

**UNCONFIRMED MINUTES**

**FOR THE**

**GREATER SHEPPARTON CITY COUNCIL**

**DEVELOPMENT HEARINGS PANEL**

**Meeting No. 2/2019**

**HELD ON**

**FRIDAY 12 APRIL 2019**

**AT 10.00AM**

**IN THE COUNCIL BOARDROOM**

**90 WELSFORD STREET**

**CHAIR**

**Councillor Chris Hazelman**

## **COMMITTEE MEMBERS PRESENT**

Committee members present today are:

- Cr Chris Hazelman (Chair),
- Michael MacDonagh – Team Leader Strategic Planning, Greater Shepparton City Council
- Jonathan Griffin – Team Leader Development, Greater Shepparton City Council
- Joel Ingham – Planning Coordinator, Benalla Rural City Council
- Cameron Fraser – Principal Planner, Strathbogie Shire Council

## **ACKNOWLEDGEMENT**

Welcome everyone to Development Hearings Panel meeting number 2 for 2019

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

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors”.

## **RECORDING OF PROCEEDINGS**

I would like to advise all present today that:

- the proceeding is being minuted but not recorded and all minutes will be published on Council’s website.
- and that out of courtesy for all other attendees any recording devices should be turned off during the course of the hearing unless the chair has been formally advised that a party wishes to record proceedings.

## **OFFICERS AND OTHERS PRESENT**

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

- Andrew Dainton

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

## APOLOGIES

Nil

## CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- Minutes of DHP meeting No. 01/2019 held on Friday 8 February 2019. Minutes have been circulated.

***Moved** by Jonathan Griffin and **seconded** by Cameron Fraser that the minutes of the meeting held on 8 February 2019 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.

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**MATTERS FOR CONSIDERATION**

There is one item listed for consideration in this session of the DHP:

1. Planning Permit application 2018-353 seeking permission for use and development of land for a secondary school and waiver of associated car parking on the land at 123-129 Maude Street, Shepparton

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**10. LATE REPORTS**

None

**11. NEXT MEETING**

N/A

Meeting concluded at 10.38am

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## Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2018-353
Applicant Name:	Bruce Mactier & Associates Pty Ltd
Date Received:	13-Dec-2018
Statutory Days:	96
Land/Address:	123-129 Maude Street SHEPPARTON VIC 3630
Zoning & Overlays:	ACZ1 PO
Why is a permit required (include Permit Triggers):	Use of land for a secondary school under 37.08-2 Buildings and works in the ACZ under 37.08-5 Waive car parking requirements under 52.06-3
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No
Was the correct application fee paid?	Yes \$3,330.70 – Development \$643.0 – Use of land \$643.05 – Waiver of car parking Total - \$4616.80

