

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 4/2023

HELD ON

Friday 9 June 2023

at 10am

(Boardroom & Via Teams)

CHAIR

Councillor Shane Sali

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 4 for 2023.

Any technical issues that may result in the Teams connection failing will cause a delay or adjournment to this meeting.

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

We, Greater Shepparton City Council, acknowledge the Yorta Yorta Peoples of the land which now comprises Greater Shepparton, we pay our respect to their tribal elders, we celebrate their continuing culture and we acknowledge the memory of their ancestors.

COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Shane Sali (Chair) – **Boardroom**
- Colin Kalms – Manager - Building, Planning & Compliance – Greater Shepparton City Council – **Teams**
- Nilesh Singh – Manager Development - Benalla Rural City Council – **Teams**
- Joel Ingham – Planning Co-Ordinator – Benalla Rural City Council – **Teams**

OFFICERS AND OTHERS PRESENT

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

- Elke Cummins – **Boardroom**

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

Matthew Hainsworth - Applicant – 2023-82 (92 Corio Street, Shepparton)

Carol Girvan – Objector - 2023-45 (11 Hughes Street, Tatura)

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- Minutes of DHP meeting No.3/2023 held on Monday 27 March 2023. Minutes have been circulated.

Adjourned to the next Hearing

DECLARATIONS OF CONFLICTS OF INTEREST

Are there any panel members who wish to declare a conflict of interest?

ORDER OF PROCEEDINGS

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

- The proceeding is being minuted and recorded and a recording of the meeting and minutes will be published on Council's website.
- 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.
- 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 submission 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 extension.

MATTERS FOR CONSIDERATION

There are 3 items listed for consideration in this session of the DHP:

1. Planning Permit application – 2023-82- 92 Corio Street, Shepparton - Building and works in the Heritage Overlay for alternations and additions to an existing dwelling. Request for adjournment from objector to be discussed.
2. Planning Permit application – 2023-45 – 11 Hughes Street, Shepparton - Use and development of land in the General Residential Zone and Land Subject to Inundation Overlay for a child care centre.
3. Planning Permit Application – 2022-392 – 7 Alamein Street, Shepparton - Development of Eight Dwellings in the General Residential Zone and waiver of one visitor car parking space.

Thank you very much, as you may be aware there are appeal rights available at the Victorian Civil and Administrative Tribunal (VCAT) in relation to this decision. For any questions on this or if you have any further questions you can contact the planning officer and arrange a time to meet to discuss.

10. LATE REPORTS

None

11. NEXT MEETING

28 July 2023 – to be confirmed

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2023-82	92 Corio Street & 14 McKinney Street Shepparton	Buildings & Works in the Heritage Overlay for alterations and additions to an existing dwelling	3
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2022-392	7 Alamein Street Shepparton	Development of 8 dwellings in the General Residential Zone and waiver of one visitor car parking space	77

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2023-82
Applicant Name:	Cera Stribley Architects Pty Ltd
Owner Name:	ROCCO SALVATORE VARAPODIO CAROLYN JEANENE VARAPODIO
Cost of works:	\$1 500 000
Correct application fee paid?	Yes Development – \$1,544.30 (Class 6)
Land/Address:	92 Corio Street and 14 McKinney Street SHEPPARTON VIC 3630
Date Received:	23 March 2023
Statutory Days?	54
Zoning?	Neighbourhood Residential Zone – Schedule 1 (NRZ1)
Overlay(s)	Heritage Overlay – Schedule (HO141) – applies to 92 Corio Street only Parking Overlay – Precinct 1 Schedule (PO1)
What is proposed?	Restoring the existing dwelling, partial demolition, and an extension to the rear site.
Why is a permit required?	Buildings and works in the Heritage Overlay under 43.01-1
Are all plans provided?	Yes
MPS Provisions:	02.03-5 Built form and heritage
PPF Provisions:	15.03-1S Heritage conservation 15.03-1L Heritage conservation
Any application history?	Nil
Date referred/notified:	5 April 2023
Further Information?	No
Lapse date?	N/A
Notice/Referral?	Yes advertised and referrals to Heritage Adviser and GVW.
Number of Notice Responses?	One (1) objection received and 2 referral responses received.
Key Response Considerations?	GVW no objection subject to standard conditions. Heritage Adviser partially supported extant of demolition. Demolition of verandah not supported.
Title details – any:	
o Restrictive Covenant?	No
o Section 173 agreement?	No
o Caveat?	No
o Easement?	No
o Building Envelope?	No
o Access restrictions?	No
Is a CHMP required?	No
Garden area provisions?	N/A
Is the site contaminated?	No
Is the site in a BMO or BPA?	No
Is Cl. 13.01-2 Bushfire applicable:	No
Cl. 71.02-3 'Integrated Decision Making' assessment:	Compliance with policy and heritage impacts.
Cl. 71.03-2 Acceptable Outcomes:	Officers have undertaken an assessment of the application and found that the proposal achieves acceptable planning outcomes.

Conflicts of interest in relation to advice provided in this report	No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.
Key Planning Considerations:	Compliance with policy and heritage impacts.
Recommendation:	Approval – Notice of Decision to Grant a Permit to issue

Proposal

The application seeks permission for additions and alterations to an existing dwelling at 92 Corio Street, Shepparton. Works include restoration of the existing dwelling, partial demolition and an extension to the rear site. The existing unit at 14 McKinney Street, Shepparton will be demolished, although as this land is not within the HO, the demolition is as of right. The additions include an underground parking garage and storeroom with lift access.

Both lots are located within the Neighbourhood Residential Zone – Schedule 1 (NRZ1) and affected by a Parking Overlay – Precinct 1 (PO1). 92 Corio Street is also within a Heritage Overlay – Schedule (HO141) – refer below:

PLANNING OVERLAY

HO - HERITAGE OVERLAY - SCHEDULE (HO141)



PLANNING OVERLAY

PARKING OVERLAY - PRECINCT 1 SCHEDULE (PO1)



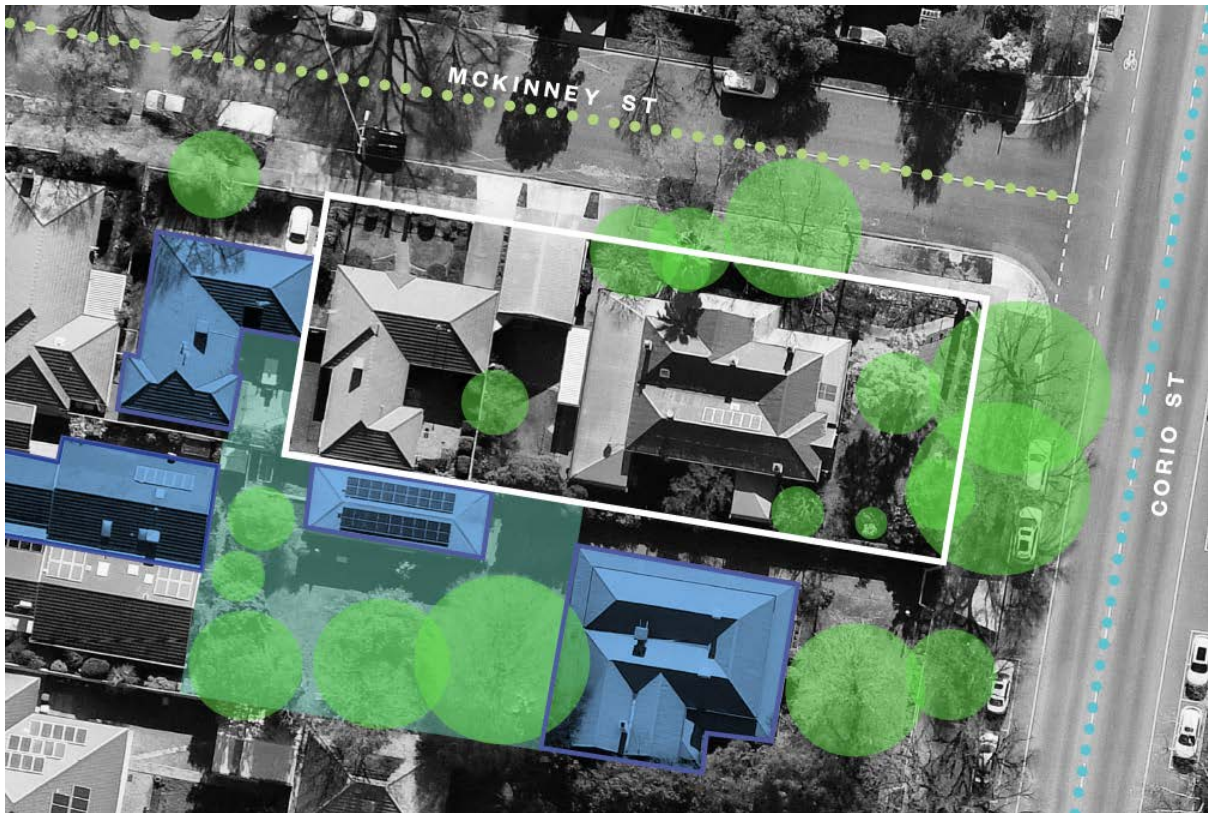
PLANNING ZONE

NRZ1 - NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1

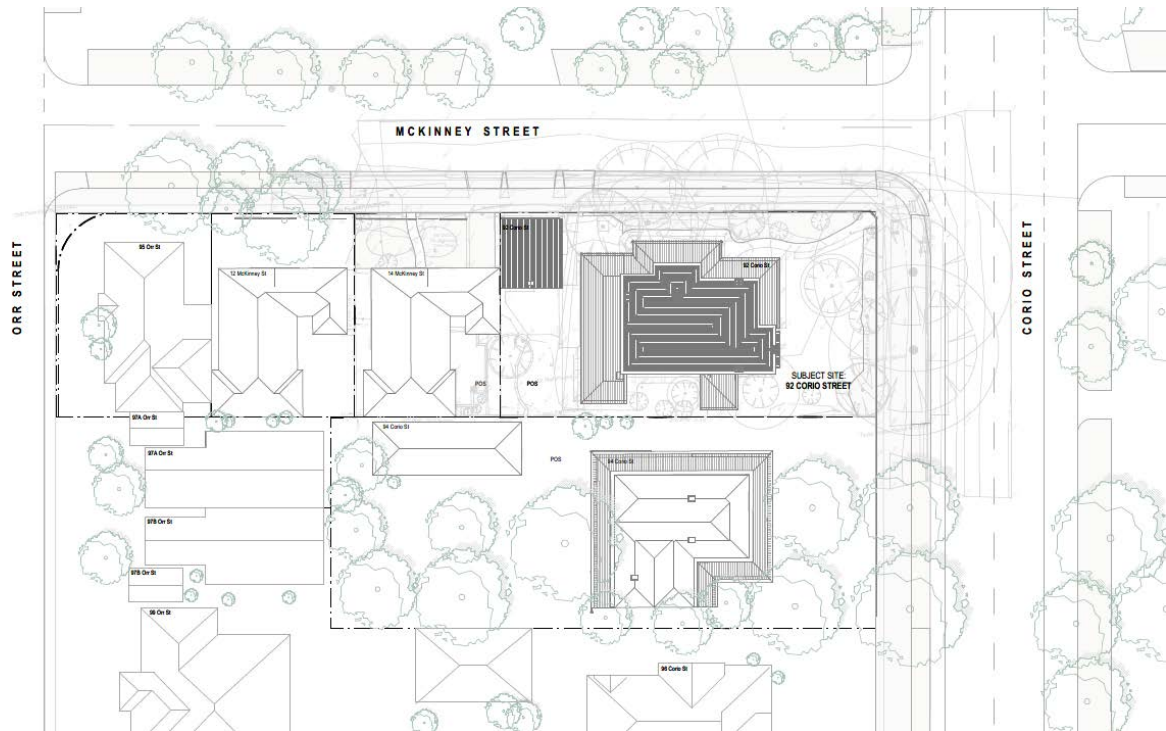


Planning permission is required to construct a building or construct or carry out works including demolition in the Heritage Overlay under Clause 43.01-1.

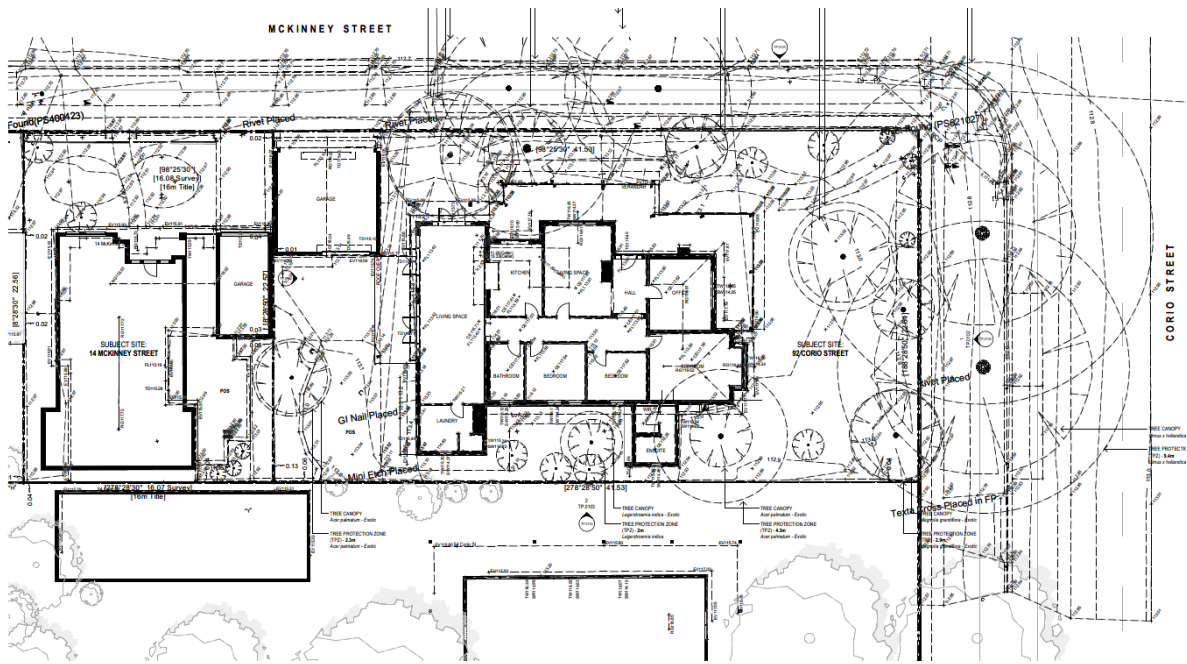
Aerial photo showing subject sites:



