parking requirements
- 2008-203 – Four lot subdivision to a Road Zone Category 1
- planning application 2017-365 proposed the same sign. This application was refused by the Development Hearings Panel on the same grounds, which also included Vicroads grounds of refusal.

Further Information

Was further information requested for this application?

No.

Public Notification

The application was exempt from being advertised in accordance with 9.0 of Schedule 1 to the Activity Centre Zone 1 of the Planning Scheme that states “*An application under Clause 52.05 for advertising signs is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.*”

Objections

Not applicable as the application was exempt from notice and review.

Title Details

The land is known as 3/228 High Street, Shepparton.

The Title description is Lot 2 PS621196.

There are no covenants or other restrictions registered on the Title to the land. There are no easements or other restrictions identified on the Title Plan.

Consultation

Relevant aspects of consultation included:

- A phone conversation with the applicant informing them that Council Planning Officers would recommend that the application for a planning permit would be recommended for refusal on the same grounds as the previous planning permit application 2017-365. The applicant informed the officer that they were aware of this however had received consent from Vicroads.
- The planning officer informed that this would not change their recommendation to the Development Hearings Panel and if they were not happy with the Council decision previously made, that there was still time to lodge an appeal against the refusal issued for application 2017-365.
- The applicant informed that they were aware of this, however wish to proceed with this option, given that the Development Hearings Panel now had discretion to approve the application given Vicroads no longer objected.
- The officer informed that they would progress the application with a recommendation for refusal, however would need to charge the application fee again.
- The applicant informed that they were aware of this and asked that the application be progressed.

Referrals

External Referrals/Notices Required by the Planning Scheme:

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

VicRoads	52.05-1	Determining	The application has been referred to VicRoads, however are yet to receive a response to date. Given that the application is recommended to be refused on Council grounds, it is not considered vital to await the Vicroads unless the Panel decides to approve the application.
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Section 52 -Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Nil	N/A	N/A	N/A

Internal Council Notices	Advice/Response/Conditions
Nil	N/A

Assessment

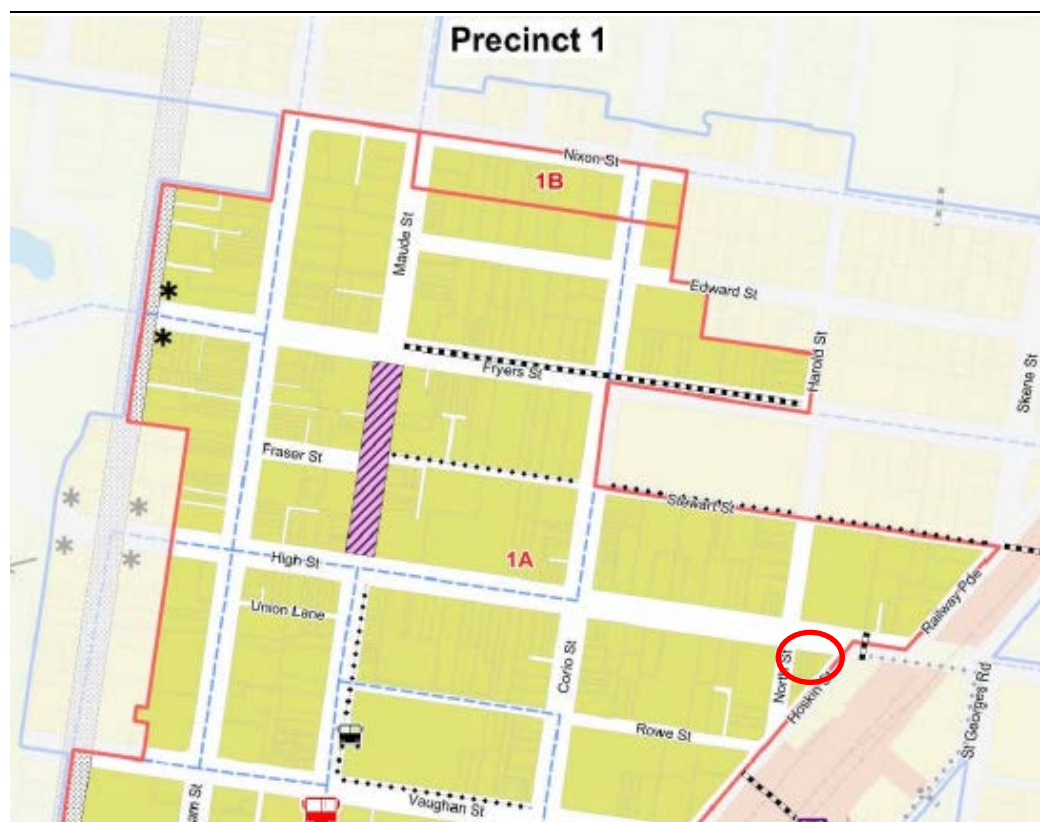
The zoning of the land

The land falls within the **Activity Centre Zone, Schedule 1 (Shepparton Central Business District Area)**.