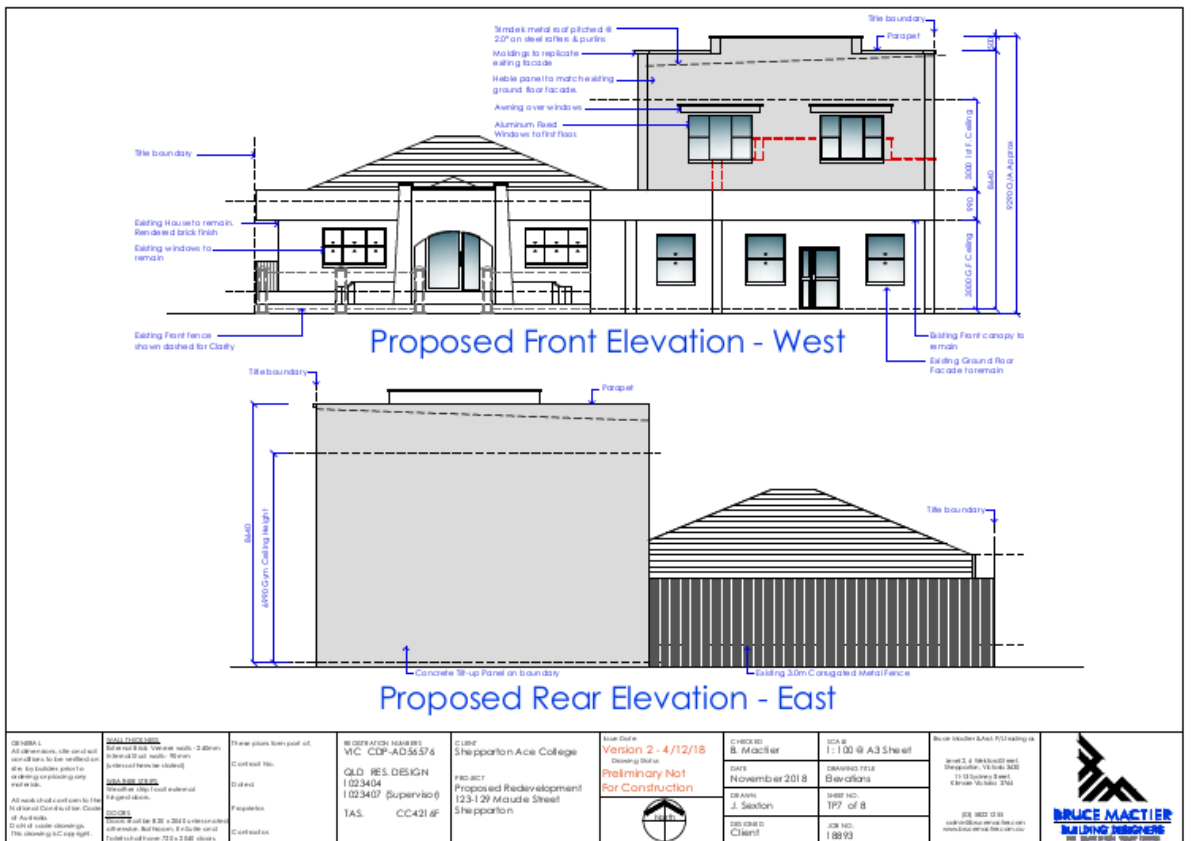
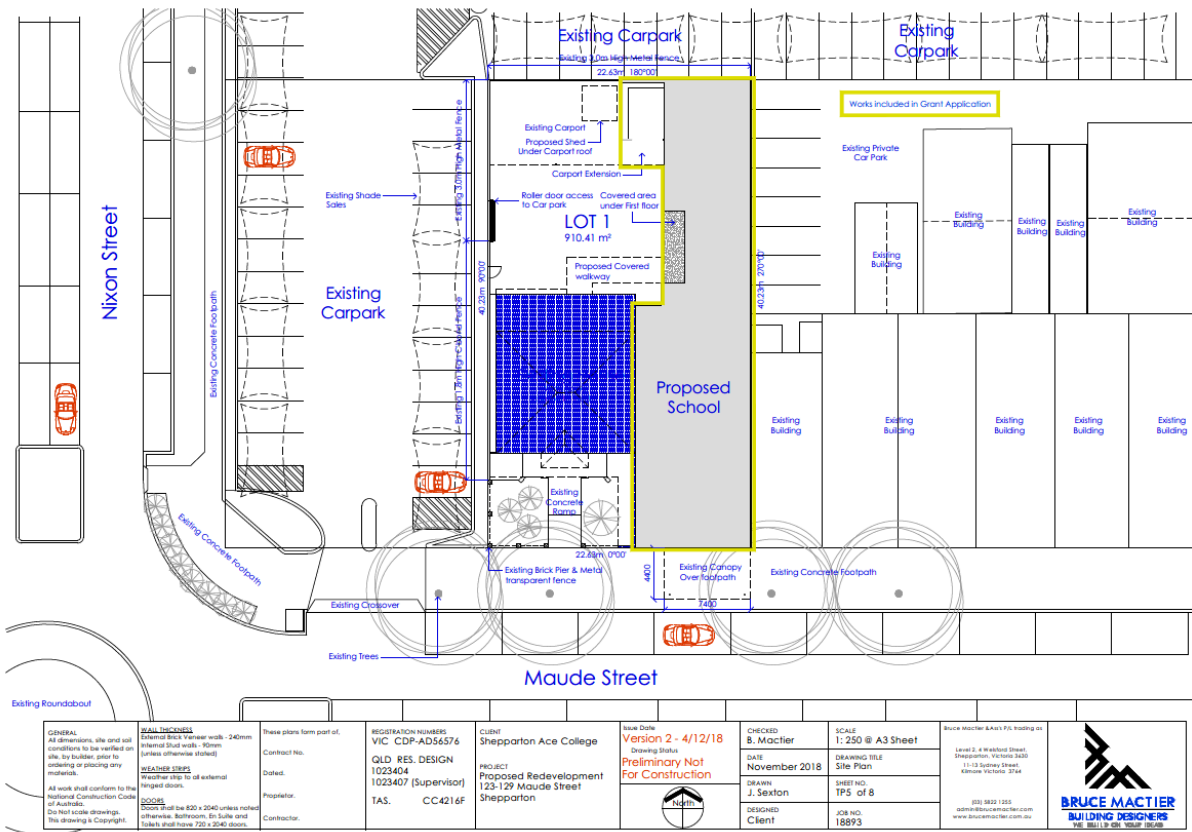
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## Proposal