Existing site plan

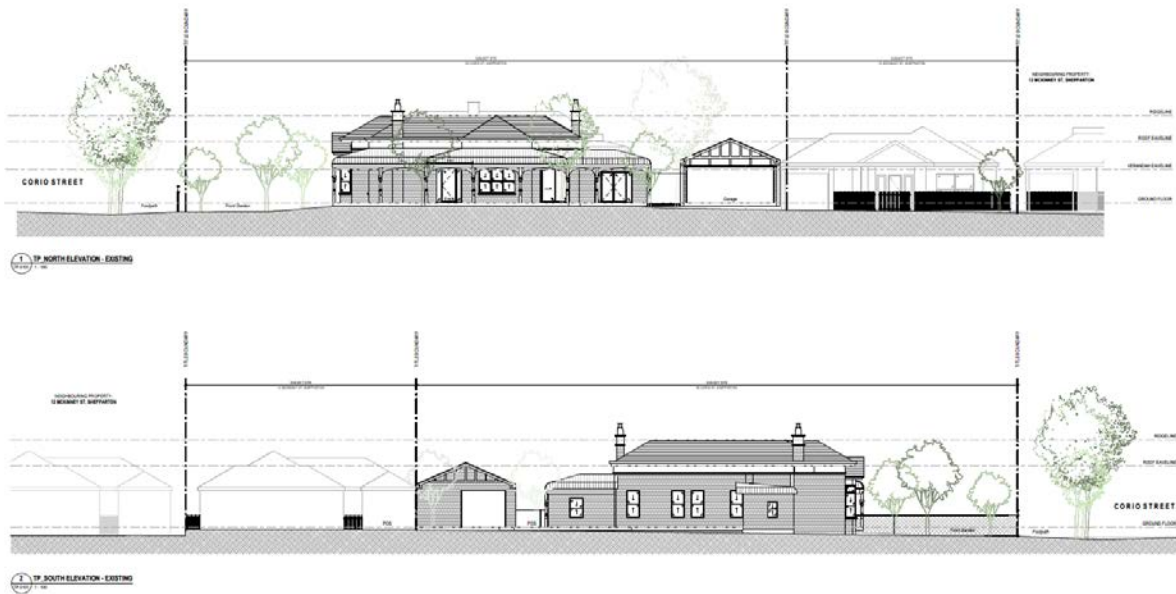


Existing floor plan

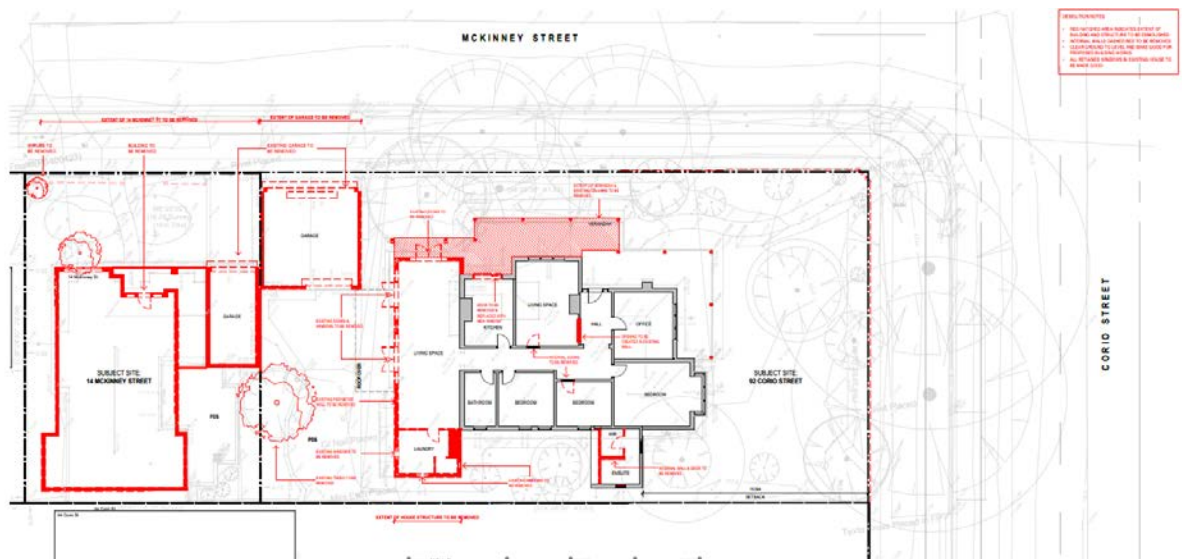


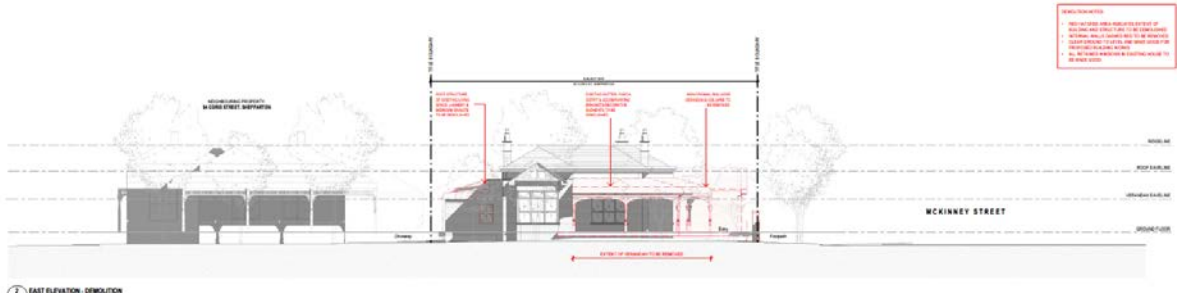
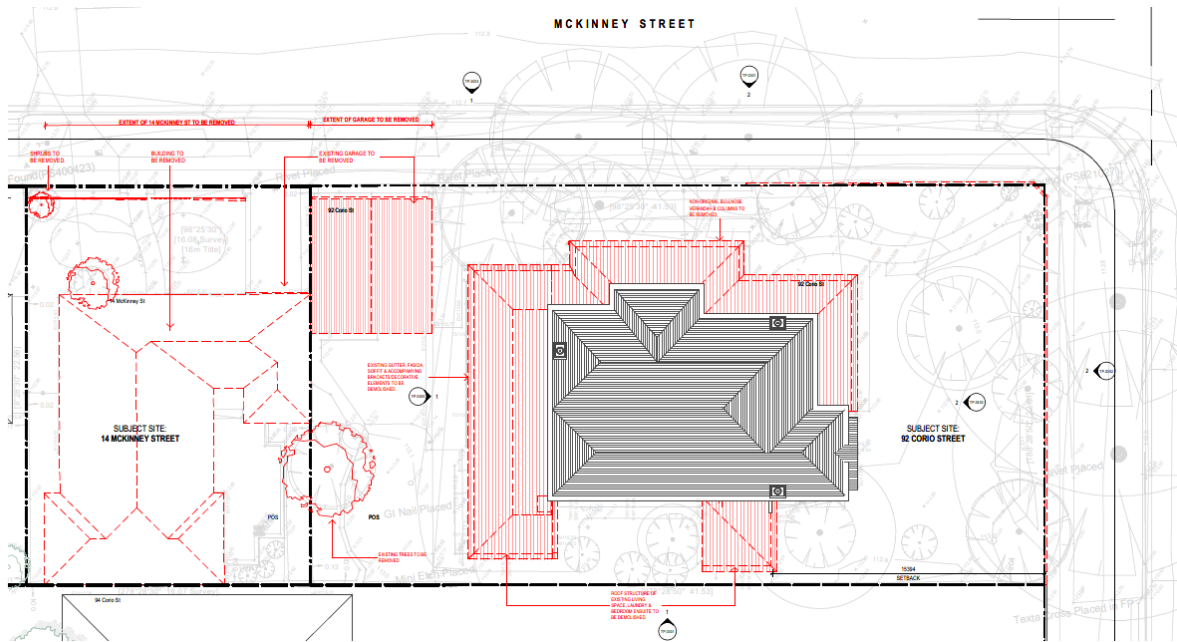
Existing elevation plans



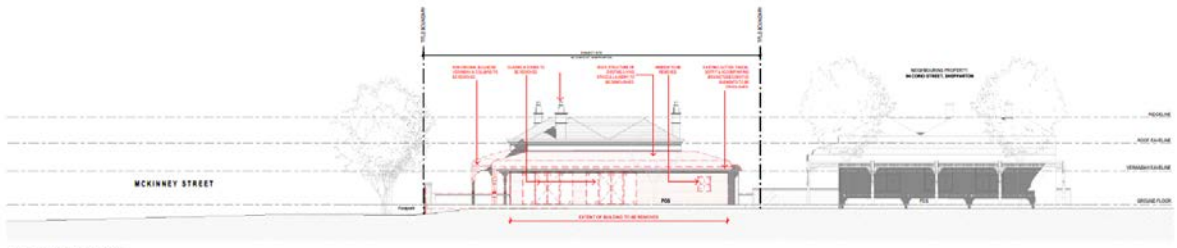


Proposed demolition plans



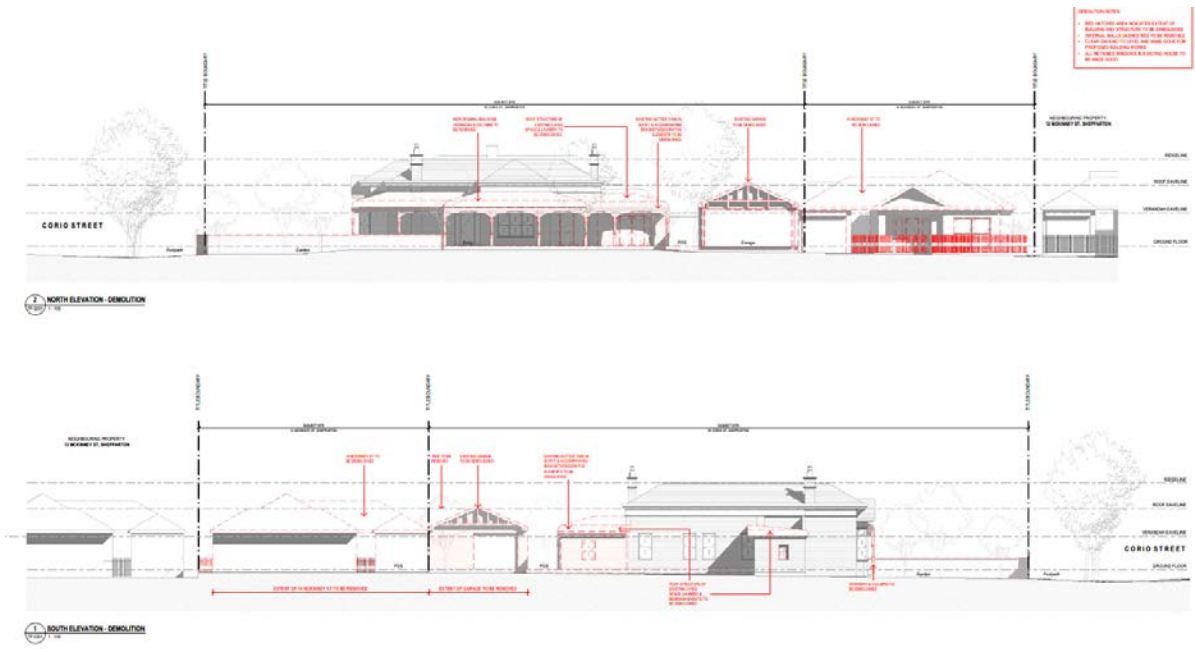


WEST ELEVATION - CONSTRUCTION

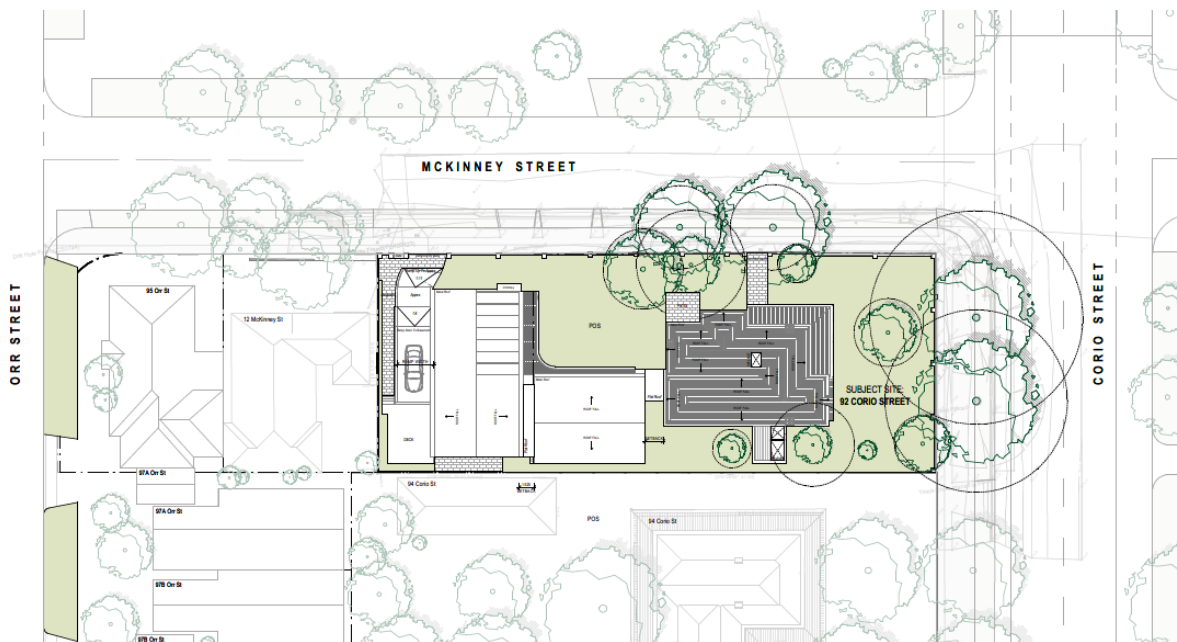


EAST ELEVATION - CONSTRUCTION

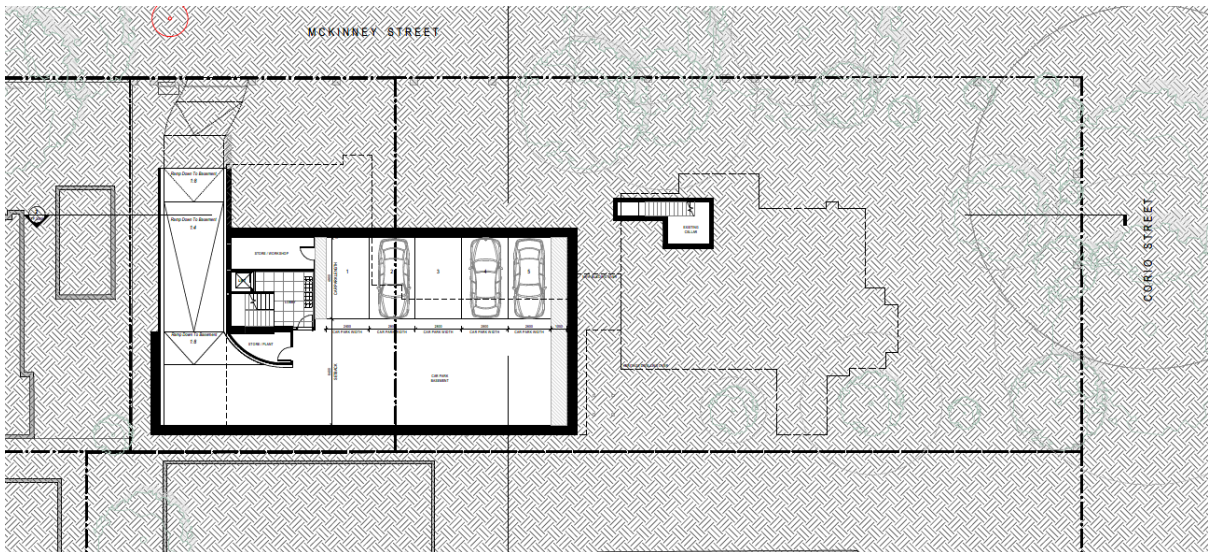
- 1. ALL EXISTING UTILITY PIPES, POLES AND ACCESSORIES SUBJECTS TO BE REMOVED.
- 2. ALL EXISTING UTILITY PIPES, POLES AND ACCESSORIES SUBJECTS TO BE REMOVED.
- 3. ALL EXISTING UTILITY PIPES, POLES AND ACCESSORIES SUBJECTS TO BE REMOVED.
- 4. ALL EXISTING UTILITY PIPES, POLES AND ACCESSORIES SUBJECTS TO BE REMOVED.