Signage in the ACZ falls within Category 1 of the advertising requirements at Clause 52.05 of the Scheme, unless a Schedule to the Zone specifies a different Category.

Schedule 1 to the Overlay identifies that all land within Precincts 1, 7 and Sub-precincts 3B and 8A is in Category 1 of Clause 52.01, and all other land is in Category 3.

The land is located in Precinct 1 as illustrated on the map below, and therefore signage for this proposal falls within Category 1.



Clause 4.4 – Design and Development identifies that for the whole of the CBD, “Advertising signs should be integrated into building design and landscaping that contributes to a consistent and coordinated suite of signage for the CBD that is designed to serve a range or purposes, such as way finding, marking historical locations or announcing entry points.”

The proposed / constructed signage is inconsistent with this clause as it sits above the roof and is not integrated into the building. The location of the sign above the roof and its orientation results in the sign being sited inconsistently with the CBD objectives.

The Provisions for Precinct 1 do not provide any further guidance for the consideration of advertising signage.

Relevant overlay provisions

The land falls within the **Parking Overlay – Schedule 1 (Shepparton Central Business District)**.

The Parking Overlay and Schedule does not require planning approval for advertising signage and does not identify any other requirements for advertising signage.

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

Clause 21.04-4 – Urban Design identifies with respect to signage that inappropriate design and placement of advertising signs can have a significant effect on the appearance and visual amenity of an area. Council wants to guide the location and display of signage within the municipality to ensure signage is compatible with the character and architecture of local streetscapes. The design, form, size and placement of advertising signs should be controlled

so as to protect and enhance the appearance of rural and urban areas and to avoid signs that are excessive, confusing or incompatible with the character of the surrounding area.

The relevant Objective for Urban Design is to “*control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment the built form in the municipality*”.

The relevant strategies for Urban Design are to:

- *Ensure that the location, form and size of signs complement the dominant character of any urban or rural landscape, building, site or area on which they are erected.*
- *Control the location, size and scale of advertising signage, especially in key precincts of the Shepparton CBD and town centres.*

When considering an application for an advertising sign, Council will be guided by the following principles:

- *Fewer signs displaying a simple clear message are encouraged.*
- *Advertising signage is encouraged to be primarily for business identification providing basic identification information of the business.*
- *Suspended under-verandah signs should be limited to one per shopfront, except on large premises where the limit should be one per ten metres of shop front.*
- *Above-verandah signs should be attached to the upper facade or parapet, parallel/horizontal to the road with minimal projection.*
- *Sky signs, high wall signs, projecting off-wall signs on upper facades and signs that project above parapets, wall, verandahs, roof lines or building fascias are discouraged in all areas.*
- *Freestanding signs should be limited to one sign per premises with multiple occupancies encouraged to share sign space.*
- *‘V’ board signs are discouraged in all areas.*
- *Where a building is set back from the street, signs are encouraged to be located within the boundary and should be orientated to be parallel or at right angles to the street.*
- *Where possible signs should be located on the building.*
- *Pole signs should be limited to one per frontage and should be no higher than the surrounding buildings.*
- *Internally illuminated promotional signs are discouraged.*
- *Permanent bunting, streamers, banner, balloons, animated, reflective signs or similar devices, are strongly discouraged in all zones due to the detriment to the amenity of the area and the high level of visual clutter and dominance. These signs may be considered for temporary (3 month maximum) promotions only.*
- *Major Promotional signs are discouraged, but if approved are to be confined to Regional & Sub-regional Centres attached to a building wall and should not be more than 3 metres above the ground or be internally or externally illuminated.*

The proposed signage is considered to be inconsistent with the Urban Design objectives and Policy Guidelines for Advertising Signs at of Clause 21.04-4 because:

- Advertising signage should relate primarily to the site on which it is located. The proposed sign would promote other businesses or activities not undertaken on the land.
- The siting of the sign on the roof of the building constitutes a sky sign, which is expressly discouraged in all areas of the CBD.
- The siting of the sign is inconsistent with the preferred siting for advertising signs on (and integrated into) buildings, and will disrupt the visual amenity of the area through its inappropriate siting on the roof of the building and orientation towards the intersection rather than directly to (parallel with) the street.

Relevant Particular Provisions

Advertising Signs 52.05

The purpose of this provision is to:

- *Regulate the display of signs and associated structures;*
- *Provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute 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.*

The proposed sign is defined as an Electronic Promotion sign / Sky sign. In Category 1 of Clause 52.05, this signage falls within Section 2 (Permit Required)

Application Requirements 52.05-2

An application to display an advertising sign must be accompanied by specified information, as appropriate, including:

- *A site context report.*
- *Dimensions, height above ground level and extent of projection of the proposed sign.*
- *The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.*

No site context report was submitted with the application.

Some details of the dimensions and height of the sign were provided.