The application proposes to change the use of the land from a funeral parlour to a secondary school. To facilitate this change a new two storey building is proposed to accommodate 120 students and 9 staff.

1.2 car parking spaces are required for each employee under 52.06. On the basis that the use employs 9 staff a total of 10 on site spaces are required. The application seeks permission to waive the car parking requirements.

Plans of the proposed development are below.



The application was advertised and one objection lodged which raised concern about the proposed waiver of onsite car parking spaces.

The main assessment concern associated with the application relates to car parking. Permission is required to waive 10 car parking spaces. Officers consider that the proposed waiver is acceptable for the following reasons:

- Abutting the land to the north and east is a Council off street public car park that provides free all day car parking. Within Maude and Nixon Street is substantial on street car parking that provides a mix of 2 hour and all day car parking
- Nixon Street is serviced by a public bus route which provides opportunity for bus drop off for staff and students at the school
- The previous use of land was a funeral parlour which on an as need basis hosted funerals. When these funerals were held parking pressures existed which exceeded the 10 space parking demand of the proposed secondary school.

The proposed use and development for secondary school are considered to implement policy directions of the ACZ by creating a busy and vibrant CBD that maintains its role as the major attractor in the Goulburn Valley.

Officers acknowledge that the school will attract more people to the CBD and in turn will increase parking demands in the CBD. Despite this, officers consider that the concentration of people in the CBD is important and the density of people is what makes for a successful and vibrant CBD.

Officers consider that the use and development including waiver of parking produces acceptable planning outcomes and a NOD to grant a permit should issue.

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## Summary of Key Issues

- The land is within the ACZ – precinct 1B.
- Permission is sought to use and develop the land for a secondary school for 9 staff and 120 students. Associated with the use is an application to waive parking requirements for the secondary school.
- Precinct 1B of the ACZ sets a preferred building height of 7m. The second storey extension has a building height of about 8.64m. As the preferred building height is exceeded the notice exemptions of the ACZ do not apply to the proposal.
- The application was advertised to neighbours and one objection was lodged. The objections raise concern with the parking waiver and seeks that a permit condition require a parking contribution as required by the Parking Overlay.

- Officers have considered the request to waive parking requirements and recommend that DHP not require a parking contribution.
  - Officers consider that the use and development of the land for a secondary school achieve acceptable planning outcomes as the proposal will lead to employment and activity in the CBD.
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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2018-353 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 37.08-2, 37.08-5 and 52.06-3 of the Greater Shepparton Planning Scheme in respect of the land known and described as 123-129 Maude Street Shepparton, for the use and development of land for a secondary school and waiver of associated car parking in accordance with the Notice of Decision and the endorsed plans.

**Moved by Jonathan Griffin**

**Seconded by Cameron Fraser**

That Council having caused notice of Planning Application No. **2018-353** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clause 32.08-3 and 32.08-6 of the General Residential Zone of the Greater Shepparton Planning Scheme in respect of the land known and described as **123-129 Maude Street, Shepparton Vic 3630** for a **use and development of the land for a secondary school and waiver of associated car parking on the land at 123-129 Maude Street, Shepparton** in accordance with the Notice of Decision.

**CARRIED**



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## Subject Site & Locality

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

Date: 1 April 2019

Time: 2.10pm

The site has a total area of about 900 square metres and currently contains:

- Existing buildings which were previously used for a funeral parlour. The buildings consist of a converted dwelling building and more modern office type building. Both buildings are single storey.
- Vehicle access to the land is via the Council off street car park from the north.