Proposed site plan



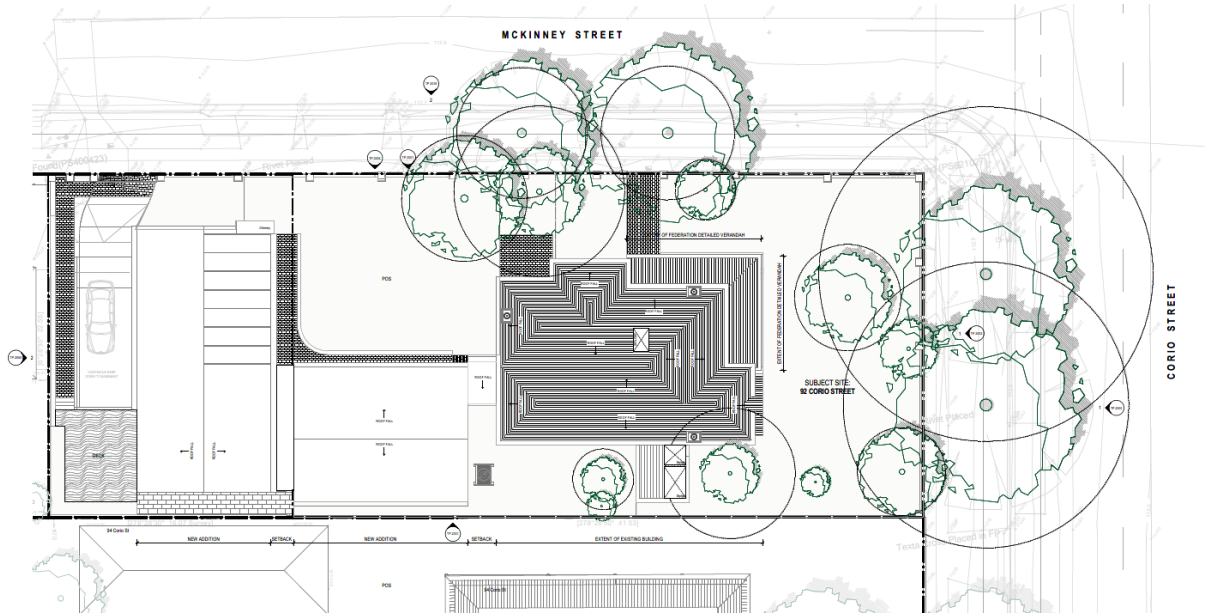
Proposed basement plan



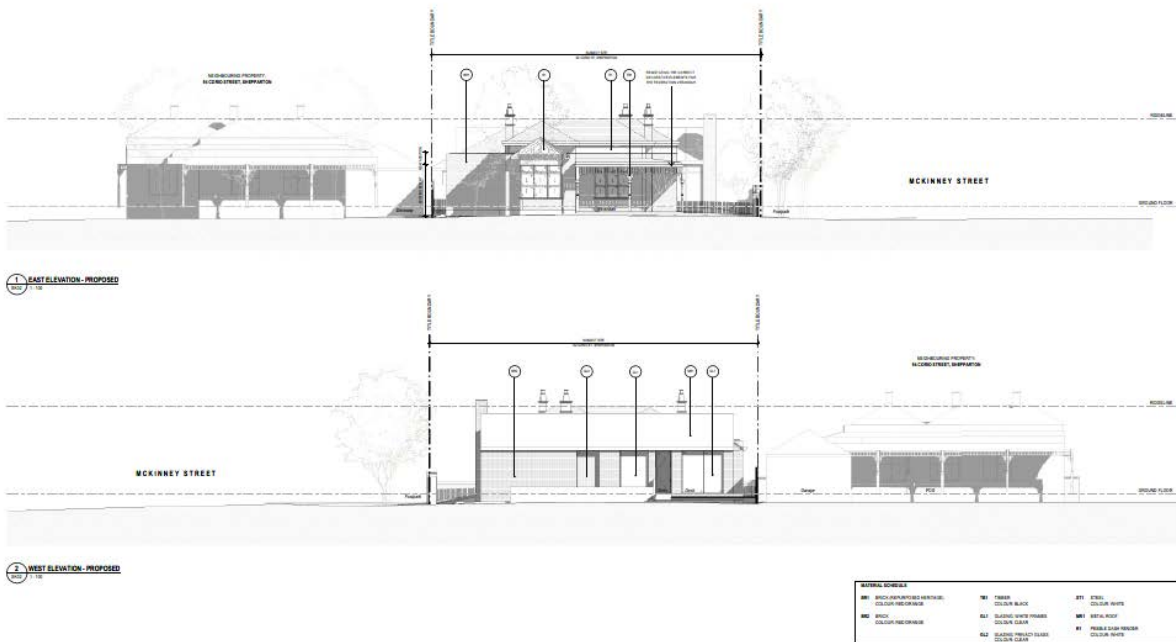
Proposed floor plan

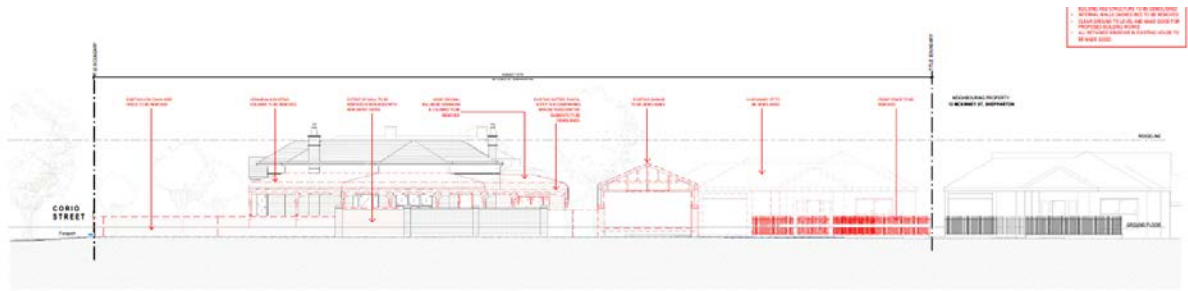


Proposed roof plan

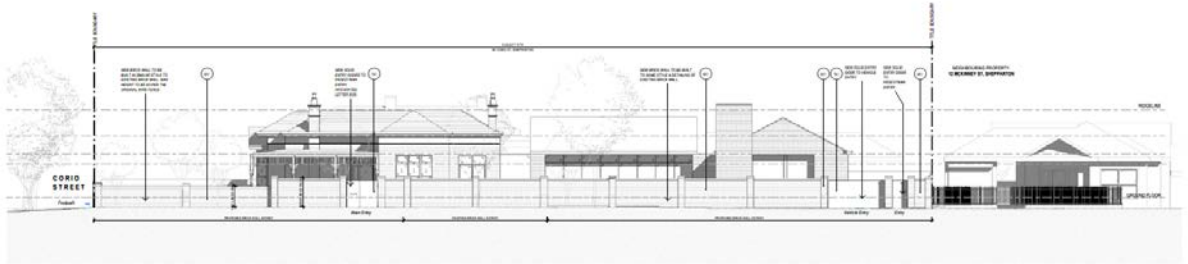


Proposed elevation plans



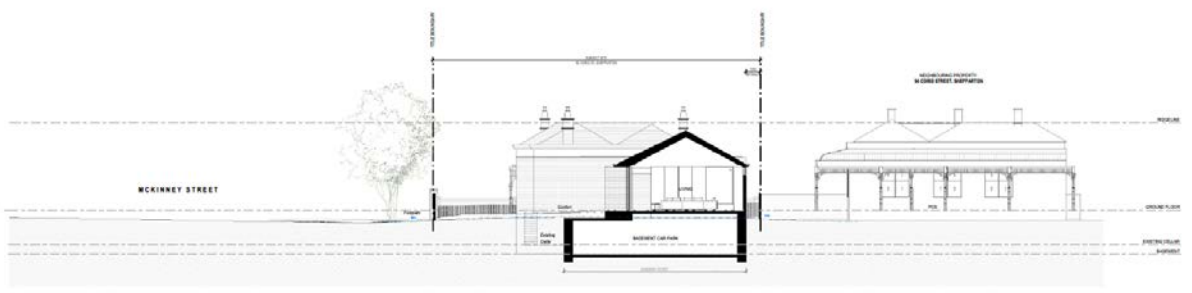


STREETSCAPE - WOONEY STREET - EXISTING

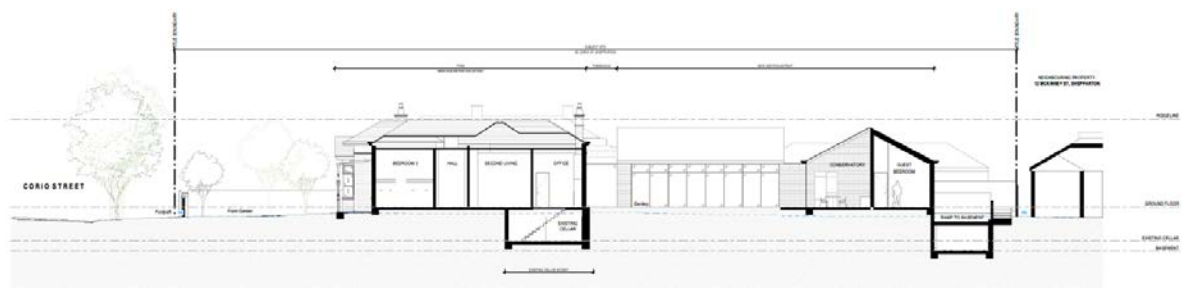


STREETSCAPE - WOONEY STREET - PROPOSED

Sections



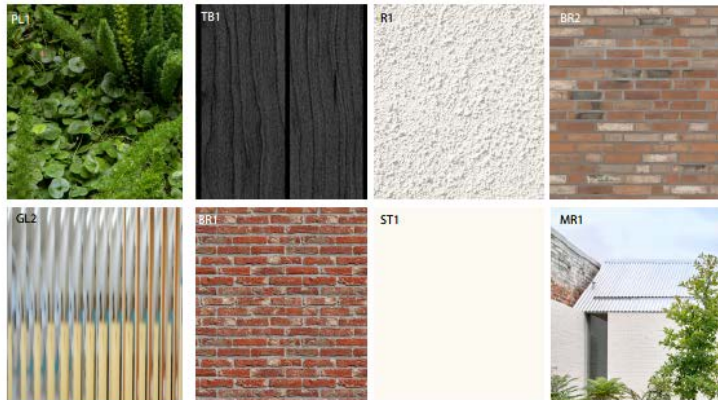
SECTION AA



SECTION BB

Finishes & Materials: *Palette*

- BR1** Brick (Heritage)
Red/Orange
- BR2** Brick (New Addition)
Red/Orange
- ST1** Steel
Colour: White
- MR1** Metal Roof
- R1** Pebble Dash Render
Colour: White
- TB1** Timber
Colour: Black
- GL1** Glazing - White Frames
Colour: Clear
- GL2** Glazing - White Frames
Colour: Clear - Privacy
- PL1** Planting



Title Details

The title identifies that the site has legal access to a road.

The title does not contain a Restrictive Covenant

The title does not contain a Section 173 Agreement

The title does not contain an Easement, Caveat or Building Envelope

Pre-Application Meeting Details

Has there been a pre-application meeting? No

What is the application for?

The permit triggers in the planning scheme are.

- Buildings and works in the Heritage Overlay under 43.01-1

Based on the permit triggers, specify the precise nature of the application which is to be used for all notices, referral, correspondence and decision making.

- Buildings and works in the Heritage Overlay for alterations and additions to a dwelling

Permit/Site History

A search of Council records indicates there is no relevant current history of the subject sites.

Subject Site & Locality

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

The sites have a total area of approximately 1300 square metres and currently contains:

- Existing dwelling on corner of Corio and McKinney Streets – access from McKinney Street
- Existing unit at 14 McKinney Street.

The main site/locality characteristics are:

- Established residential area of central Shepparton with mix of single dwellings and unit developments.
- Unmetered on street parking
- The site is well located in terms of proximity to existing services and infrastructure.
- Shepparton CBD is approximately 1 kilometre to the south-west.

The Photos and aerial below show the existing site:

92 Corio Street





Corio Street – street trees outside subject site



14 McKinney Street



View from McKinney Street of subject sites



View of McKinney Street looking to the west



View from Corio Street – subject site to right of photo



Adjacent dwelling to the south of subject dwelling in Corio Street



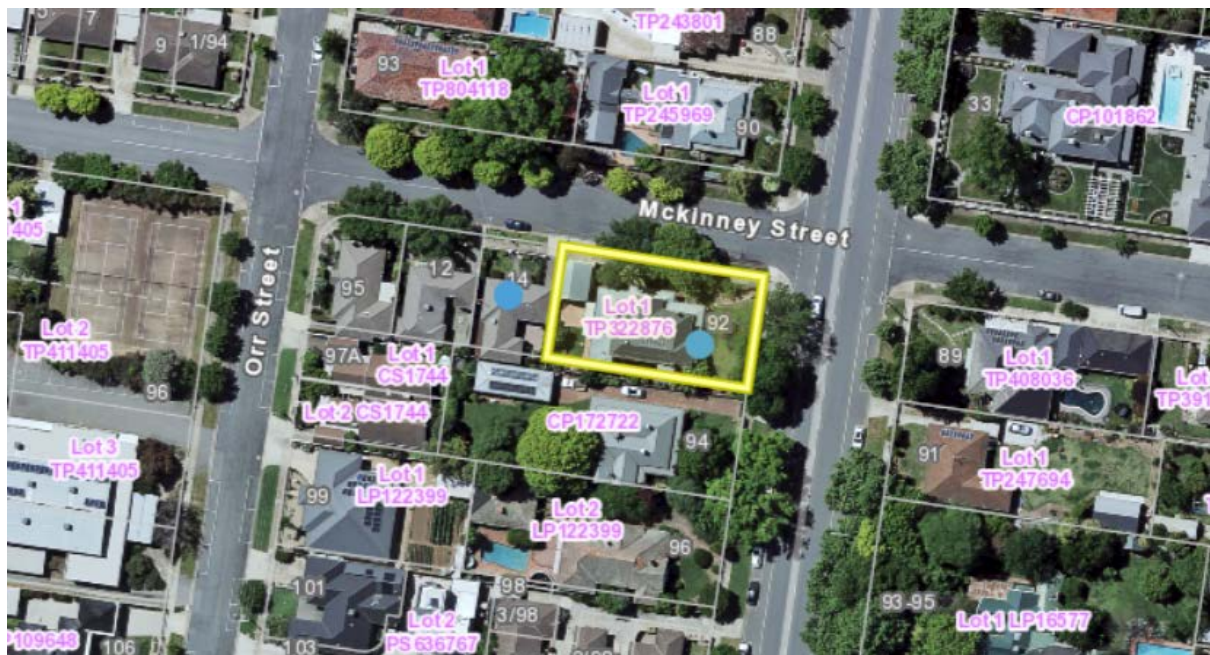
Dwellings opposite on eastern side of Corio Street



Adjacent dwelling on north-east corner of Corio Street



Dwelling opposite to the north



Blue dots indicate subject sites

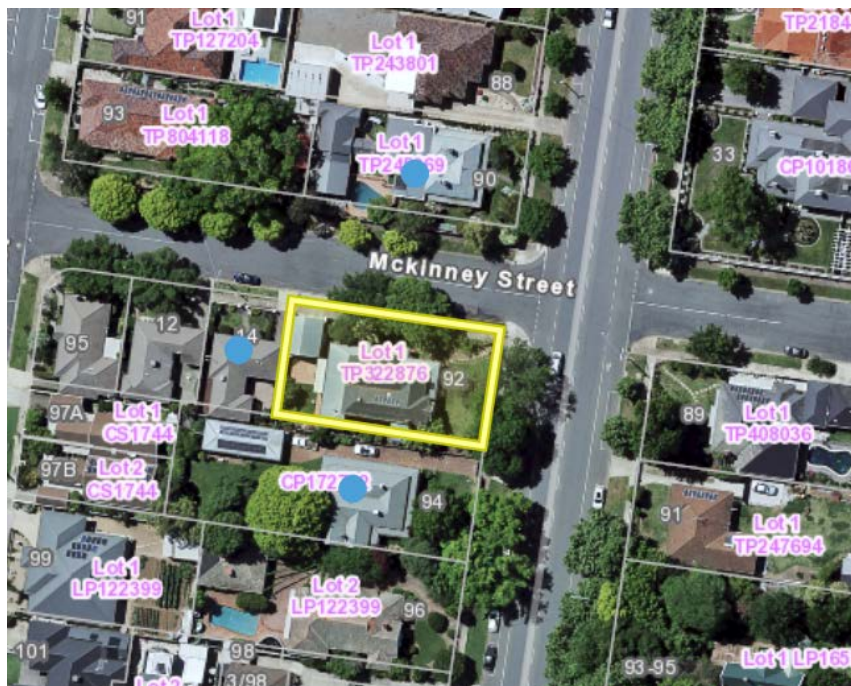
Further Information

Is further information required for the application? No

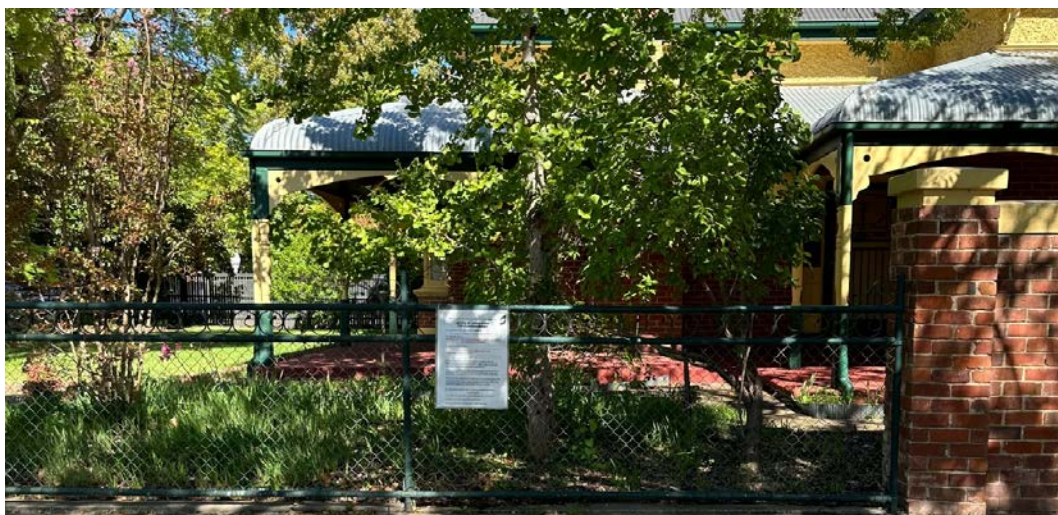
Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Buildings and works in the Heritage Overlay for alterations and additions to a dwelling**, by:

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



The applicant provided photos of the sign displayed on site on 14 April 2023.





The applicant provided a signed declaration stating that the sign on site was displayed on the land between **13 April 2023 and 27 April 2023**.

Objections

The Council has received **one (1)** objection to date. The key issues that were raised in the objections are.

- Heritage concerns:
 - Street appearance should be retained
 - Proposed changes/removal to verandah on the front (east)
- Environmental/Water concerns:
 - Underground streams/high water table
 - Underground works

Responses to objections are provided in the Officer Assessment section of this report.

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

Notice to Authorities (including as required by GSPS)

External Notice to Authorities:

Section 52 - Notice Authority	List Planning clause triggering notice	Advice/Response/Conditions
GVW	N/A	<p>No objection subject to the following conditions:</p> <p>a) One of the existing water meters within the proposed development must be disconnected at the developer's expense and returned to Goulburn Valley Water, to the satisfaction of the Goulburn Valley Region Water Corporation;</p> <p>b) 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.</p> <p style="padding-left: 40px;">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;</p> <p>c) The plan of consolidation lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.</p>

Internal Notice

Internal Council Notices	Advice/Response/Conditions
Heritage Adviser	<p>Council's Heritage Adviser made the following recommendations:</p> <p>Arborist Report</p> <p>Arborist report is noted and there is nothing in that report that triggers any heritage advice. Proposed tree removal is supported.</p> <p>Demolition</p> <p>The extent of demolition is partially supported, and this includes:</p> <ul style="list-style-type: none"> ● Areas to the rear (living room) <p style="padding-left: 40px;">This section of the house includes earlier fabric and some later fabric. Original fabric includes the cellar entrance and evidence of earlier buildings that have been absorbed into the later structure. However, this area is not of high significance and can be demolished.</p> ● Bedroom en-suite <p style="padding-left: 40px;">This is supported as it is later fabric and not significant.</p>

	<ul style="list-style-type: none"> ● Demolition of glazed door to the north elevation To be replaced with a window – details to be provided at 1:50. ● Garage facing onto McKinney Street This is a non-contributory building– it was built within the last twenty years. <p>Demolition of verandah</p> <p>This is not supported as it is original to the building.</p> <p>The statement that this is not a Federation styled verandah profile is not correct. This type of bullnose verandah is typical for this period. There are a number of similar verandahs to be found in Corio Street and surrounding streets. The fretwork as proposed is found on buildings from this era but it is not a universal style and it is not the only decorative feature that is found on buildings from this era. This type of solid timber frieze with a concave profile is a regional feature from this area and it is important to maintain regional features and not to adopt a commonality</p> <p>There is evidence from community members who have had an association with this building that this verandah has been in this form for at least 60 years.</p> <p>The proposed removal of the early wire fencing is supported. The construction of a face red brick to match existing heights is supported. Noting that the pillars should not be any higher than 1600mm.</p> <p>Recommended permit conditions:</p> <ul style="list-style-type: none"> • Window details for the replacement window to the north elevation to be provided at 1:50 • Any change to the colour scheme will need to be provided as a colour scheme. • Fence detail to be provided with heights noted on the elevation. • Detailed elevation of the rear wall as proposed after demolition.
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Consultation

Consultation was not undertaken.

Assessment

The zoning of the land

32.09 Neighbourhood Residential Zone

Purpose

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

32.09-1 Neighbourhood character objectives

There are no objectives to be achieved pursuant to Schedule 1 to the Neighbourhood Residential Zone.

There are no permit triggers for the proposal in the NRZ1.

Relevant overlay provisions

43.01 Heritage Overlay

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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 specified 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.

43.01-1 Permit requirement

A permit is required to construct a building or construct or carry out works including demolition in the Heritage Overlay.

The land is affected by Heritage Overlay (HO141 - Shepparton Residential Precinct South, Shepparton).

SHEPPARTON RESIDENTIAL PRECINCT SOUTH – red circle shows subject site at 92 Corio Street

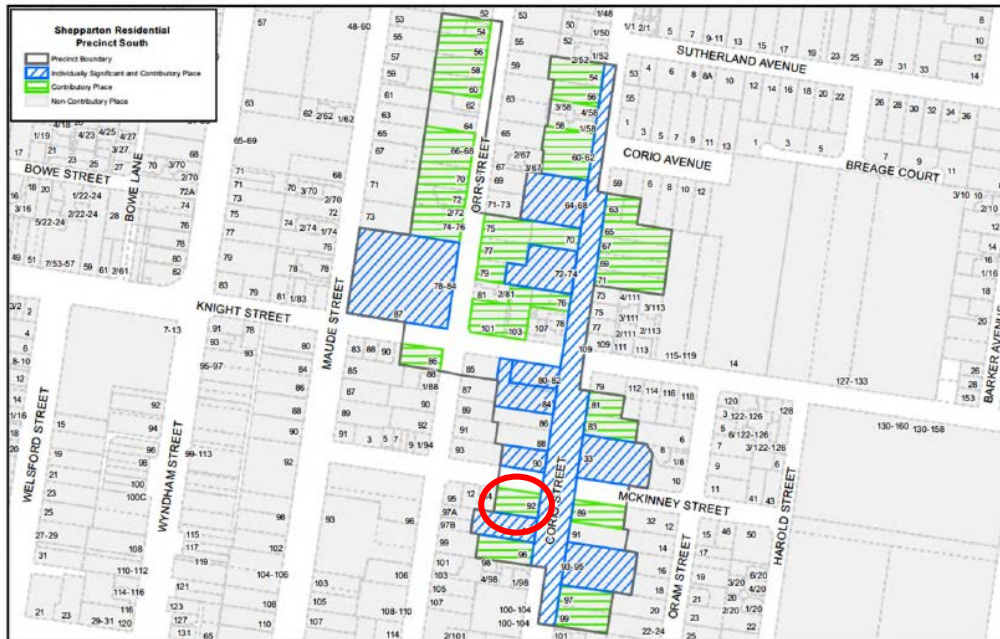


Figure 7(1) - Shepparton Residential Precinct South Map (not to scale)

The substantial Edwardian buildings found within the precinct are largely in the Queen Anne or Federation idiom. Such buildings characteristically display half-timbered gables, timber fretwork, picturesque roofscapes, and red brickwalls and rendered dressings. Examples of this can be seen at 78 - 84 Orr Street and 92 Corio Street.