A report prepared by Luxplot Design was submitted with the application providing a Lighting Impact Assessment on the sign. The report sought to demonstrate compliance with VicRoads Advertising Policy and AS4282-1997 Control of Obtrusive Effects of Outdoor Advertising.

The report identifies compliance with the VicRoads Advertising Policy when operated in accordance with the recommendations of the report.

Decision Guidelines 52.05-3

Before deciding on an application to display a sign, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The character of the area including:

- *The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.*
- *The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.*
- *The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.*
- *The consistency with any identifiable outdoor advertising theme in the area.*

Impacts on views and vistas:

- *The potential to obscure or compromise important views from the public realm.*
- *The potential to dominate the skyline.*
- *The potential to impact on the quality of significant public views.*
- *The potential to impede views to existing signs.*

The relationship to the streetscape, setting or landscape:

- *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*
- *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
- *The ability to screen unsightly built or other elements.*
- *The ability to reduce the number of signs by rationalising or simplifying signs.*
- *The ability to include landscaping to reduce the visual impact of parts of the sign structure.*

The relationship to the site and building:

- *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
- *The extent to which the sign displays innovation relative to the host site and host building.*
- *The extent to which the sign requires the removal of vegetation or includes new landscaping.*

The impact of structures associated with the sign:

- *The extent to which associated structures integrate with the sign.*
- *The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.*

The impact of any illumination:

- *The impact of glare and illumination on the safety of pedestrians and vehicles.*
- *The impact of illumination on the amenity of nearby residents and the amenity of the area.*
- *The potential to control illumination temporally or in terms of intensity.*

The impact of any logo box associated with the sign:

- *The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign*
- *The suitability of the size of the logo box in relation to its identification purpose and size of the sign.*

The need for identification and the opportunities for adequate identification on the site or locality.

The impact on road safety. A sign is a hazard if the sign:

- *Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.*
- *Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.*
- *Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.*
- *Is at a location where particular concentration is required, such as a high pedestrian volume intersection.*
- *Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.*
- *Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.*
- *Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.*
- *Is within 100 metres of a rural railway crossing.*
- *Has insufficient clearance from vehicles on the carriageway.*
- *Could mislead drivers or be mistaken as an instruction to drivers.*

The proposal has been assessed against the relevant decision guidelines of this Clause and it is considered that:

- *The siting of the sign on the roof of the building results in a sign that does not integrate with the building or its façade and has the potential to dominate the skyline.*
- *The provision of a sign above the roof line of a building is inconsistent with the character / theme of advertising signage within the precinct that typically comprises of Business identification signage, generally sited on buildings / verandahs either perpendicular or parallel to 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 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 proposal has been considered with respect to the relevant decision guidelines and for the reasons previously identified it is considered that the proposal would not result in the orderly planning of the area and would have an unreasonable impact on the amenity of the area.

Relevant incorporated or reference documents

The Shepparton CBD Strategy, October 2008 is the strategic background document that underpinned the application of the Activity Centre Zone to the Shepparton CBD. The CBD Strategy includes design guidelines that address signage. The desire to avoid promotional signs is identified in the CBD 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.

Conclusion

The application is inconsistent with the objectives of Clause 21.04-4, is inconsistent with the design objectives of Schedule 1 to the Activity Centre Zone as the sign constitutes a Sky sign which is expressly discouraged in all areas of the CBD, the sign is inappropriate and out of character in terms of its form, scale and siting therefore the application should be refused.

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2018-68

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 3/228-234 High Street SHEPPARTON VIC 3630

WHAT HAS BEEN REFUSED: Erection and display of an electronic promotional sky sign

WHAT ARE THE REASONS FOR THE REFUSAL?

- 1) The proposed signage is inconsistent with the objectives of Clause 21.04-4 of the Greater Shepparton Planning Scheme as:
 - a) The siting of the sign on the roof would constitute a Sky sign which is expressly discouraged in all areas of the CBD.
 - b) The siting of the sign is inconsistent with the preferred siting for advertising signs on (and integrated into) buildings, and will disrupt the visual amenity of the area through its inappropriate siting on the roof of the building and orientation towards the intersection rather than directly to (parallel with) the street.
 - c) The proposed sign would promote other businesses or activities not undertaken on the land.
- 2) The proposed signage is inconsistent with the objectives of the Design and Development clause of Schedule 1 to the Activity Centre Zone as
 - a) The sign is not integrated into the building design.
 - b) The location and form of the sign is not consistent with the character of the area.
- 3) The proposed signage results in an unacceptable outcome with respect to the decision guidelines of Clause 52.05 of the Scheme as:
 - a) The siting of the sign on the roof of the building results in a sign that does not integrate with the building or its façade and has the potential to dominate the skyline.
 - b) The provision of a sign above the roof line of a building is inconsistent with the character / theme of advertising signage within the precinct that typically comprises of Business identification signage, generally sited on buildings/verandahs either perpendicular or parallel to the street.