The main site/locality characteristics are:

- Abutting the land to the north and east is existing public car parking which provides free all day parking
- Abutting the land to the south is a single storey building which is used as an office and area of car parking which services a building fronting Edward Street.
- Maude Street is a wide street which provides on street car parking that is aimed at visitors to the CBD. Within the area is a mix of uses being office, shop, public buildings and cafes.

The Photos below show the existing site:



View of the existing Maude Street façade. The first floor level extension is to be located above this part of the building.



View of the existing façade which is largely screened by an existing London Plain Tree. The façade is a converted dwelling into a funeral parlour. An existing overhead electricity connection is attached to the façade of this building. Permit condition will require that electricity be by underground connection.



View of utilisation of two hour on street car parking in Maude Street. Whilst undertaking the inspection officers counted 18 vacant car parking spaces between Nixon and Edward Street.

## Permit/Site History

The history of the site includes:

- Planning permit 2002-354 was issued on 8 October 2002 and allowed the land to be developed for additions to an existing funeral parlour.

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## Further Information

Was further information requested for this application? No

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## Public Notification

7.0 of the ACZ states:

*An application to construct a building that exceeds the maximum preferred building height is not 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 in accordance with Clause 37.08-8 of the Activity Centre Zone.*

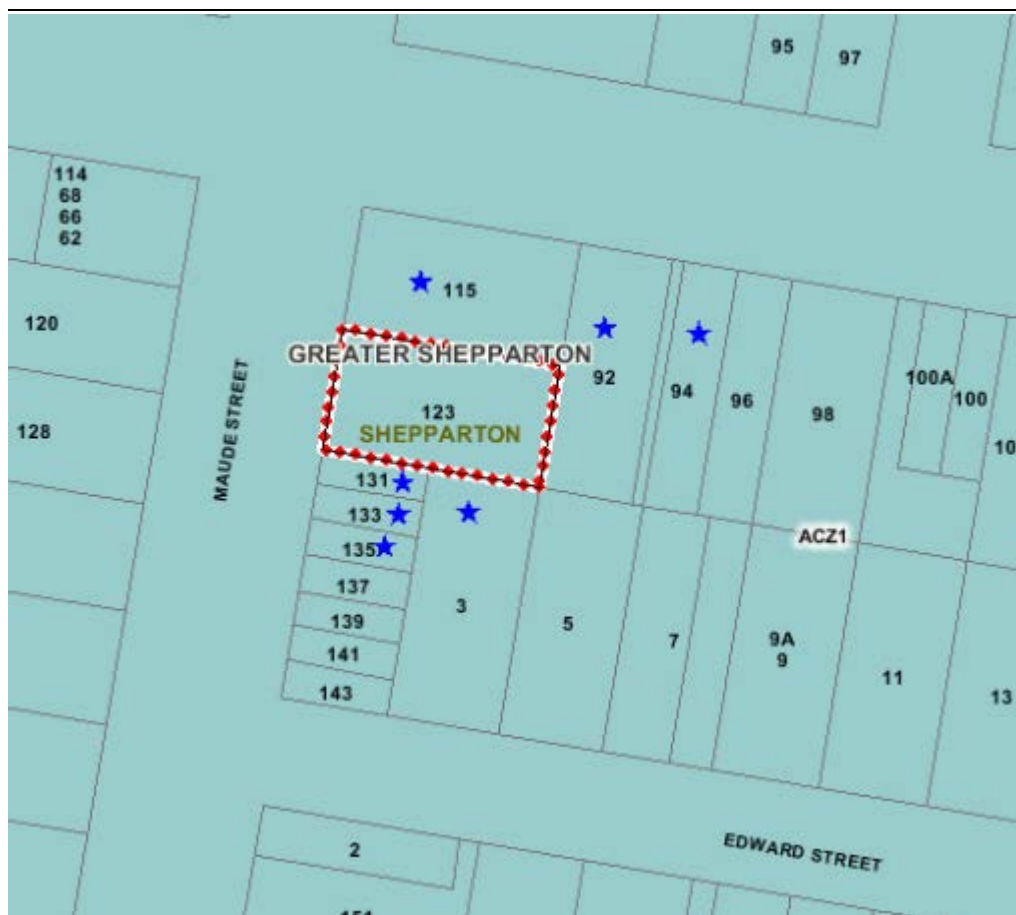
The land is within precinct 1B. Precinct 1B has a preferred building height of 7m. Part of the development has a building height of 8.64 metres. As the building height exceeds the preferred building height the application is not exempt from notice under the ACZ.