What is significant?

The Shepparton Residential Precinct South. It demonstrates the ongoing residential development which has occurred in Shepparton from the the late nineteenth century, through the Edwardian and Inter-war years, to the 1940s showing the close pattern of development which evolved as the town expanded.

Places that contribute to the significance of the precinct include:

Corio Street - 54, 56, 60-62, 63, *64-68 (HO417), 65, 67, 69, 70, 71, *72-74 (HO418), 76, *80-82 (HO185), 81, 83, *84 (HO419), *85-87 (HO420), 89, *90 (HO432), 92, *93-95 (HO421), *94 (HO433), 96, 97 and 99.

Corio Street - London Plane Trees (HO128).

Knight Street - 87, 89, 101 and 103.

McKinney Street - *33 (HO420).

Orr Street - 54A and 54B, 56, 58, 60, 66-68, 70, 1/72 and 2/72, 74-76, 75, 77, *78-84 (HO90), 79 and 86.

* This place is also of Individual cultural heritage significance. Please refer to the Individual citation for further information.

How is it significant?

It is of local historic, social and aesthetic cultural heritage significance to the City of Greater Shepparton.

Why is it significant?

It is of historic and social cultural heritage significance as it provides tangible physical evidence of the residential development from the 19th century through to the 1940s.

The south precinct incorporates part of the original township survey completed in 1874 and contains a number of Victorian residences on large allotments.

It is of historic significance for its association with the surveyor and prominent landowner Alfred Leahy. Leahy completed the township survey of Shepparton in 1874 and also surveyed many other towns in the district including Nurmurkah, Nathalia and parts of Mooroopna. Street names in the precinct, many of which were chosen by Leahy reflect significant figures in the early development of Shepparton: Corio Street was named after Corio Bay by Alfred Leahy, whose wife originated from Geelong; Knight Street was named after the early resident and landowner, Frederick P Knight; and Orr Street refers to John Orr, who was the MLA for the Murray districts between 1862 and 1880.

HERCON Criteria A & G It is of aesthetic significance as it contains a broad range of architectural styles, including a number of very accomplished examples of late Victorian, Edwardian, Federation and Inter-War domestic buildings. Six of these buildings are reputed to be the work of the prolific local architect J A K Clarke, who was responsible for designing many of the region's finest residences and public buildings. The majority of these buildings are highly intact and many of them retain elaborate established gardens, with mature specimens of exotic trees. The precinct's aesthetic qualities are further enhanced by mature plantings of street trees.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?
	SHEPPARTON				
HO141	<p><i>Shepparton Residential Precinct South, Shepparton</i></p> <p>Incorporated Plan: Greater Shepparton Heritage Incorporated Plan April 2020</p> <p>Statement of Significance: Shepparton Residential Precinct South SHEPPARTON</p>	Yes	No	Yes	Yes

Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
No	Yes	No

45.09 PARKING OVERLAY – PRECINCT 1 (PO1)

A permit is not required under PO1.

Relevant Particular Provisions

There are no relevant particular provisions

Does any Incorporated Document apply?

Greater Shepparton Heritage Incorporated Plan April 2020

**Greater Shepparton Heritage
Incorporated Plan**

INCORPORATED DOCUMENT

April 2020

This document is an incorporated document pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*.

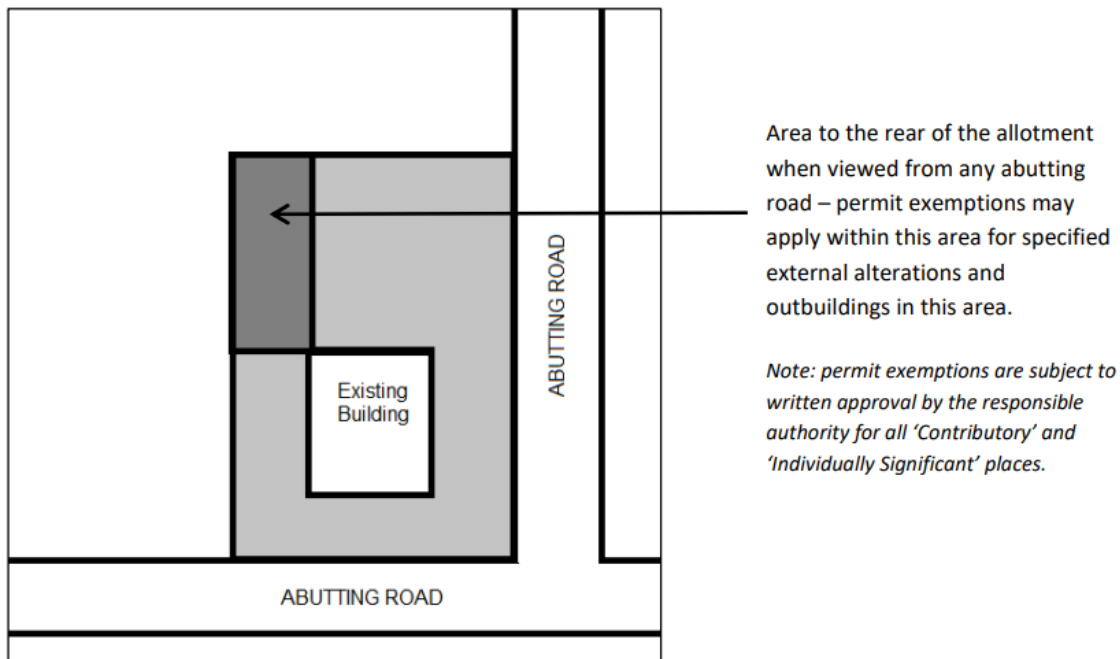
For 'Contributory' and 'Individually Significant' places, subject to written approval by the responsible authority, a planning permit is not required to:

- Externally alter a 'Contributory' or 'Individually Significant' building, or construct or carry out works, that will not adversely impact on the cultural heritage significance of the place, where the following requirements are met:
 - detached from any 'Contributory' or 'Individually Significant' buildings; and
 - the eave height at natural ground level must not exceed the eave height of any 'Contributory' or 'Individually Significant' buildings; and
 - located to the rear of the allotment when viewed from any abutting road (see Figures 1, 2 and 3).

Examples include: pergolas, decks, sheds, water tanks and associated structures, domestic plant and services (e.g. hot water service, air conditioner), swimming pools or spas and associated mechanical equipment and safety fencing.

- Construct or carry out works associated with an outbuilding that is not of cultural heritage significance, where the following requirements are met:
 - there are no existing outbuildings of cultural heritage significance on the allotment; and
 - detached from any 'Contributory' or 'Individually Significant' buildings; and
 - the eave height at natural ground level does not exceed the eave height of the 'Contributory' or 'Individually Significant' building; and
 - located to the rear of the allotment when viewed from any abutting road (see Figures 1, 2 and 3).
- Externally repaint a painted surface, where the paint colour scheme will not adversely impact on the cultural heritage significance of the place; or
- Construct a fence, where the fence will not adversely impact on the cultural heritage significance of the place; or
- Remove, destroy or lop a tree.

Figure 2: two street frontages



The Municipal Planning Strategy (MPS) at Clause 02.

02.03 STRATEGIC DIRECTIONS

02-03-5 Built form and heritage (as relevant)

Heritage places are intrinsically valuable and make an important contribution to the social, cultural, environmental and economic quality of life in Greater Shepparton.

The appearance of rural, industrial, retail and residential areas and main road approaches to urban centres is important in maintaining a strong level of civic pride. Improving architectural and urban design quality in the built environment can strengthen Shepparton's image and identity as a regional centre.

Council is committed to:

- Conserving places of cultural heritage significance.
- Supporting adaption and development of heritage places to suit contemporary uses and lifestyles.
- Encouraging a high standard of architectural, landscaping and urban design for built form and public spaces.

The Planning Policy Framework (PPF)

15.03-1S Heritage conservation

Objective

To ensure the conservation of places of heritage significance.

Strategies

- 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.
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- Support adaptive reuse of heritage buildings where their use has become redundant.
- Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

15.03-1L Heritage conservation

Policy application

This policy applies to land in the Heritage Overlay at Clause 43.01.

Strategies

- Encourage the repair, retention and uncovering of significant building fabric and elements.
 - Encourage the removal of non-contributory elements to the heritage significance of the place using methods that do not damage the significant fabric.
 - Encourage contemporary design to ensure new fabric is distinguishable from original heritage fabric and avoid development that distorts historic evidence by simply copying or reproducing historic styles or detailing.
 - Encourage all ground floor buildings and works, including garages, carports and sheds, to be set back from the front wall of any heritage building in order to allow the façade to retain its primacy and integrity, particularly when viewed from the street.
 - Encourage all buildings and works to have minimal impact when viewed from adjoining streets and public open space.
 - Encourage re-roofing or roof extensions that respect the original roofline and materials where visible from the street.
 - Maintain the predominantly low density, single-storey character of residential precincts.

- Encourage services and other elements, such as tanks, in locations that are not highly visible from the street. Exceptions may be considered for solar installations, if other alternatives are not feasible, or where these services can be appropriately screened.
- Discourage the demolition of Individually Significant or Contributory buildings, except where the:
 - Building is structurally unsound (as determined by a suitably qualified Building Surveyor).
 - Cost of repairs is unreasonable and economically unsustainable.
 - Significant physical fabric is so compromised or in such poor condition that its replacement and/or repair would compromise and reduce the integrity of the building.
 - Support subdivision that retains the significant features on the lot, maintains appropriate settings and contexts and retains the existing built form pattern where such pattern contributes to the significance of the place.
- Promote the retention of vistas and the visual prominence of Individually Significant and Contributory places over new development in any subdivision.
- Encourage the use of paint colours appropriate to the period of the building.
- Encourage all new fencing to be constructed in a style and height that is sympathetic to the period of the place.
- Avoid signage that dominates the aesthetics of the place.
- Discourage external applied finishes to signage that compromise the significance of the place.
- Discourage external paint schemes that constitute signage or corporate branding.
- Encourage signage on commercial buildings to be placed in traditional locations, according to the age of the building and to be of complementary proportions, designs, fonts and colours.
- Retain plantings that contribute to the cultural heritage significance of a place.
- Encourage replanting of a similar species of tree where the removal of a significant street tree is unavoidable.

Structure Plans/Development Plans

There are no relevant Structure Plans or Development Plans.

Relevant Background documents

Greater Shepparton Heritage Study Stage II 2020

Greater Shepparton Heritage Incorporated Plan April 2020

The decision guidelines of Clause 65.01 and 65.02

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 application meets the decision guidelines of Clause 65.01.

The decision guidelines of the zone

Neighbourhood Residential Zone – Clause 32.09-3 Decision guidelines

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

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in the schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.

The decision guidelines of the overlay(s) (and schedule to the overlays)

44.01-8 – Heritage Overlay Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.
- Whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place.

OFFICER ASSESSMENT

Consideration of objections

The application was advertised and one (1) objection was received which was summarised earlier in this report but included concerns regarding street appearance, proposed changes to the verandah and underground works.

In response to issues raised the following comments are made.

- Heritage concerns:
 - Street appearance
 - Proposed changes to verandah

Comments

- Proposed tree removal and demolition to the rear of the dwelling, ensuite bedroom, early wire fencing, demolition of glazed door to north elevation and garage facing McKinney Street is supported as there is no impact on any items of heritage significance.
- Demolition of the verandah is not supported as it is original to the building.

- Environmental/Water concerns:
 - Underground streams/high water table
 - Underground works

Comments

- The relevant water authority, GVW, does not object to the proposal subject to standard conditions.
- Building approval will be required which will ensure appropriate construction techniques are employed to ensure appropriate building standards are met including basement works and water table issues.

Summary

The proposed development is considered to be generally in accordance with the MPS and Planning Policy Framework and zone and overlay purpose and decision guidelines as outlined below.

- The use of the site for dwellings is supported by the purpose of the NRZ1.
- The proposal is supported by the directions, objectives and policy in the MPS and PPF.
- GVW support the proposal subject to standard conditions.
- Council's Heritage Advisor supports the proposal subject to conditions.

Officers recommend that a condition 1 plan requirement be included in the NOD to implement the attached heritage assessment design.

The design of the proposal is considered appropriate in its context and no amenity impacts are foreseen and based on the above approval is recommended.

Any other relevant adopted State policies or strategies policies

There are no other relevant adopted State policies or strategies that relate to the application.

Relevant Planning Scheme amendments

C-205

Are there any significant environment, social & economic effects?

There are no significant environment, social and economic effects that relate to the application.

Any other relevant Acts that relate to the application?

There are no other relevant Acts that relate to the application.

The Aboriginal Heritage Act 2006

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

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

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

The relevant provisions of the GSPS including Clause 13.02 (Bushfire)

N/A

Charter of Human Rights and Responsibilities

The application is not considered to impinge on the Charter of Human Rights and Responsibilities.

Summary of Key Issues

The key issues relate to compliance with policy and heritage impacts. Assessments have found that the application is supported by objectives, strategies and decision guidelines. GV Water and Heritage Adviser support the application.

Conclusion

Officers have undertaken an assessment of the application and found that the proposed buildings and works in the Heritage Overlay for alterations and additions to a dwelling, achieve acceptable planning outcomes. It is recommended that a Notice of Decision to Grant a Permit issue.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2023-82** to be given under Section 52 or having referred the application under Section 55 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 43.01-1** of the Greater Shepparton Planning Scheme in respect of the land known and described as **92 Corio Street & 14 McKinney Street SHEPPARTON VIC 3630** for the **buildings and works in the Heritage Overlay for alterations and additions to a dwelling** in accordance with the Notice of Decision and the submitted plans.

Panel considered a request for item to be adjourned to a future meeting

Motion: Nilesh Singh, Moved a motion to proceed with the hearing of the application

Second: Joel Ingham

CARRIED

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2023-82** to be given under Section 52 or having referred the application under Section 55 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 43.01-1** of the Greater Shepparton Planning Scheme in respect of the land known and described as **92 Corio Street & 14 McKinney Street SHEPPARTON VIC 3630** for the **buildings and works in the Heritage Overlay for alterations and additions to a dwelling** in accordance with the Notice of Decision and the submitted plans.

Motion: Colin Kalms

Second: Joel Ingham

CARRIED:

Draft Notice Of Decision

APPLICATION NO: 2023-82

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: 92 CORIO STREET & 14 MCKINNEY STREET SHEPPARTON VIC 3630

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND WORKS IN THE HERITAGE OVERLAY FOR ALTERATIONS AND ADDITIONS TO A DWELLING

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Amended Plans Required

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

- a) Retention of the existing bullnose verandah.
- b) Window details for the replacement window to the north elevation to be provided at 1:50.
- c) A final colour scheme for the proposed development.
- d) Fence detail to be provided with heights noted on the elevation.
- e) Detailed elevation of the rear wall as proposed after demolition.

2. Layout Not Altered

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

3. Drainage Requirements

Before the development starts, a drainage plan with computations prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be provided. The plans must be in accordance with Council's Infrastructure Design Manual and include:

- a) how the land will be drained;
- b) underground pipe drains conveying stormwater to the legal point of discharge;
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) a maximum discharge rate from the site to not exceed pre-development flows;
- e) bore hole testing to establish if the water table level conflicts with the proposed underground structure and if a conflict does occur design measures to ensure that the underground structure does not impact on nearby properties or roads

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

4. Consolidation

Before the dwelling additions are occupied all lots comprising the land must be consolidated into one lot.

5. Electricity Connection

Before the dwelling additions are occupied, the electricity connection to the development must be undergrounded.

6. Goulburn Valley Region Water Corporation Requirements

- a) One of the existing water meters within the proposed development must be disconnected at the developer's expense and returned to Goulburn Valley Water, to the satisfaction of the Goulburn Valley Region Water Corporation;
- b) 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;

- c) The plan of consolidation lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

Please note all structures must be constructed clear of any easement in favour of the Corporation and one metre laterally clear of the Corporation's assets. It is recommended that you engage a licensed surveyor to confirm the location and alignment of any existing sewer. Goulburn Valley Water will assist on site with accessing sewer maintenance structures, upon request.