Permission is also required for a reduction in car parking which is not exempt from notice under 52.06-4.

Notice of the application was given with the following description – *use and development of land for Shepparton Adult & Community Education College and a reduction in car parking requirements.*

The application was advertised by letter as shown below.





## Objections

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

Ground of Objection	Officers Response
Reduced availability of short term car parking and additional pressure on all day parking areas	The proposed secondary school will accommodate up to 120 students and nine staff. Officers acknowledge that the use will increase demand for short and long term car parking.
Consider imposing a parking contribution to fund a review of existing infrastructure, determine future demands and help fund the construction of additional car parking facilities	The PO allows a parking contribution be made at a rate of \$6000 per space. On the basis of a 10 space shortfall a parking contribution of \$60,000 could be required. Payment of this contribution would result in compliance with 52.06 and no permission to waive parking requirements would be triggered.  The relocation of ACE college is to facilitate

	<p>the development of a modern CFA facility at ACE's current location on Rowe Street. If approved the new CFA station will provide important emergency services for the Shepparton region. The CFA proposal has the support of Government and Council (as distinct to the responsible authority).</p> <p>Officers recommend that DHP not require a parking contribution for ACE for the following reasons:</p> <ul style="list-style-type: none"><li>• ACE provides a specialised education service to students who could otherwise be lost to the education system</li><li>• ACE is proposed to be located within Shepparton's CBD that has access to public parking that has the ability to meet the schools parking demand</li><li>• Council has and continues to invest in additional car parking in the CBD. Such projects include Nixon Street, Marungi and Sobroan Street centre road parking and Hoskin Street car park, Welsford Street car park (near Princess Park Clinic). Council is currently planning centre of road parking in Skene Street. These parking projects provide free all day parking options on the edge of the CBD.</li></ul>
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## Title Details

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

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## Consultation

Consultation was not undertaken.

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## Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Head of Transport for Victoria	66.02-11	Determining	TfV consented to the application subject to one condition.

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## Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVW	GVW consented to the application subject to standard conditions.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council engineers consented to the application subject to the submission of a drainage plan.

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## Assessment

**The zoning of the land**

Activity Centre Zone

**Land use and development objectives to be achieved**

**Land use**

- To reinforce Shepparton as the principal retail centre in the region.
- To maximise the regional service role of Shepparton through provision of a dynamic and efficient activity centre hierarchy.
- To consolidate the traditional retail core (Precinct 1) including a continued focus of providing specialty retailing and entertainment.
- To support the Regional Retail role of Shepparton Marketplace in a manner complementary to the retail core (Precinct 1).
- To ensure any proposal to locate new department stores or cinemas outside of the retail core (Precinct 1) will not change the role and function of that centre and that the primacy of the retail core (Precinct 1) will be maintained as justified by a detailed planning assessment, including an economic impact assessment.

- To strengthen Shepparton CBD's role as an office and commercial location, a regional community and cultural hub and as a tourist destination.
- To attract more people to live in the Shepparton CBD as a means of providing a greater range of housing choices and supporting the vibrancy and economy of the CBD, including enhancing the role of the CBD as a 'university city, by creating an attractive CBD in which to study and live
- To strengthen links with the indigenous and cultural communities in Shepparton through expanding cultural-related activity in the CBD and working with the River Connect project.

#### **Built form**

- To encourage innovative and sustainable contemporary design and promote the principles of environmentally sustainable design.
- To promote best practice urban design principles in the layout of activity centres.
- To make better use of available land by allowing higher scale built form in appropriate locations.
- To protect the amenity of residential areas and places of cultural heritage significance.

#### **Public realm**

- To enhance outdoor life in the city through the quality of its open spaces, within and immediately surrounding the CBD.
- To integrate the CBD and river spaces through improved visual connections and linkages to attract pedestrians, cyclists and tourists to the riverine areas.
- To improve the amenity and image of the CBD through the quality of its streetscape design.
- To design buildings and spaces to improve the level of actual and perceived safety throughout the CBD.
- To support public art in the CBD that projects the character and uniqueness of Shepparton, enlivens public spaces and raises awareness of the indigenous and post-settlement history of Shepparton.