7. Time for Starting and Completion

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

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

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2023-45
Applicant Name:	Anm Business Services Pty Ltd
Owner Name:	GUY AVRAHAM LUPO
Cost of works:	\$700,000
Correct application fee paid?	Please invoice Development – \$1,597.80 Use – \$680.40 Total - \$2,278.20
Land/Address:	11 Hughes Street TATURA
Date Received:	10 February 2023
Statutory Days?	77 days as at 17 May 2023
Zoning?	General Residential Zone – Schedule 1 (GRZ1)
Overlay(s)	Land Subject to Inundation Overlay (LSIO) Specific Controls Overlay – Schedule 3 (SCO3)
What is proposed?	88 place child care centre
Why is a permit required?	Use of land for a child care centre in the GRZ under 32.08-2 Buildings and works in the GRZ under 32.08-9 Buildings and works in the LSIO under 44.04-2 Display of business identification signage under 52.05-13
Are all plans provided?	Yes
MPS Provisions:	02.03-3 Environmental risks and amenity 02.03-5 Built form and heritage
PPF Provisions:	13.03-1S Floodplain management 13.07-1S Land use compatibility 13.07-1L-02 Land use compatibility 15.01-1L-01 Urban design 15.01-2S Building design 15.01-5S Neighbourhood character 19.02-2S Educational facilities
Any application history?	Nil
Date referred/notified:	14 March 2023
Further Information?	No
Lapse date?	NA
Notice/Referral?	Yes advertised and referrals to GBCMA, GVW.
Number of Notice Responses?	Three (3) objections received and 2 referral responses received.
Key Response Considerations?	GVW and GBCMA no objection subject to standard conditions.
Title details – any:	
o Restrictive Covenant?	No
o Section 173 agreement?	No
o Caveat?	No
o Easement?	No
o Building Envelope?	No
o Access restrictions?	No
Is a CHMP required?	No
Garden area provisions?	N/A
Is the site contaminated?	No
Is the site in a BMO or BPA?	No
Is Cl. 13.01-2 Bushfire applicable:	No

Cl. 71.02-3 'Integrated Decision Making' assessment:	Amenity of neighbouring properties, traffic and parking, and flooding impacts.
Cl. 71.03-2 Acceptable Outcomes:	Officers have undertaken an assessment of the application and found that the proposal achieves acceptable planning outcomes.
Conflicts of interest in relation to advice provided in this report	No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.
Key Planning Considerations:	Amenity of neighbouring properties, traffic and parking, and flooding impacts.
Recommendation:	Approval – Notice of Decision to Grant a Permit to issue

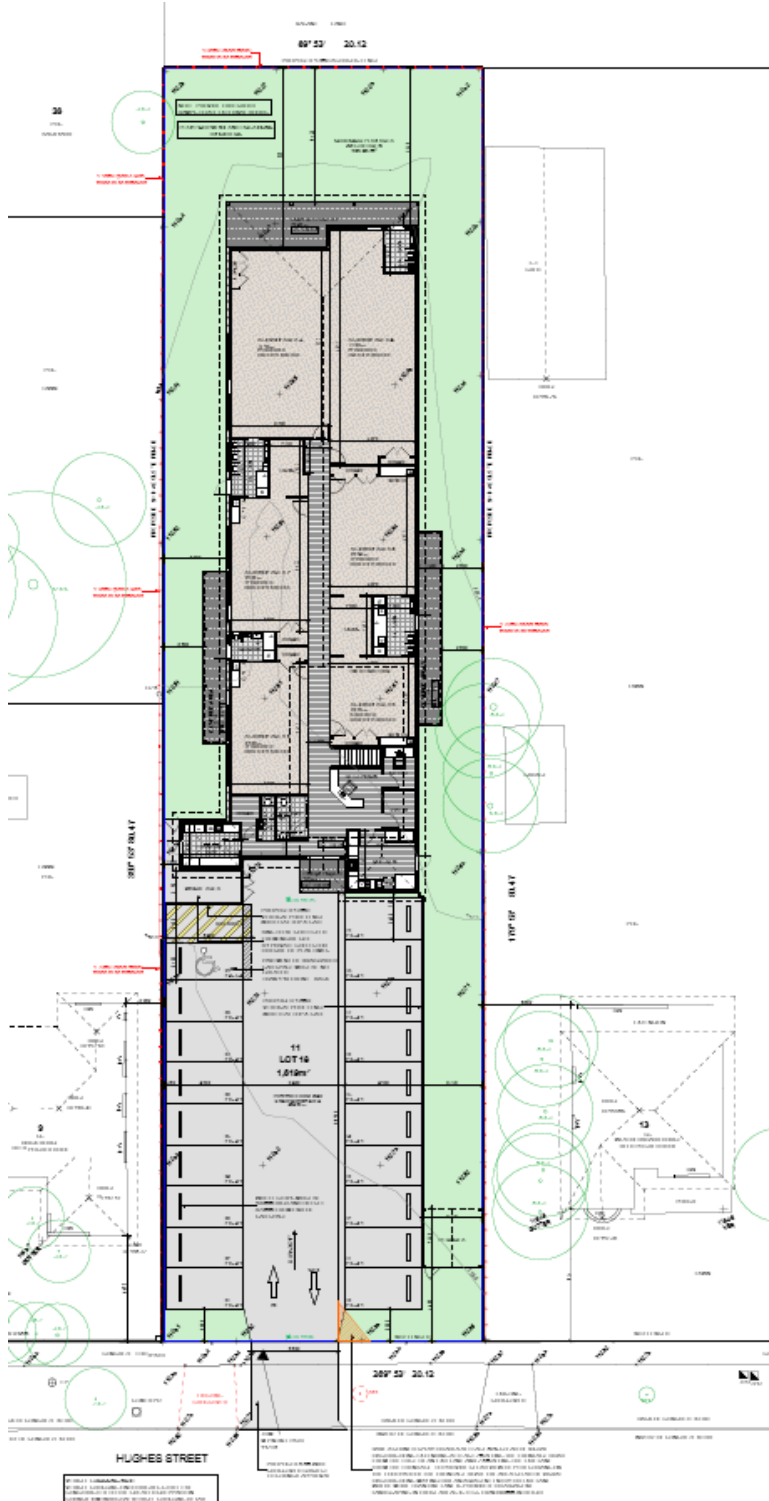
Proposal

The application seeks permission for an 88 place child care centre in the GRZ. Details are summarised below:

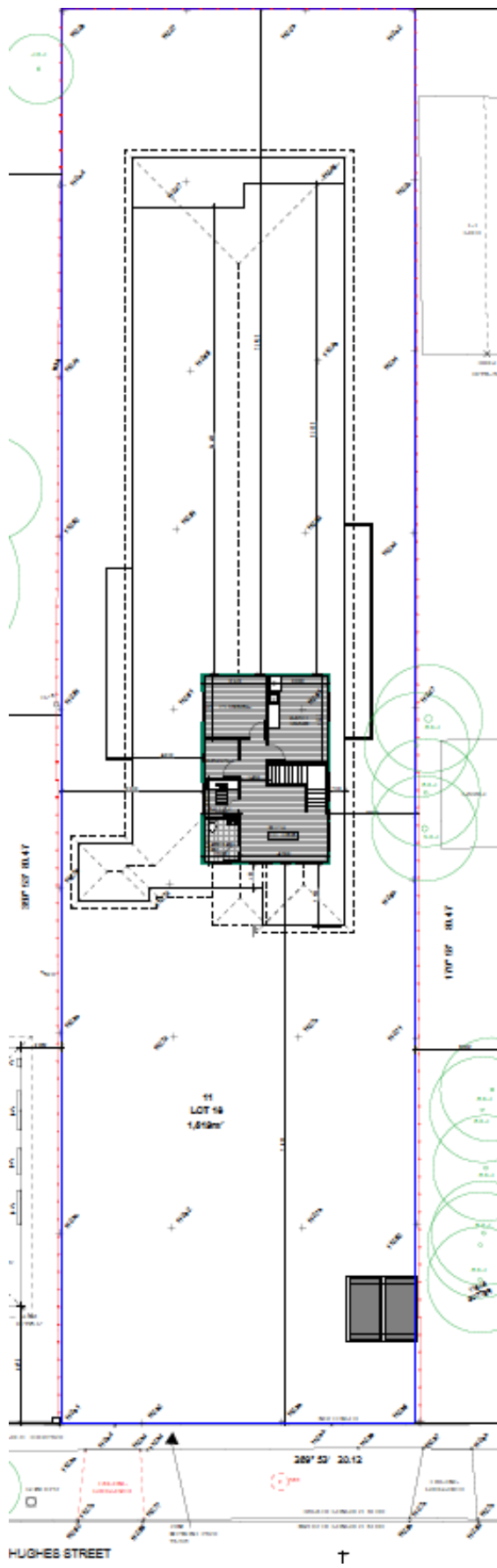
- Double storey brick/weatherboard/render building with post war styling located at the rear of the site with parking in front with access off Hughes Street. Upper floor footprint is significantly reduced and recessed from the ground floor.
- Development works are:
 - Site coverage of 35.78%.
 - 36.15% permeable area.
 - Maximum building height of 7.52m.
 - Minimum side and rear setbacks to the building include:
 - North = 9.97m.
 - East = 4m.
 - West = 4m.
 - South (street) = 28m.
- Building and child care facilities will include:
 - 6 internal children activity areas
 - Outdoor play area of 616.96 (partly covered) - Childrens outdoor play spaces are provided at the rear of the site and along part of the eastern boundary adjoining the building
 - Reception and office
 - Kitchen and laundry
 - Staff room, multipurpose and planning room on first floor
 - Amenity areas
 - Waste area for bin storage/collection
- Existing crossover removed and reinstated with new 5.5m wide double crossover located in centre of site.
- 2 metre wide landscape strip along Hughes Street frontage and 3.77 metre wide landscape strip/outdoor play space along eastern boundary.
- 1.8 metre high acoustic fence on rear and side boundaries.
- 18 staff.
- Under Clause 52.06 a childcare centre requires 0.22 car spaces to each child. Based on a capacity of 88 children, the statutory parking requirement is 19 spaces and 19 are

provided on-site (including one DDA compliant space). On this basis, no permission is required to reduce parking requirements.

- Building identification sign on front of building facing Hughes Street (no size and final details provided).
- The hours of operation will be from Monday to Friday 6.30am – 6.30pm.
- No bicycle spaces are provided.



Ground floor site plan



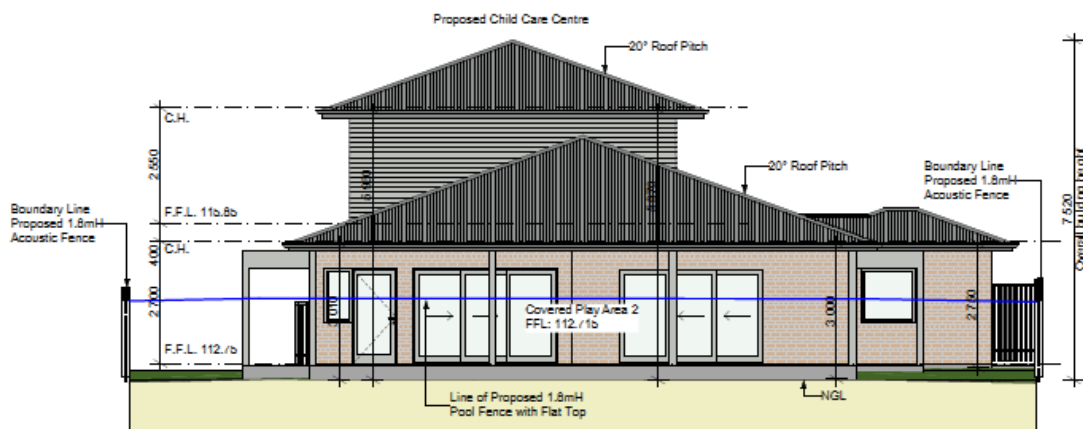
Upper level floor plan



Render of centre facing Hughes Street



STREETSCAPE ELEVATION
1:100



NORTH ELEVATION



Title Details

The title identifies that the site has legal access to a road.

The title does not contain a Restrictive Covenant

The title does not contain a Section 173 Agreement

The title does not contain an Easement, Caveat or Building Envelope

Pre-Application Meeting Details

Has there been a pre-application meeting? No

What is the application for?

The permit triggers in the planning scheme are.

- Use of land for a child care centre in the GRZ under 32.08-2
- Buildings and works in the GRZ under 32.08-9
- Buildings and works in the LSIO under 44.04-2
- Display of business identification signage under 52.05-13

Based on the permit triggers, specify the precise nature of the application which is to be used for all notices, referral, correspondence and decision making.

- Use and development of land in the General Residential Zone and Land Subject to Inundation Overlay for a child care centre

Permit/Site History

The history of the site includes:

- Nil

Subject Site & Locality

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

The site has a total area of **1619** square metres and currently contains:

- Vacant site.
- Generally flat with a gradual rise to the rear.
- No vegetation.

The main site/locality characteristics are:

- The subject site is located within an established residential area. Housing stock within the area comprises predominately of single dwellings on allotments of varying size, including single and double storey housing stock. Medium density housing is evident nearby at 7, 15 and 17 Hughes Street.
- The site is well located in terms of proximity to existing services and infrastructure.
- Tatura township centre is approximately 250 metres to the south-west.
- To the north is a large parcel of land, that being Lots 1-24 Skilton Avenue, Tatura. This land is currently vacant, having been subdivided as part of the Skilton Avenue Central Estate development.
- To the south are several sites fronting Hughes Street, that being 10, 12 and 14 Hughes Street. These sites are comprised of single storey weatherboard dwellings. Front setbacks vary, and the dwellings generally contain landscaping within the front setback. Access is via concrete crossover and driveways.
- To the east is 13 Hughes Street. The site contains a single storey detached weatherboard dwelling with a pitched corrugated iron roof. The site is orientated and fronts to the east to Hughes Street and includes a minimum front setback of approx. 8.341 metres. Access is provided via a concrete crossover and driveway. The SPOS for the site is to the rear of the dwelling, and is comprised of open lawn, an outbuilding (garage) and canopy plantings.
- To the west, 9 Hughes Street, is inclusive of a single storey brick dwelling with a pitched tiled roof, setback 6.652m from the street. Access is provided via a concrete crossover and driveway. The SPOS is located to the rear of the dwelling, and includes open lawn and multiple outbuildings. The front setback is vegetated and includes canopy tree planting.
- Also to the west of the site are the SPOS areas of 16 and 20 Thomson Street. The SPOS areas for these sites are large, and generally comprise open lawn area, grass, scattered canopy trees and outbuildings.

The Photos and aerial below show the existing site:



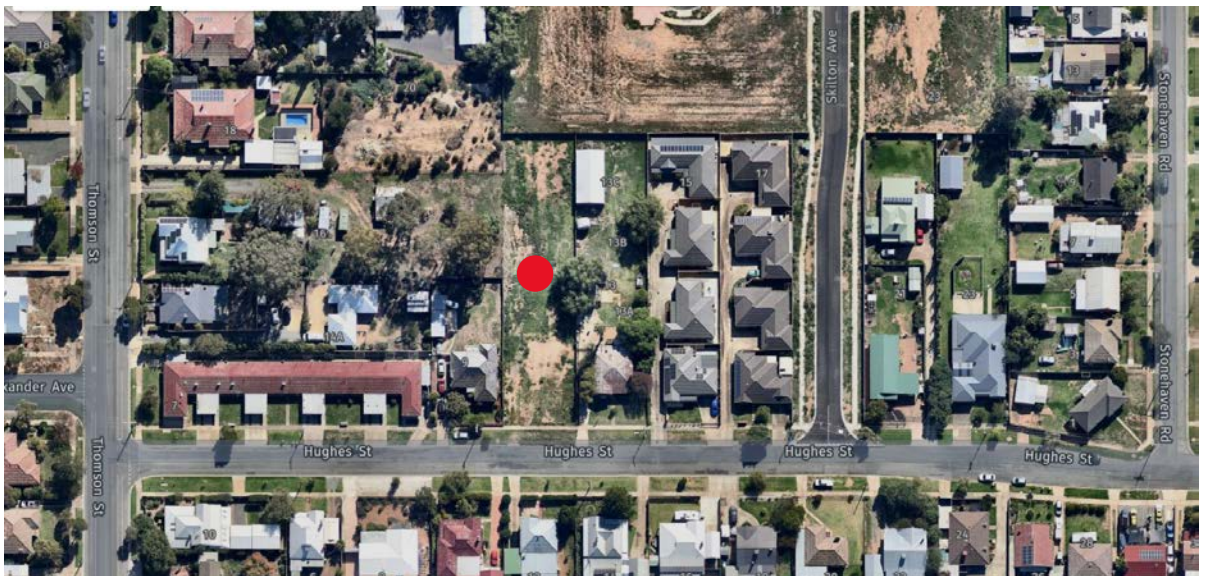
View of Hughes Street



View of proposed development site



View of dwellings opposite the land



Source: Nearmap (11 April 2023)



Subject site February 2023 (Source: applicants town planning report)

Further Information

Is further information required for the application? No

Public Notification

The application was exempt from being advertised in accordance with Clause 44.04-6 of the planning scheme.

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description use and development of land for a child care centre, by:

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



The applicant provided a signed declaration stating that the sign on site was displayed on the land between **20 March 2023 and 2 April 2023**.

Objections

The Council has received **three (3)** objections to date. The key issues that were raised in the objections are.

- Traffic impacts in Hughes Street, including additional traffic volumes, congestion, safety exiting properties, visibility in the street, narrow width of street and cars parked on nature strip.
- Support child care use but oppose:
 - Double storey building due to overlooking into neighbouring bedrooms and loss of privacy. Request frosted windows or privacy screening.
 - Fence height as it is too low and should be raised or additional screening provided to prevent privacy issues.
 - Raised play area of the side playground. Should be moved further away from fence to avoid noise, overlooking and general safety issues.
 - Lack of parking for 18 staff which may create on-street parking.

Responses to objections are provided in the Officer Assessment section of this report.

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
CMA	44.04-7	Recommending	<p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> a) The finished floor level of the proposed childcare centre must be constructed at least 300 millimetres above the highest existing ground level underneath the building footprint. In terms of the building footprint, it excludes all associated non-habitable areas such as the garage, carport, patio, verandah areas and the like. b) The applicant must prepare a Flood Response Plan that allows for the evacuation of the childcare centre in the event of flooding in the Tatura region. This plan must be prepared by a suitably qualified consultant. c) The Flood Response Plan must be submitted to the Goulburn Broken CMA for its consideration and approval prior to the issuing of the Occupancy Certificate. <p>Please note that the 1 in 100 AEP flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 1 in 100 AEP flood, may occur in the future.</p>

Notice to Authorities (including as required by GSPS)

External Notice to Authorities:

Section 52 - Notice Authority	List Planning clause triggering notice	Advice/Response/Conditions
GVV	NA	No objection subject to the following conditions: 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) Discharge of trade waste from the development may be subject to a Trade Waste Consent Agreement. Please call the Business Customer Solutions Team on 5832 4605 for clarification.

Internal Notice

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council's development engineers have consented to the application subject to standard drainage and access conditions.
Environmental Health	No objection subject to conditions

Consultation

Consultation was not undertaken.

Assessment

The zoning of the land

32.08 GENERAL RESIDENTIAL ZONE

Purpose

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

32.08-1 Neighbourhood character objectives

There are no objectives to be achieved pursuant to Schedule 1 to the General Residential Zone.

32.08-2 Table of uses

A Child Care Centre is not listed in any of the tables and therefore it is an innominate use requiring a planning permit pursuant to Section 2 of the table.

32.08-9 Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.

There are no requirements specified in Schedule 1.

Relevant overlay provisions

44.04 LAND SUBJECT TO INUNDATION OVERLAY

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

44.03-2 Buildings and works

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

45.12 SPECIFIC CONTROLS OVERLAY

A permit is not required under SCO3.

Relevant Particular Provisions

52.05 Signage

Purpose

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not 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.

52.05-4 Expiry of permits

A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.

52.05-9 Mandatory conditions

All signs

A permit for a sign that includes an expiry date must include a condition that provides that on expiry of the permit the sign and structures built specifically to support and illuminate it must be removed.

52.05-13

Category 3 – High amenity areas (Medium limitation)

Purpose

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

53.18 STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

Purpose

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

53.18-5 Stormwater management objectives for buildings and works

Objectives	Standards
<p>53.18-5 Stormwater management objective for buildings and works</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</p> <p>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces. To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system</p>	<p>Standard W2:</p> <p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none">• 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).• Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.• Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.
<p>Clause 53.18-7 Site management objective</p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.</p>	<p>Standard W3</p> <p>An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none">• Erosion and sediment.

	<ul style="list-style-type: none"> • Stormwater. • Litter, concrete and other construction wastes. • Chemical contamination.
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Does any Incorporated Document apply?

There is not an Incorporated Document which applies to this application.

The Municipal Planning Strategy (MPS) at Clause 02.

02.03 STRATEGIC DIRECTIONS

02.03-3 Environmental risks and amenity

Environmental risks

Environmental risks in Greater Shepparton are associated with the river, floodplain and wetland systems. The catchments of the various rivers and streams include areas of flood prone land where flooding has historically caused substantial damage to the natural and built environment.

Decades of open pasture farming and irrigated agriculture has also changed the natural hydrological balance. Drainage management attempts to reduce the direct costs in terms of loss of stock and damage to property and the indirect costs of reduced productivity, road rebuilding and inconvenience. The key issue relating to drainage management is the provision of efficient drainage of land without causing other environmental impacts.

Amenity

Council acknowledges that a range of non-residential uses in residential areas provide services to the local community including places of worship, schools, medical centres, display homes, child care centres, cafes and restaurants. However, it is important to ensure that these uses do not have a negative impact on residential amenity through inappropriate location, unsympathetic design and traffic impacts.

Council is committed to:

- Managing the constraints of the floodplain on the use and development of land.
- Preserving the inherent functions of the floodplains.
- Reducing impacts on water quality caused by water logging, salinity and the downstream impacts of nutrients.
- Protecting natural ecosystems via management of drainage and use and development in floodplain, river and wetland systems.

02-03-5 Built form and heritage

Heritage places are intrinsically valuable and make an important contribution to the social, cultural, environmental and economic quality of life in Greater Shepparton.

The appearance of rural, industrial, retail and residential areas and main road approaches to urban centres is important in maintaining a strong level of civic pride. Improving architectural and urban design quality in the built environment can strengthen Shepparton's image and identity as a regional centre.

Council is committed to:

- Conserving places of cultural heritage significance.
- Supporting adaption and development of heritage places to suit contemporary uses and lifestyles.
- Encouraging a high standard of architectural, landscaping and urban design for built form and public spaces.

The Planning Policy Framework (PPF)

13.03-1S Floodplain management

Objective

To assist the protection of:

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

Strategies

- Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.
- Avoid intensifying the impact of flooding through inappropriately located use and development.
- Plan for the cumulative impacts of use and development on flood behaviour.
- Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters, child care centres and schools) outside the 1 in 100 year (1 per cent Annual Exceedance Probability) floodplain and, where possible, at levels above the height of the probable maximum flood.
- Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.
- Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.

13.07-1S Land use compatibility

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

13.07-1L-02 Land use compatibility

Strategies

- Encourage non-residential uses in residential zones where the proposed activity will have minimal adverse impact on the surrounding neighbourhood, including through:
 - The intensity of hours and operation.
 - The siting and design of the proposal.
 - And the location of the access to the site.
- Discourage service stations and car washes in residential areas.
- Locate major facilities serving catchments beyond the local level in commercial areas or on roads that avoid generating additional through traffic on residential streets.
- Encourage larger child care centres in excess of 40 children to locate along major roads.
- Locate medical centres and veterinary clinics on a through road and adjacent to other community based uses.

Policy guidelines

Consider as relevant:

- Providing car parking for child care centres at the rate of one space per staff member with a drive through drop-off bay for at least three vehicles and one space per 10 children.
- Hours of operation for a medical centres or veterinary clinics to be 8.00am to 9.00pm Monday to Saturday and 9.00am to 1.00pm Sunday.

15.01-1L-01 Urban design

Strategies

- Avoid building frontages with long expanses of solid walls by incorporating design elements and a variety of materials that create articulation and visual interest.
- Encourage landscaping in new developments to mitigate the impact of buildings on the surrounds and provide additional vegetation in the canopy.
- Orient buildings in the vicinity of the river towards the riverside environment.
- Encourage retention of existing vegetation where practical.
- Encourage the use of indigenous and low maintenance plant species.

Policy guideline

Consider as relevant:

- A 2 metre wide strip of landscaping along the street frontage for childcare centres, medical centres and veterinary clinics in residential areas.

15.01-2S Building design

Objective

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Improve the energy performance of buildings through siting and design measures that encourage:
 - Passive design responses that minimise the need for heating, cooling and lighting.
 - On-site renewable energy generation and storage technology.
 - Use of low embodied energy materials.
- Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
- Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.
- Encourage water efficiency and the use of rainwater, stormwater and recycled water.
- Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.
- Encourage development to retain existing vegetation.
- Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

15.01-2L Signage

Objective

To manage the number, appearance, size, illumination and location of signs.

Strategies

- Encourage fewer signs on a host site or building, displaying a simple clear message.
- Encourage signs to be primarily for business identification, providing basic identification information of the business.
- Discourage 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.
- Discourage 'V' board signs.
- Discourage internally illuminated promotional signs.

Policy guidelines

Consider as relevant:

- Limiting suspended under-verandah signs to one per shopfront, except on premises with shop fronts larger than 10 metres, where the limit should be one per ten metres of shop front.
- Providing for above-verandah signs where they:
 - Are attached to the upper facade or parapet of a host building.
 - Are parallel/horizontal to the road.
 - Have a minimal projection.
- Limiting freestanding signs to one sign per premises with multiple occupancies encouraged to share sign space.
- Encouraging signs on buildings that are set back from the street to be:
 - Located within the boundary.
 - Orientated to be parallel or at right angles to the street.
- Locating signs on a building wherever possible.
- Limiting pole signs to one per frontage and no higher than the surrounding buildings.
- Discouraging permanent bunting, streamers, banner, balloons, animated, reflective signs or similar devices.
- Allowing temporary (3 month maximum) bunting, streamers, banner, balloons, animated, reflective signs or similar devices for promotions only.
- Discouraging major promotional signs except:
 - In regional & sub-regional centres.
 - When attached to a building wall.
 - If it is less than 3 metres above the ground.
 - If it is not internally or externally illuminated.

Policy documents

Consider as relevant:

- *Addendum to the Urban design Framework: Shepparton North and South Business Areas* (Planisphere, July 2017)
- *Urban Design Framework, City of Greater Shepparton* (Collie Landscapes and Designs Pty Ltd, March 1999)
- *Urban Design Framework – Shepparton North and South Business Areas* (Coomes Consulting, July 2006)

15.01-5S Neighbourhood character

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - Pattern of local urban structure and subdivision.
 - Underlying natural landscape character and significant vegetation.
 - Neighbourhood character values and built form that reflect community identity.

19.02-2S Education facilities

Objective

To assist the integration of education and early childhood facilities with local and regional communities.

Strategies

- Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.
- Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.
- Ensure childcare, kindergarten and primary school and secondary school facilities provide safe vehicular drop-off zones.
- Facilitate the establishment and expansion of primary and secondary education facilities to meet the existing and future education needs of communities.
- Recognise that primary and secondary education facilities are different to dwellings in their purpose and function and can have different built form (including height, scale and mass).
- Locate secondary school and tertiary education facilities in designated education precincts and areas that are highly accessible to public transport.
- Locate tertiary education facilities within or adjacent to activity centres.
- Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.
- Consider the existing and future transport network and transport connectivity.
- Develop libraries as community based learning centres.
- Co-locate a kindergarten facility with all new Victorian Government primary schools.

Structure Plans/Development Plans

There are no relevant Structure Plans or Development Plans.

Relevant Background documents

There are no relevant background documents.

The decision guidelines of Clause 65.01 and 65.02

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 application meets the decision guidelines of Clause 65.10

The decision guidelines of the zone

GRZ1 – Clause 32.08-13 Decision guidelines

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

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Non-residential use and development

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

The decision guidelines of the overlay(s) (and schedule to the overlays)

44.04-8 - LSIO Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.

- Alternative design or flood proofing responses.
 - The susceptibility of the development to flooding and flood damage.
 - The potential flood risk to life, health and safety associated with the development.
- Flood risk factors to consider include:
- The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - Tidal patterns.
 - Coastal inundation and erosion.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
 - The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.
 - Any other matters specified in a schedule to this overlay.

The decision guidelines of the particular provisions

52.05 - 8 Signage

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

All signs

- 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 the 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 safety 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 that may 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.
 - –s 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.

Stormwater management - Decision Guidelines at 53.18-7

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this planning scheme.
- The capacity of the site to incorporate stormwater retention and reuse and other water sensitive urban design features.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.

- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

OFFICER ASSESSMENT

Consideration of objections

The application was advertised and three (3) objections were received which were summarised earlier in this report but included concerns regarding traffic and privacy issues. In response to issues raised the following comments are made.

- Traffic impacts:
 - The proposal meets the statutory requirements of Clause 52.06 in terms of car parking numbers, access and design and does not rely on on-street car parking to meet projected demand.
 - Hughes Street is a local residential collector road and traffic volumes generated will not impact the safety and functionality of the road.
 - Existing parking on nature strips can be controlled through Council Local Laws and the width of the eastern end of Hughes Street is usual for residential streets and can operate both safely and functionally.
- Privacy issues:
 - The double storey windows facing east would comply with ResCode requirements (if applicable) and could overlook the SPOS of the adjoining dwelling. The windows will not look directly into adjoining habitable bedroom windows and therefore the request for frosted windows or privacy screening cannot be justified.
 - The proposal increases the fence height from 1.7m to 1.8m and will be an acoustic fence. The proposed fence height and acoustic construction is considered sufficient to reduce any noise and overlooking/privacy issues.
 - The 'raised' play area of the side playground (covered play area 3) is at finished floor level and marginally above natural ground level. The play area is setback 2.5 metres from the boundary and is not proximate to the existing dwelling to the east. On this basis the location and use of the play area is considered acceptable and will not create any noise, overlooking, safety or amenity issues.

Having regard to all of the above, the proposed development is considered to be generally in accordance with the MPS and Planning Policy Framework and zone and overlay purpose and decision guidelines as outlined below.

Policy considerations

- The proposal is supported by the directions, objectives and policy in the MPS and PPF, as the proposal:
 - Manages the constraints of the floodplain.
 - Provides a high standard of architectural and urban design built form.
 - Is compatible with the adjoining and nearby land uses and will have minimal adverse impact on amenity of the surrounding neighbourhood given hours of operation, siting and design, access and car parking.

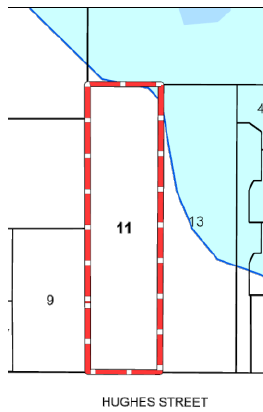
- Being in excess of 40 child places, the PPF (Clause 13.07-1L-02 Land use compatibility) encourages these larger child care centres to locate along major roads. Whilst Hughes Street is technically not a major road it is considered to be capable of support from a policy perspective given its existing role as a collector residential road.
- Policy guidelines in Clause 13.07-1L-02 (Land use compatibility) requires consideration of the provision of car parking for child care centres at the rate of one space per staff member with a drive through drop-off bay for at least three vehicles and one space per 10 children. This would equate to 18 staff spaces and 9 for the child spaces, totalling 27 spaces. The proposal provides 19 spaces which whilst not consistent with policy it complies with Clause 52.06 and is therefore appropriate.
- The policy guideline at Clause 15.01-1L-01 (Urban design) requires consideration of a 2 metre wide strip of landscaping along the street frontage for childcare centres in residential areas. The proposal includes a 2 metre landscaping strip however a condition of permit will require submission of a detailed planting schedule.
- Clause 15.01-2L encourages signs to be primarily for business identification and encouraging signs on buildings that are set back from the street. The proposal fully meets the policy.
- Clause 19.02-2S (Education facilities) encourages the location of child care centres that are accessible and safe. The site being close to Tatura town centre is accessible by a variety of transport modes and it is considered that safe parking and access is provided to the site.

Use

- The purpose of the GRZ1 supports non-residential uses such as a child care centre to service community needs in appropriate locations.
- The site is well located within 200 metres of Tatura town centre and will not impact on nearby residential land and abutting residences.
- There will no overshadowing impacts to adjoining properties.
- 1.8 metre high acoustic fences are provided adjacent to rear and side adjoining residences.
- Hours of operation will be 6.30am to 6.30pm (Monday to Friday) which will be controlled by an amenity condition and hours of operation condition in the permit.
- There is no significant vegetation on site and landscaping can be provided along the site frontage, however a condition of permit will require the submission of a detailed landscape plan and planting schedule.
- A Waste Management Plan was not submitted with the application and compliance with bin collection arrangements will be included as a condition of the planning permit.

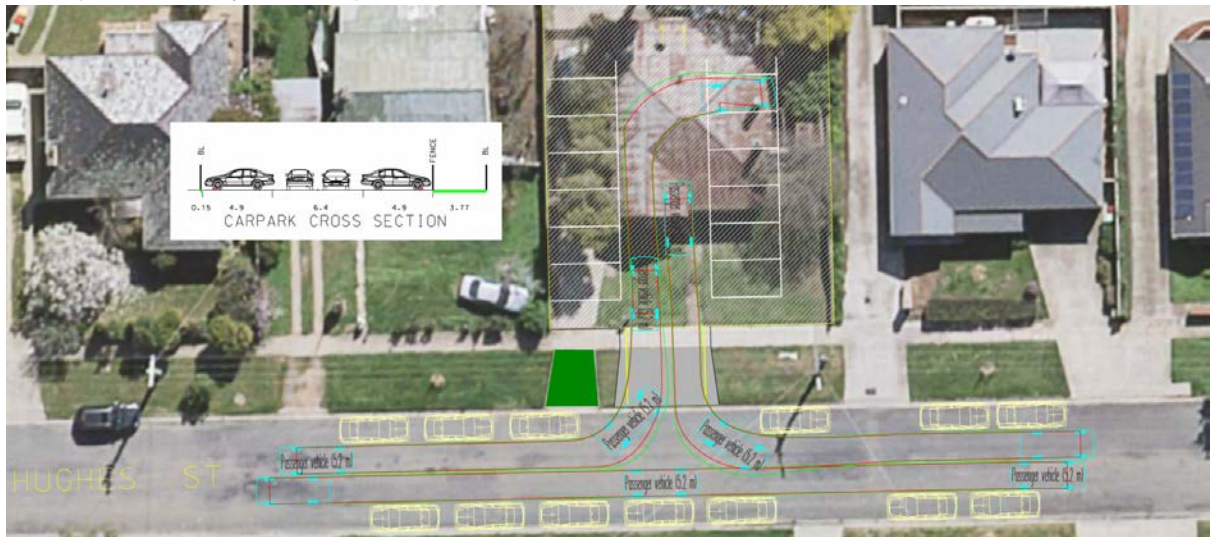
Flooding

- The site is only partially affected by the LSIO, with a portion in the north-east corner of the site being within this overlay (as per figure below).
- CMA and GVW support the proposal subject to conditions.



Car and Bicycle Parking and Traffic

- The proposal provides 19 spaces which complies with Clause 52.06 and is therefore appropriate.
- No bicycle parking has been provided on site and Clause 52.34-1 does not require bicycle facilities for child care centres. Notwithstanding, given the central location of the centre to Tatura town centre it is recommended that an area be set aside for bicycle parking to encourage staff, in particular, to use bicycles rather than cars. A condition of permit will require an area to be set aside for bicycle parking.
- The applicant did not submit a Traffic Impact Assessment however it is considered that the proposal is appropriate from a traffic and parking context as the expected traffic generation will have no adverse impact on the adjacent road network.
- Council’s traffic engineer undertook an assessment of the proposal particularly the car park design and impact of the centre on Hughes Street. The below assessment plan demonstrates that vehicle movements within the car park and Hughes Street can operate safely at low speeds.



- Officers recommend that a condition 1 plan requirement be included in the NOD to implement the attached assessment design. The changes to the submitted design include widening of the crossover to match the width of the car park aisle and inclusion of an outward splay on the crossover to improve traffic movements. The green colouring on the above plan, shows the removal of the redundant vehicle

crossing and replacement with grassed nature strip and kerb. Condition 1 will also require the planting of a street tree on either side of the proposed crossover.

52.05

- Planning approval is required for the proposed non-illuminated business identification signage.
- Whilst the signage will be visible from the street frontage it will not dominant the streetscape as it is well setback from the frontage (28 metres from Hughes Street) and suitable to the size/scale of the building.
- It is considered the proposed sign is appropriate for the development, is for commercial identification, will not impact on amenity or road users and is consistent with the zone and overlay purpose and sign purpose, signage category and decision guidelines.
- A condition of permit will require the submission of all details, size and location of the sign.

53.18

- A construction management plan condition will manage sediment and erosion measures. The requirements of Clause 53.18 can be satisfied and will also be contained within appropriate permit conditions.

No amenity impacts are foreseen and approval is recommended.

Any other relevant adopted State policies or strategies policies

There are no other relevant adopted State policies or strategies that relate to the application.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments that relate to the application.

Are there any significant environment, social & economic effects?

There are no significant environment, social and economic effects that relate to the application.

Any other relevant Acts that relate to the application?

There are no other relevant Acts that relate to the application.

The Aboriginal Heritage Act 2006

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

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

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

The relevant provisions of the GSPS including Clause 13.02 (Bushfire)

N/A

Charter of Human Rights and Responsibilities

The application is not considered to impinge on the Charter of Human Rights and Responsibilities.

Summary of Key Issues

The key issues relate to compliance with policy, flooding, traffic and parking impacts. Assessments have found that the application is supported by objectives, strategies, particular requirements and decision guidelines and CMA, GVW and Council's Environmental Health and Engineers support the application.