#### **Access**

- To refocus Shepparton CBD as a place for pedestrians and local traffic, creating a high-quality pedestrian environment in the CBD.
- To manage the operation of the CBD road network to redirect freight and through traffic to alternative routes prior to development of the Shepparton bypass.
- To improve access to and within Shepparton CBD by a variety of sustainable transport modes including foot, bicycle and public transport with new linkages that are efficient and connect key destinations.
- To encourage safe and convenient access to the river and public spaces, including the railway station.

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The land is within precinct 1B – retail core.

**Precinct objectives**

- To encourage major anchor stores, shops, cinemas, entertainment, clothing and national brand retailers to locate within the core retail area in Sub-precinct 1A.
- To encourage the Maude Street Mall to function as a true ‘centre’ of town and facilitate higher scale, mixed-use development that includes residential to bring more people to the mall and increases activity on the street.
- To encourage the implementation of a best practice model for revitalisation and activation of Maude Street Mall.
- To encourage redevelopment of vacant or underused sites with buildings that creates a well-defined street edge. Specifically, this includes:
  - improving the function and appearance of Vaughan Street through a stronger built form and architectural quality to define the streetscape and improve pedestrian amenity.
  - encouraging a higher density of building around the mall, including the vacant sites or surface car parks of Stewart Street, to improve its appearance and safety.
- To encourage the location of cafes and dining, food outlets, entertainment, and residential (above ground level) in Fryers Street and the Maude Street Mall.
- To improve the function and appearance of the mall as the principal open space of the CBD’s retail core and the heart of CBD activity.

1B	7m.	None specified.	Setbacks to meet the objectives of Standard A3 and A10 of Clause 54 or Standard B6 and B17 of Clause 55 of the Greater Shepparton Planning Scheme.
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**Precinct guidelines**

**General**

- Core retail activities, particularly anchor department stores and entertainment uses in the retail core, should be consolidated and clustered.
- Encourage cinema and department stores to locate in the retail core.
- Building frontages in the core retail areas and along main pedestrian streets should be designed to have 75 per cent ‘active’ frontage to add to the activity and vitality of the streets. This can be achieved through clear glazing, locating entrances off principal street spaces and providing balconies or terraces at the upper levels.



## **Relevant overlay provisions**

### **Parking Overlay**

#### **Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To facilitate an appropriate provision of car parking spaces in an area.
- To identify areas and uses where local car parking rates apply.
- To identify areas where financial contributions are to be made for the provision of shared car parking.

Shepparton Central Business District

#### **Car parking objectives to be achieved**

- To identify car parking rates to be provided for the use of land in the Shepparton Central Business District (CBD).
- To assist in encouraging appropriate commercial development and redevelopment within the CBD using realistic parking rates.
- To maximise the supply and usage of parking by time of day for customers and employees of the CBD, and capitalise on shared parking opportunities.
- To limit the requirements to provide car parking for new development and redevelopment, whilst minimising any adverse parking and equity consequences of new developments.

The PO provides no set parking rate for a secondary school.

52.06 requires that a secondary school provide 1.2 spaces to each employee that is part of the maximum number of employees on the site at any time. Based on 9 staff the use has a statutory parking rate of 10 parking spaces. No on site car parking is proposed therefore a 10 space reduction is required.

## **The State Planning Policy Framework (SPPF)**

### **11.03-1S**

#### **Activity centres**

##### **Objective**

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

## **17.01-1S**

### **Diversified economy**

#### **Objective**

To strengthen and diversify the economy.

#### **Strategies**

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.
- Support rural economies to grow and diversify.

## **17.01-1R**

### **Diversified economy - Hume**

#### **Strategy**

Encourage appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.

## **17.02-1S**

### **Business**

#### **Objective**

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

#### **Strategies**

- Plan for an adequate supply of commercial land in appropriate locations.
- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
- Locate commercial facilities in existing or planned activity centres.