Conclusion

Officers have undertaken an assessment of the application and found that the proposed use and buildings and works for an 88 place child care centre achieve acceptable planning outcomes. It is recommended that a Notice of Decision issue.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2023-45** to be given under Section 52 or having referred the application under Section 55 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **Clauses 32.08-2, 32.08-9, 44.04-2 and 52.05-13** of the Greater Shepparton Planning Scheme in respect of the land known and described as **11 Hughes Street, Tatura for Use and development of land in the General Residential Zone and Land Subject to Inundation Overlay for a child care centre and signage** in accordance with the Notice of Decision and the submitted plans.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2023-45** to be given under Section 52 or having referred the application under Section 55 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **Clauses 32.08-2, 32.08-9, 44.04-2 and 52.05-13** of the Greater Shepparton Planning Scheme in respect of the land known and described as **11 Hughes Street, Tatura for Use and development of land in the General Residential Zone and Land Subject to Inundation Overlay for a child care centre and signage** in accordance with the Notice of Decision and the submitted plans.

Motion: Colin Kalms moved a motion to add Cond 1F to the permit, requiring line marking and car parking signage in the vicinity

Motion Lapsed

Motion: Nilesh Singh moved a motion that “A Traffic Impact Assessment Report (TIAR) and a Road Safety Audit (RSA) to be provided by the applicant for Council to assess prior to a decision by the DHP”.

Second: Joel Ingham

CARRIED

Draft Notice Of Decision

APPLICATION NO: 2023-45

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: 11 HUGHES STREET TATURA VIC 3616

WHAT THE PERMIT WILL ALLOW: USE AND DEVELOPMENT OF LAND IN THE GENERAL RESIDENTIAL ZONE AND LAND SUBJECT TO INUNDATION OVERLAY FOR A 88 PLACE CHILD CARE CENTRE

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Amended Plans Required

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

- a) Obscure glazing on the first floor level window on the east elevation
- b) Increase height of the side boundary acoustic fencing to 2 metres
- c) Increased width of the crossover to be the same width as the car park aisle and inclusion of an outward splay from the crossover to the road
- d) Two street trees, one on either side of the crossover
- e) Provision of onsite bicycle parking

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. Buildings and works on endorsed plans to be completed prior to occupation

Before the building is occupied, all buildings and works including landscaping on the endorsed plans must be completed to the satisfaction of the responsible authority unless otherwise agreed in writing by the responsible authority.

4. Assessment of Potentially Contaminated Land

Before the development starts, a site assessment as required by clause 13.04-1S must be prepared to determine if the site is suitable for the proposed child care centre use. The report must be submitted to the responsible authority for approval.

5. Civil Works Plan

Before the development starts, a civil works 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) details of how the works on the land are to be retarded and drained
- b) underground pipe drains conveying stormwater to legal point of discharge
- c) maximum discharge rate shall be restricted to the peak pre-development rate with on-site detention capacity for the 10% AEP storm event (or as agreed in writing by the responsible authority);
- d) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements, unless otherwise agreed to in writing by the responsible authority
- e) the incorporation of water sensitive urban design, designed in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999
- f) details to demonstrate that the development will not impact on the drainage of abutting lots
- g) detailed construction plans of the crossover including its gradient and removal of the redundant vehicle crossing
- h) car park plan as required under clause 52.06-8
- i) lighting plan of the car park area which avoids light spill to abutting properties

Before the development is occupied all civil works required by the endorsed plan must be completed to the satisfaction of the responsible authority.

Within one month of the development being occupied, an as constructed drainage plan must be provided to the responsible authority.

6. Landscape Plan

Before the development starts a landscape plan prepared by a suitably qualified landscape designer must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The

plan must be drawn to scale with dimensions and two copies must be provided to show:

- a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- two street trees abutting the land.

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

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

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

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

Once planted the landscaping including the replacement of any dead plants must be maintained to the satisfaction of the responsible authority.

7. Electricity Connection

Before the development is occupied the electricity connection to the land must be undergrounded.

8. General Amenity

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

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

Noise Control

Noise levels emanating from the premises must not exceed those required to be met under the relevant noise guidelines for child care centres.

In the event of complaints of noise, within two months of a request by the responsible authority, an acoustic report must be submitted to the responsible authority giving details of noise measurements to achieve compliance with the relevant noise

guidelines, and if necessary, to recommend measures (physical construction and/or operation modifications) required to ensure compliance. Such measures must then be implemented as soon as practical to the satisfaction of the responsible authority.

9. Hours of Operation

The use of the childcare centre may operate only between the hours of 6.30am and 6.00pm Monday to Friday to the satisfaction of the responsible authority.

10. Health Requirements

- a) The applicant shall lodge with Council's Environmental Health Department detailed kitchen fit-out plans demonstrating that the area of the building proposed to be used for storage, preparation and sale of food are adequate for the type of food to be sold at the premises and that the structure and fittings installed complies with the requirements of Food Standards Australia and New Zealand Food Safety Standards 3.2.3 – Food Premises and Equipment, this includes any kitchenette or bottle preparation area.
- b) Prior to commencing construction of any food preparation area, the owner must seek the advice of the Council's Environmental Health Officer.
- c) Prior to commencing the business the applicant shall make application to the Council Environmental Health Department for the registration of the premises under the Food Act 1984.
- d) At the time of making application for registration under the Food Act 1984, the applicant shall lodge a copy of their food safety program as required by the Act and the name and accreditation details of their nominated Food Safety Supervisor.

11. 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) Discharge of trade waste from the development may be subject to a Trade Waste Consent Agreement. Please call the Business Customer Solutions Team on 5832 4605 for clarification.

12. Goulburn Broken Catchment Management Authority Requirements

- a) The finished floor level of the proposed childcare centre must be constructed at least 300 millimetres above the highest existing ground level underneath the building footprint. In terms of the building footprint, it excludes all associated non-habitable areas such as the garage, carport, patio, verandah areas and the like.

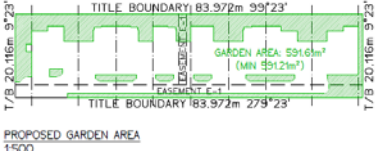
- b) The applicant must prepare a Flood Response Plan that allows for the evacuation of the childcare centre in the event of flooding in the Tatura region. This plan must be prepared by a suitably qualified consultant.
- c) The Flood Response Plan must be submitted to the Goulburn Broken CMA for its consideration and approval prior to the issuing of the Occupancy Certificate.

13. Time for Starting and Completion

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

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

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2022-392
Applicant Name:	BY Projects Architecture
Owner Name:	SESSIONS BUILDERS PTY LTD GAGLIARDI REAL ESTATE PTY LTD
Cost of works:	\$1M
Correct application fee paid?	Yes \$3,524.30 – Development \$680.40 – Waiver of visitor space Total - \$4,204.70
Land/Address:	7 Alamein Street SHEPPARTON
Date Received:	13 November 2022, amended under 57A on 10 May 2023
Statutory Days?	14
Zoning?	GRZ
Overlay(s)	Nil
What is proposed?	8 x 1 and 2 bed dwellings, and reduction in visitors parking requirement
Why is a permit required?	More than 1 dwelling on a lot in the GRZ under 32.08-6 Waiver of visitors car parking space under 52.06-3
Are all plans provided?	Yes
Any application history?	Yes. VCAT refused an application for an eight dwelling development at the land mainly for neighbourhood character reasons.
Date referred/notified:	1 December 2022
Further Information?	No
Lapse date?	NA
Notice/Referral?	Yes
Number of Notice Responses?	3 objections from neighbours Consent from GVW
Key Response Considerations?	Do the objections warrant refusal of the application or amendments to the proposal
Title details – any: <ul style="list-style-type: none"> o Restrictive Covenant? o Section 173 agreement? o Caveat? o Easement? o Building Envelope? o Access restrictions? 	No No No Yes No No
Is a CHMP required?	No
Garden area provisions?	Yes – 35.02% provided 
Is the site contaminated?	No
Is the site in a BMO or BPA?	No
Is Cl. 13.01-2 Bushfire applicable:	No
Cl. 71.02-3 'Integrated Decision Making' assessment:	Yes
Cl. 71.03-2 Acceptable Outcomes:	Yes

Conflicts of interest in relation to advice provided in this report	No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.
Key Planning Considerations:	<ol style="list-style-type: none"> 1. Is the proposal consistent with the provisions and requirements of the General Residential Zone? 2. Is the proposal consistent with the requirements of Clause 55 (ResCode) under the Scheme? 3. Is the proposal consistent with the relevant provisions of the Planning Policy Framework and Municipal Planning Strategy under the Scheme? 4. Is compliance with the garden area requirements achieved? 5. Has adequate car parking been provided? 6. What impact will the development have on waste collection? 7. Does the proposal respond to the VCAT decision of 3 June 2022?
Recommendation:	Approval

Proposal

The application proposes buildings and works for an eight dwelling development. The site is located in the General Residential Zone. No Overlays apply to the site.

The application includes eight single storey dwellings constructed of brick with pitched corrugated roofs. Each dwelling will have a car port with a single car space, with the exception of dwelling 4, which will have an open car space due to an existing sewer easement.

Access to the proposal will run along the southern boundary via a new crossover from Alamein Street.

A planning permit is required for two or more dwellings on a lot in the General Residential Zone pursuant to Clause 32.08-6. A Clause 55 assessment has been undertaken as part of the report.

The application includes a reduction in car parking requirements for one visitor car park pursuant to Clause 52.06-3.

The application provides a single car park for each of the eight two bedroom dwellings in accordance with the car parking requirements. However, the application does not include a visitor car park as required for a development of five or more dwellings. Therefore, the application proposes to reduce the number of car parks by one space.

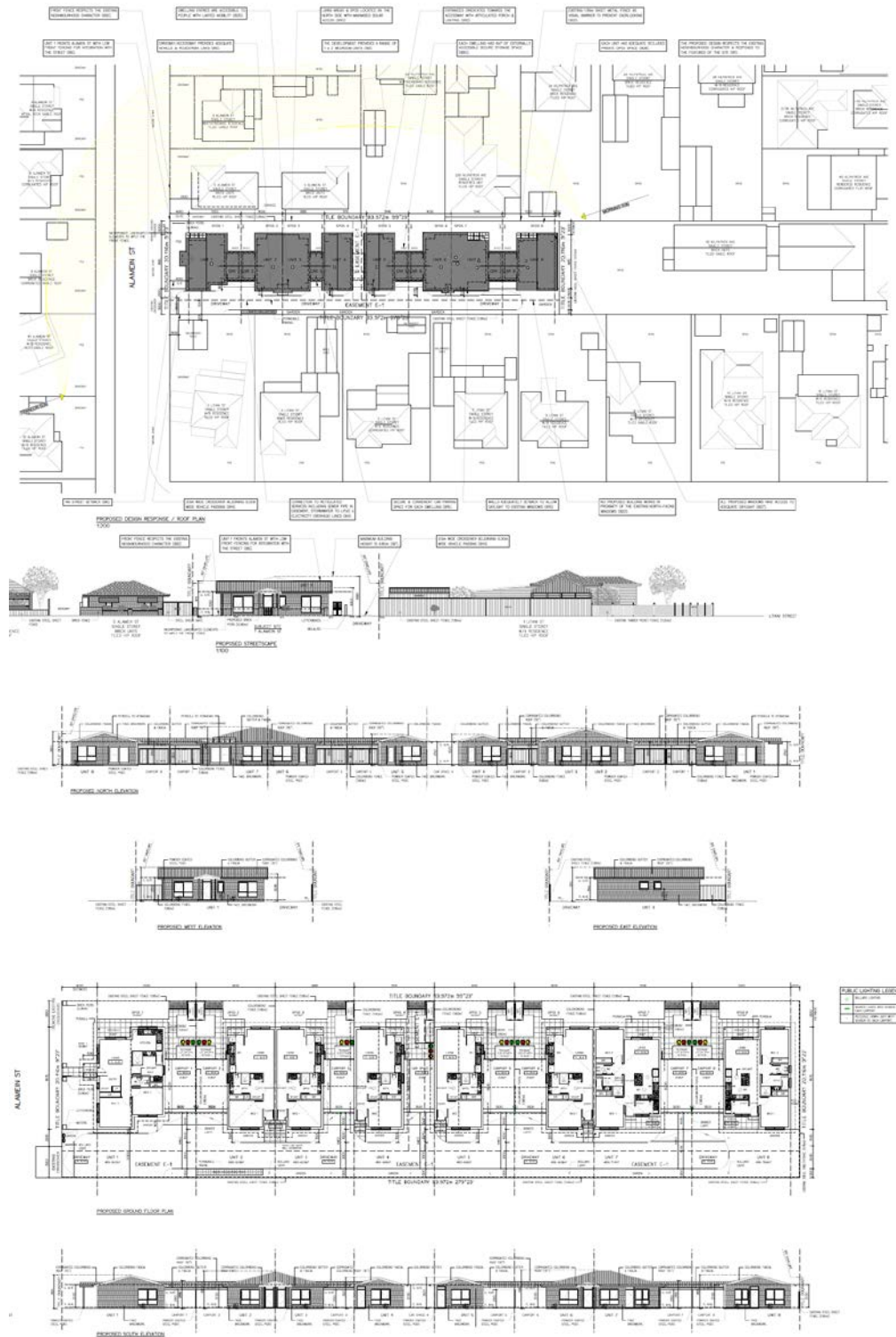
The subject site is located in an established residential area in north Shepparton shown as an area of incremental change in the Greater Shepparton Housing Strategy 2011, in close proximity to amenities such as GV Health Hospital (360m), Gowrie Street Primary School (approx. 700m), Bouchier Street Primary School (900m) and neighbourhood shops and businesses.

There is an existing bus stop at Monash Street (approx. 450m). The site is currently a vacant fenced area with two access ways to the property and landscaping in the road reserve.

Clause 32.08-4 requires an application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area. Where the application is for a multi unit development without subdivision, the minimum garden area applies to the entire lot. In this case, as the lot is greater than 650sqm (1689sqm), a minimum garden area of 35% is

required. A total of 591.6sqm has been provided for garden area (35.02%), complying with this requirement.

Plans of the proposed unit development are below:



Subject Site & Locality

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

Date: 18 March 2023

The site has a total area of 1689 square metres and currently contains:

- Vacant lot with two accessways from Alamein Street and a boundary fence.

The main site/locality characteristics are:

- Within a medium density area with dwellings located adjacent to the property
- Single storey dwellings
- Unit developments nearby and adjacent
- Access to Balaclava Road and arterial roads



View of Alamein Street looking south



View of redundant crossing on the lands northern boundary. Permit condition will require removal of the crossing and replacement with kerb and channel and grass nature strip.



View of the subject site



View of the subject site

Permit/Site History

The history of the site includes:

- 2020-19 Permit sought approval for eight single storey dwellings on site and the reduction of one visitor car park. The applicant took the application to VCAT for Failure to Determine. During the Hearing, Council determined they would support the proposal.

- Sessions Builders Pty Ltd v Greater Shepparton CC VCAT 575 (3 June 2022) – VCAT refused the application on the basis that it did not address neighbourhood character.

Further Information

Was further information requested for this application? **No**

Public Notification

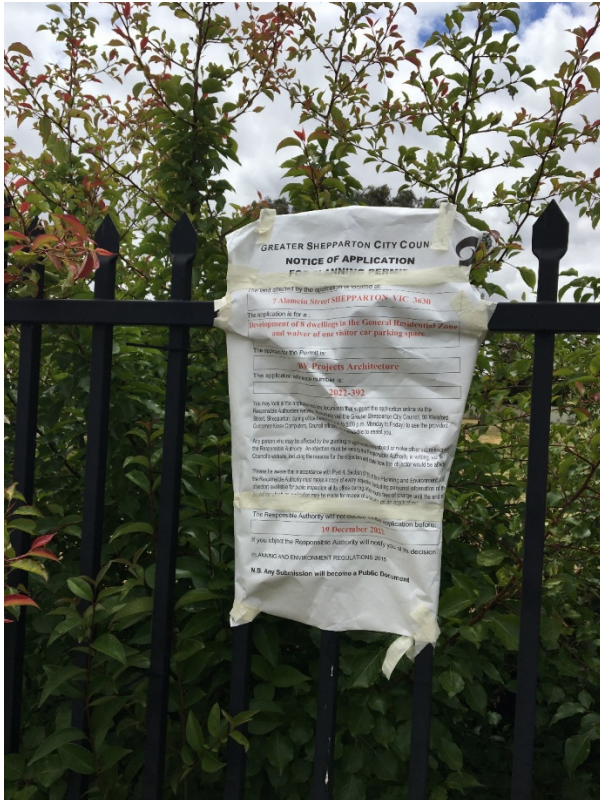
The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

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



The applicant provided a signed statutory declaration on 16 January 2023 confirming that the Public Notice was erected in a position, which was clearly visible from the frontage of the site and maintained in good condition for 14 days from 2 December 2022 to 16 December 2022.

Officers undertook a sign onsite inspection, which found the sign was displayed on 13 December 2022.



Objections

The Council has received three objections to date. The location of the objectors is shown by the blue dots on the below aerial photo.



The key issues that were raised in the objections are.

- Waste collection and storage
- Functionality of car parking on site

- Wish to have northern crossover removed as part of the development
- Impact on access down the street if cars park there during construction
- Privacy and noise issues during construction
- Overdevelopment of the site that will lead to traffic congestion
- Safety issues associated with additional traffic

Title Details

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

Consultation

Consultation was not undertaken. The issues and concerns of objectors in relation to the proposal are known, due to the recent development proposals for the site.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	Goulburn Valley Water - consented to the application with conditions.

Internal Council Notices	Advice/Response/Conditions
Engineering	Council engineers did not respond to the application.

Assessment

32.08 GENERAL RESIDENTIAL ZONE

Purpose

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

32.08-6 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct two or more dwellings on a lot.

32.08-13 Decision guidelines

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

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *The objectives set out in a schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*
- *The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

Dwellings and residential buildings

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

Relevant overlay provisions

There are no relevant Overlays.

The Planning Policy Framework (PPF)

Clause 15.01-1S Urban design

Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

- Promote good urban design along and abutting transport corridors.

Clause 15.01-5S Neighbourhood Character

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - Pattern of local urban structure and subdivision.
 - Underlying natural landscape character and significant vegetation.
 - Neighbourhood character values and built form that reflect community identity.