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

21.06-5 Commercial / Activity Centres

### **Objectives - Commercial/Activity Centres**

- To support the hierarchy of viable activity centres.
- To reinforce the Shepparton CBD as the principal retail centre in the region, in accordance with the provisions of Schedule 1 to the Activity Centre Zone, the *Shepparton CBD Strategy October 2008* and *Commercial Activity Centres Strategy November 2015*.
- To strengthen the Shepparton CBD's role as an office and commercial location, and provide appropriate retail opportunities in supporting locations.
- To consolidate the traditional retail core (Precinct 1) including a continued focus of providing specialty retailing and entertainment, particularly cinema based facilities and department stores.
- To maximise the regional service role of Shepparton through the provision of a dynamic and efficient activity centre hierarchy.
- To ensure the provision of adequate subregional retail facilities to serve local communities.
- To strengthen the image of Shepparton CBD as a regional community and cultural hub, and as a 'university city'.
- To attract more people to live in the Shepparton CBD as a means of providing a greater range of housing choices and supporting the vibrancy and economy of the CBD.
- To continue the revitalisation and activation of the Maude Street Mall.
- To create a movement network that is convenient, connects key destinations and precincts, and prioritises walkability, cycling and public transport use.
- To enhance the role of the Shepparton CBD as a 'university city' by creating an attractive CBD in which to study and live.

### **Strategies - Commercial/Activity Centres**

- Support a hierarchy of retail centres that promotes the primacy of the Shepparton CBD as a multi-function centre complemented by local centres for convenience shopping, as identified in the *Commercial Activity Centres Strategy November 2015*.
- Provide for the continued growth of the Shepparton CBD as a multi-purpose retail, business, commercial, community, entertainment and tourism centre, as identified in the *Shepparton CBD Strategy October 2008* and *Commercial Activity Centres Strategy November 2015*.
- Encourage national brand retailers and specialty retail to locate in the CBD core area (Precinct 1).
- Encourage boutique and specialty retailing, and the range and mix of retail offer, including fresh food stores, specialty and convenience food, in the CBD.
- Focus attractions that generate pedestrian movement (such as shops, cafes, banks and other financial institutions, travel agents and take-away food outlets) and create active street frontages in the retail core (Precinct 1).
- Encourage the redevelopment of peripheral areas of the Shepparton CBD including expansion to Sobraon Street.
- Encourage the implementation of a best practice model for the activation of the Maude Street Mall.
- Encourage cafes, restaurants and alfresco dining in a dining and entertainment precinct in Fryers St.
- Provide for quality commercial development within the CBD, particularly properties with river frontage along Welsford Street.

- Allow higher scale buildings in appropriate locations and encourage site consolidation where necessary to support large-scale commercial development.
- Encourage smaller offices to locate in the office precincts and at upper levels of retail uses in the CBD.
- Facilitate the further expansion of the Shepparton Marketplace beyond 22,500 square metres, subject to a policy framework that ensures any expansion is complementary to the role and function of the Shepparton retail core (Precinct 1), including an economic impact assessment detailing the impact on the relative role of this centre and the Shepparton CBD.
- Support the growth of existing centres and the development of new centres to meet urban growth in line with the *Commercial Activity Centres Strategy November 2015*.
- Facilitate and support the expansion and concentration of additional retail and commercial facilities for the Shepparton North activity centre, between Ford Road and Hawkins Street on the eastern side of Numurkah Road, to reflect the designated sub-regional role and function of the centre.
- Provide neighbourhood commercial and retail centres that are accessible to the local community, especially by public transport and bicycle, and that also have adequate car parking provisions.
- Encourage and promote the location of peripheral sales, bulky goods and restricted retail as shown on the Framework Plan.
- In the event of the re-location of the aerodrome within the next 20 years, and subject to an economic impact assessment, identify a potential neighbourhood centre in the southern growth corridors on the site of the existing aerodrome.
- Encourage shops to front the road, be built in line with other buildings, and have regard to the location of car parking, landscaping and pedestrian areas.
- Discourage uses such as display yards or service stations which disrupt pedestrian connections in shopping streets.
- Ensure residential uses do not occupy ground floor retail street frontages in commercial core areas, to prevent disruption to commercial activity.
- Consider the potential for a rezoning of land in McLennan Street, Mooroopna, adjacent to the former Mooroopna Hospital to provide for development/uses which complement the proposed retirement complex.

### **Relevant Particular Provisions**

#### **52.06 Car Parking**

##### **Purpose**

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

### **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.

#### Officers Assessment

##### Use of land

Permission is required to use the land for a secondary school in the ACZ. Officers consider that the secondary school assists in the implementation of the ACZ by increasing activity within the CBD and strengthen the CBD's educational role.

##### Buildings and Works

The proposed development seeks to increase the floor area of building by 268sqm which is mainly on the first floor level. The first floor extension is located on the southern boundary of the land and consists of heble panels to the Maude Street elevation and concrete panels.

In considering the proposal officers have identified concerns with the east elevation. The elevation is a blank concrete panel to a public car park that has little surveillance. Officers are concerned that the wall could become a target for graffiti. Permit conditions will require amended plans to provide a design solution to this wall, officers have suggested to the applicant that the wall be designed to incorporate a climbing plant to soften the wall.

Officers will also require that the north elevation be treated with a painted surface.

Abutting the land in Maude Street are two established London Plain Trees. Permit conditions will require the submission of a construction management plan that set out protection measures for these trees during the construction phase.

Bicycle provisions at 52.34-5 require that a secondary school provide spaces at a rate of 1 to each 5 pupils and 1 to each 20 employees. Based 120 students and 9 staff members a total of 25 on site bicycle spaces are required plus end of trip facilities. Permit conditions will require that full compliance with the bicycle provisions be achieved.

Officers having undertaken an assessment of the application consider that the development implements policy directions relating to Shepparton's CBD.

**Relevant incorporated or reference documents**

CBD Strategy

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

Nil

**Relevant Planning Scheme amendments**

Nil

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

Nil

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

Nil

**The Aboriginal Heritage Act 2006**

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

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

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

**Charter of Human Rights and Responsibilities**

The application has been assessed in accordance with the P&E Act which ensures the Charter is complied with.

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## **Conclusion**

Officers consider that the proposed use and development achieves acceptable planning outcomes and produces a net community benefit by generating additional education in Shepparton's CBD. Officers do not consider that the waiver of car parking to warrant the refusal of the application gives the CBD's access to free all day car parking on the edges of the CBD.

# Draft Notice Of Decision

**APPLICATION NO:** 2018-353  
**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:** 123-129 MAUDE STREET SHEPPARTON VIC 3630

**WHAT THE PERMIT WILL ALLOW:** USE AND DEVELOPMENT OF LAND FOR A SECONDARY SCHOOL AND WAIVER OF ASSOCIATED CAR PARKING

## **WHAT WILL THE CONDITIONS OF THE PERMIT BE?**

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### **1. Amended Plans Required**

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

- a) Provision of no fewer than 25 on site bicycle spaces and end of trip facilities
- b) Amended east elevation to include provision for a green wall i.e. a climbing plant
- c) Painting of concrete panels on the north elevation

Before the secondary school is occupied the buildings and works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

### **2. Layout Not Altered**

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

### **3. Drainage Discharge Plan**

Before any of the development starts a properly prepared drainage discharge plan (by a suitably qualified person or organisation) with computations to the satisfaction of the responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted

must show the details listed in Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a) details of how the works on the land are to be drained and/or retarded.
- b) maximum discharge rate shall not be more than pre-development flows
- c) underground pipe drains conveying stormwater to the legal point of discharge, the existing property drain connection
- d) no new connection to council's drainage system will be permitted
- e) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- f) the details of the incorporation of water sensitive urban design, designed in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.

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

#### **4. Construction Phase**

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

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

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

#### **5. Electricity Connection**

Before the occupation of the secondary school the electricity connection to the building must be undergrounded to the satisfaction of the responsible authority.

#### **6. Goulburn Valley Region Water Corporation Requirements**

- a) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of



construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

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

- b) Any structures to be built must be clear of any easement in favour of the Corporation and **one metre laterally** clear of the edge of any assets of the Corporation. (This includes the current sewer point.)
- c) Relocation of any existing house connection drain, to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation; (Existing sewer point to be cut and sealed and a new sewer point cut in)
- d) Discharge of trade waste from the development may be subject to a Trade Waste Consent Agreement. Contact the Corporation's Business Customer Solutions team to discuss what if any trade waste facilities are required.

#### **7. Transport for Victoria**

The permit holder must take all reasonable steps to ensure that disruption to bus operation along Maude Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria 8 weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au.

#### **8. Time for Starting and Completion**

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

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