Clause 16.01-1S Housing Supply

Objective

To facilitate well-located, integrated and diverse housing that meets community needs.

Strategies

- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
- Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Identify opportunities for increased residential densities to help consolidate urban areas.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.
- Encourage the development of well-designed housing that:
 - Provides a high level of internal and external amenity.
 - Incorporates universal design and adaptable internal dwelling design.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.
- Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

Clause 16.01-2S Housing affordability

Objective

To deliver more affordable housing closer to jobs, transport and services.

Strategies

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.
- Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.

Increase the supply of well-located affordable housing by:

- Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.
- Ensuring the redevelopment and renewal of public housing stock better meets community needs.

Facilitate the delivery of social housing by identifying surplus government land suitable for housing.

Local Planning Policy Framework

Clause 15.01-1L-01 Urban design

Strategies

- Avoid building frontages with long expanses of solid walls by incorporating design elements and a variety of materials that create articulation and visual interest.
- Encourage landscaping in new developments to mitigate the impact of buildings on the surrounds and provide additional vegetation in the canopy.
- Orient buildings in the vicinity of the river towards the riverside environment.
- Encourage retention of existing vegetation where practical.
- Encourage the use of indigenous and low maintenance plant species.

Clause 16.01-1L Residential development

Strategies

- Support retention and renovation of existing dwellings that front the street in the General Residential Zone.
- Encourage additional dwellings to the rear of existing dwellings in the General Residential Zone.

Municipal Planning Strategy

Clause 02.03-1 Settlement

Identifies that Shepparton will need growth to accommodate a population that is forecast to grow 59,202 in 2006 to 71,509 by 2026. At the same time, changing demographic trends such as an increase of persons aged 65 and over, smaller household sizes and an increase in non-Australian born persons will create demand for a broad range of housing types within the municipality.

It is expected that the urban areas of Shepparton, Mooroopna and Kialla will accommodate the majority of new residential development.

In facilitating the future growth and development of its towns, Council is committed to achieving urban consolidation, thereby promoting walking, the use of bicycles and reducing the dependence on car use. In proximity to the Shepparton CBD and other key activity centres, people will be encouraged to live at higher densities in environments that offer individual, lifestyle and community benefits.

Relevant Particular Provisions

Clause 55 Assessment – Eight dwellings on a lot

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

Objectives	Standards	Complies/ does not comply/ variation required
<p>Clause 55.02-1</p> <p>Neighbourhood Character Objectives</p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character;</p> <p>To ensure the development responds to the features of the site and surrounding area.</p>	<p>Standard B1 (Cannot be varied)</p> <p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Complies - conditions</p> <p>The subject site is one of two larger rectangular lots in a typical residential block layout. The surrounding land comprises of smaller lots oriented towards the street, many backing onto the subject site.</p> <p>The surrounding development pattern is primarily single unattached dwellings on a lot fronted to the street, with habitable windows facing the street. Secluded private open space is typically provided to the rear of the dwellings. There is some two lot subdivisions and development throughout.</p> <p>The proposed development introduces an increased scale and pattern of development into</p>

Objectives	Standards	Complies/ does not comply/ variation required
		<p>the neighbourhood, proposing eight dwellings on the lot.</p> <p>Council supports housing diversity and medium density development within infill areas, where the development respects the character of the neighbourhood and complies with relevant provisions. The proposal will allow for infill development of an unused site which will have benefit for the community.</p> <p>The property abutting the subject site to the south contains a large metal fence along the Alamein Street frontage (acting as a side fence), while the property to the north has a large solid gate protecting the driveway, directly adjacent to the subject site. The remaining streetscape is predominantly vegetated gardens with low front fences and dwelling oriented towards the street.</p> <p>In response to the previous decision at VCAT, the proposal orientates the entrance to dwelling one to the street. The majority of the dwelling will be setback 4m (2.41 to the porch), with a low brick fence along the front boundary.</p> <p>The SPOS for Unit 1 is to be located north of the dwelling separate from the street via a Colorbond fence in line with the front wall of the dwelling.</p> <p>The dwellings will be constructed from brick with pitched Colorbond roofing. Dwelling 1 will have habitable rooms facing the street.</p>

Objectives	Standards	Complies/ does not comply/ variation required
		<p>The applicant has worked with Council to revise the planning application and satisfactorily address a number of amenity concerns expressed in the VCAT decision, including provision of SPOS and respect for the surrounding neighbourhood. The proposed development provides housing diversity in an established area of Shepparton, within close proximity to amenities and shops.</p>
<p>Clause 55.02-2</p> <p>Residential Policy Objectives</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the MPS and PPF.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Standard B2 (Cannot be varied)</p> <p>An application must be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in the MPS and PPF</p>	<p>Complies</p> <p>The application proposes to provide additional housing variety within the municipality.</p> <p>The proposal is located in an area identified for incremental change in the <i>Greater Shepparton Housing Strategy 2011</i>, with any new development to include low rise medium density housing that respects the character of the neighbourhood.</p> <p>Guidance for incremental change areas within the Planning Scheme indicates it is expected these areas will evolve as new types and more intense development is accommodated.</p> <p>The development of eight, single storey dwellings is considered to be a well designed, medium density development that has responded to the character of the area, including the comments provided in the relevant VCAT decision.</p>

Objectives	Standards	Complies/ does not comply/ variation required
<p>Clause 55.02-3</p> <p>Dwelling Diversity Objective</p> <p>To encourage a range of dwelling sizes and types in development of ten or more dwellings</p>	<p>Standard B3 (Can be varied)</p> <p>Developments of 10 or more dwellings should provide a range of dwelling sizes and types including:</p> <ul style="list-style-type: none"> • dwellings with a different number of bedrooms; and • at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level. 	<p>N/A</p> <p>Not applicable as the development is for less than 10 dwellings.</p>
<p>Clause 55.02-4</p> <p>Infrastructure Objectives</p> <p>To ensure development is provided with appropriate utility services and infrastructure;</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure</p>	<p>Standard B4 (Can be varied)</p> <p>Development should be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available.</p> <p>Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no space capacity, developments should provide for the upgrading or mitigation of the impact on services or infrastructure.</p>	<p>Complies</p> <p>The proposal is not expected to overload the capacity of utility services and infrastructure. All services can be provided subject to the requirements and standards of the relevant servicing providers. No objections from the servicing authorities have been received.</p> <p>The proposal includes the removal of the northern access to the site. This will be ensured via a condition on any planning permit issued.</p> <p>It is not anticipated the additional dwellings will significantly impact the existing road network.</p>
<p>Clause 55.02-5</p> <p>Integration with the Street Objective</p> <p>To integrate the layout of development with the street</p>	<p>Standard B5 (Can be varied)</p> <p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Dwellings should be orientated to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>Complies</p> <p>The proposed driveway connects all dwellings to the street via the existing crossover along the southern boundary.</p> <p>Dwelling 1 is orientated to the front street, with a low brick fence and landscaped front garden.</p>

Objectives	Standards	Complies/ does not comply/ variation required
<p>Clause 55.03-1</p> <p>Street Setback Objective</p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Standard B6 (Can be varied)</p> <p>Walls of buildings should be setback from streets the distance specified in Table B1</p>	<p>Complies</p> <p>The proposal includes a 4m setback from Alamein street.</p> <p>ResCode requires that the development is setback the average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres (whichever is the lesser).</p> <p>The dwelling to the north is setback 6.1m, while the garage on the adjacent property to the south is setback 1.8m, which makes the average 3.95m.</p> <p>Dwelling 1 is setback 4m, in accordance with the requirement above, and provides an appropriate graduation between the two buildings either side.</p> <p>The development responds to the VCAT decision and presents a landscaped, open frontage, in line with the predominant character of the street.</p>
<p>Clause 55.03-2 Building Height Objective</p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Standard B7 (Can be varied)</p> <p>The max building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the max building height should not exceed 10m.</p> <p>Change of building height between existing buildings and new buildings should be graduated.</p>	<p>Complies</p> <p>Buildings will not exceed 9 metres, satisfying Standard B7.</p>
<p>Clause 55.03-3 Site Coverage Objective</p> <p>To ensure that the site coverage respects the existing or preferred</p>	<p>Standard B8 (Can be varied)</p> <p>The site area covered by buildings should not exceed 60%.</p>	<p>Complies</p> <p>The overall site area is 1689sqm.</p> <p>The site area covered by buildings is 735.39sqm.</p>

Objectives	Standards	Complies/ does not comply/ variation required
neighbourhood character and responds to the features of the site		The site area covered by buildings is 43.54% of the site area in compliance with the Standard.
<p>Clause 55.03-4</p> <p>Permeability Objectives</p> <p>To reduce the impact of increased stormwater run-off on the drainage system;</p> <p>To facilitate on-site stormwater infiltration.</p>	<p>Standard B9 (Can be varied)</p> <p>At least 20% of the site should not be covered by impervious surfaces.</p>	<p>Complies</p> <p>The area of the site covered by pervious surface is 356.42sqm. The total permeability of the site is 21.10% of the site, meeting the minimum requirement of 20% under Standard B9.</p>
<p>Clause 55.03-5</p> <p>Energy Efficiency Objectives</p> <p>To achieve and protect energy efficient dwellings and residential buildings;</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</p>	<p>Standard B10 (Can be varied)</p> <p>Buildings should be:</p> <ul style="list-style-type: none"> • Orientated to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. • Living areas and private open space should be located on the north side of the dwelling, if practicable. <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p>Complies</p> <p>The proposed development responds well to the orientation of the site.</p> <p>Living areas and SPOS areas for all units are located on northern side of the buildings.</p> <p>Any overshadowing is contained on site and will not impact dwellings on adjoining lots.</p> <p>The development does not reduce the performance of rooftop solar energy facilities on adjoining lots.</p>
<p>Clause 55.03-6</p> <p>Open Space Objective</p> <p>To integrate the layout of the development with any public or communal open space provided in or adjacent to the development</p>	<p>Standard B11 (Can be varied)</p> <p>Any public or communal open space should:</p> <ul style="list-style-type: none"> • be substantially fronted by dwellings, where appropriate; • provide outlook for as many dwellings as practicable • be designed to protect any natural features on the site; and • be accessible and useable. 	<p>N/A</p> <p>There is to be no communal open space as part of this development.</p>

Objectives	Standards	Complies/ does not comply/ variation required
<p>Clause 55.03-7</p> <p>Safety Objective</p> <p>To ensure the layout of development provides for the safety and security of residents and property</p>	<p>Standard B12 (Can be varied)</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies</p> <p>The entrance to Unit 1 is visible and accessible from Alamein Street.</p> <p>The remaining dwellings have their main entrances open and visible to the internal accessway and they are easily identifiable through the articulation of the entry porch.</p> <p>Each entry porch will be externally lit which will also adequately light the accessway.</p> <p>No private spaces will be useable as public thoroughfares.</p>
<p>Clause 55.03-8</p> <p>Landscaping Objectives</p> <p>To encourage development that respects the landscape character of the neighbourhood;</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance;</p> <p>To provide appropriate landscaping;</p> <p>To encourage the retention of mature vegetation on the site</p>	<p>Standard B13 (Can be varied)</p> <p>Landscape layout and design.</p>	<p>Complies</p> <p>An appropriate landscape plan has been submitted in support of the proposal, showing appropriate landscaping within the front setback and throughout the site.</p>
<p>Clause 55.03-9</p> <p>Access Objectives</p> <p>To ensure vehicle access to and from a development is safe, manageable and convenient;</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character</p>	<p>Standard B14 (Can be varied)</p> <p>Accessways should:</p> <ol style="list-style-type: none"> 1. Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network. 2. Be designed to ensure vehicles can exit a development in a 	<p>Complies</p> <p>The access for the property is 3.5m wide and widens to 5m at dwelling 1 for internal access.</p> <p>There is 4m radius for internal movement. The design allows for vehicles to exit in a forwards direction.</p>

Objectives	Standards	Complies/ does not comply/ variation required
	<p>forwards direction if the accessway serves 5 or more car spaces, 3 or more dwellings, or connects to a road in a Road Zone.</p> <p>3. Be at least 3m wide.</p> <p>4. Have an internal radius of at least 4m at changes of direction.</p> <p>5. Provide a passing area at the entrance that is at least 5m wide and 7m long if the accessway serves 10 or more spaces and connects to a road in a road zone.</p> <p>6. The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33% of the street frontage if the width of the street frontage is more than 20m; or • 40% of the street frontage if the width of the street frontage is less than 20m. 	<p>Total driveway access along Alamein Street is 17.40% of the total width (3.5m).</p>
<p>Clause 55.03-10</p> <p>Parking Location Objectives</p> <p>To provide for convenient parking for residents and visitor vehicles;</p> <p>To avoid parking and traffic difficulties in the development and the neighbourhood;</p> <p>To protect residents from vehicular noise within developments</p>	<p>Summary of Standard B15 (Can be varied)</p> <p>Car parking facilities should:</p> <p>Be reasonably close and convenient to dwellings and residential buildings;</p> <ul style="list-style-type: none"> • Be secure; • Be designed to allow safe and efficient movements within the development. • Be well ventilated if enclosed. • Large parking areas should be broken up with trees, buildings or different surface treatments. • Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from habitable room windows. This setback may be reduced to 	<p>Complies</p> <p>The proposal is for 3 two bedroom dwellings and 5 one bedroom dwellings with one car park per site.</p> <p>All car park spaces are within car ports except for Dwelling 4 and provide convenient access to the dwellings front and rear entrances as well as the rear SPOS (backyard).</p> <p>The car parks are partially enclosed creating a sense of enclosure and delineation whilst allowing ventilation.</p> <p>In all cases, habitable room windows are offset at least 1.5 m from shared accessways in accordance with the standard to protect residents from vehicular noise.</p>

Objectives	Standards	Complies/ does not comply/ variation required
	1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.	
<p>Clause 55.04-1</p> <p>Side and Rear Setbacks Objective</p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p>Summary of Standard B17 (variable)</p> <p>New building not on, or within 150 mm of boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> • 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m. • Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard. 	<p>Complies</p> <p>Dwellings are setback at least 5.5m metres from the southern boundary and are single storey 3m from the northern boundary. Dwelling 8 is setback 1 m off the eastern boundary in accordance with the standard.</p>
<p>Clause 55.04-2</p> <p>Walls on Boundaries Objective</p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p>Standard B18 (Can be varied)</p> <p>New wall on or within 200mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> • 10m plus 25% of the remaining length of the boundary of an adjoining lot; or the length of an existing or simultaneously constructed wall or carport whichever is the greater. • A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary. • A building on a boundary includes a building up to 150mm from a boundary. • New walls on or within 150mm of a side or rear 	<p>Complies</p> <p>There are no walls along the boundary. Closest wall is 1m off the boundary (Dwelling 8).</p>

Objectives	Standards	Complies/ does not comply/ variation required
	<p>boundary of a lot, or a carport on or within 1m</p> <ul style="list-style-type: none"> of a side or rear boundary should not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall. 	
<p>Clause 55.04-3</p> <p>Daylight to existing windows objective</p> <p>To allow adequate daylight into existing habitable room windows.</p>	<p>Standard B19 (Can be varied)</p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m² and 1m clear to the sky. The area may include land on the abutting lot.</p> <p>Walls or carports more than 3m high opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Note: Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.</p>	<p>Complies</p> <p>The nearest habitable rooms to the development are located to the north of the site, being part of the units at 5 Alamein Street. These units are offset just over 2 m from the common boundary. In between these rooms is the SPOS for the units.</p> <p>There are no existing habitable room windows within 3 metres of the proposed buildings.</p>
<p>Clause 55.04-4</p> <p>North-facing windows objective</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20 (Can be varied)</p> <p>If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building should be setback from the boundary:</p> <ul style="list-style-type: none"> 1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window. 	<p>Complies</p> <p>Overshadowing diagrams submitted which identify that the proposal will not impact the adjoining properties to the north or north east.</p>
<p>Clause 55.04-5</p>	<p>Standard B21 (Can be varied)</p>	<p>Complies</p>

Objectives	Standards	Complies/ does not comply/ variation required
<p>Overshadowing open space objective</p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m² with a minimum dimension of 3m, whichever is the lesser area, of the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September.</p> <p>If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>The existing dwelling to the south of the site is offset more than 3 m from the boundary between the two sites. As a result the proposal will not impact on daylight to this adjoining property.</p> <p>The proposed development reduces sunlight to the SPOS at 42 Kilpatrick Ave only by a minor amount only in the afternoon (3 PM), which is considered acceptable, given the large rear POS to this dwelling.</p>
<p>Clause 55.04-6</p> <p>Overlooking objective</p> <p>To limit views into existing secluded private open space and habitable room windows.</p>	<p>Standard B22 (Can be varied)</p> <p>Habitable room windows, balconies, terraces etc should be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window, balcony etc.</p>	<p>Complies</p> <p>All proposed dwellings are single storey and all boundary fences are proposed to be 1.95m high, to further mitigate any potential for overlooking.</p>
<p>Clause 55.04-7</p> <p>Internal Views Objective</p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development</p>	<p>Standard B23 (Can be varied)</p> <p>Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and in the same development.</p>	<p>Complies</p> <p>All dwellings are single storey.</p> <p>Internal fencing to 1.8 m high as shown on the application plans will prevent overlooking.</p>
<p>Clause 55.04-8</p> <p>Noise Impacts</p> <p>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Standard B24</p> <p>Noise sources should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and private open space should consider noise sources on immediately adjacent properties.</p>	<p>Complies – condition</p> <p>The plans do not show mechanical equipment associated with the development. Any planning permit issued will required a plan showing the location of mechanical equipment away from existing dwellings.</p>

Objectives	Standards	Complies/ does not comply/ variation required
	Noise levels should be limited in habitable rooms in dwellings and residential buildings. Dwellings and residential buildings should be designed to limit noise levels in habitable rooms close to busy roads, railway lines or industry.	
<p>Clause 55.05-1</p> <p>Accessibility</p> <p>Consider people with limited mobility in the design of developments.</p>	<p>Standard B25</p> <p>Dwelling entries of the ground floor of buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>Complies</p> <p>All dwellings provided with an accessible entry and facilities on the ground floor. The application notes ramps are proposed for entry.</p>
<p>Clause 55.05-2</p> <p>Dwelling Entry</p> <p>Provide a sense of identity to each dwelling/residential building</p>	<p>Standard B26</p> <p>Entries are to be visible and easily identifiable from streets and other public areas.</p> <p>The entries should provide shelter, a sense of personal address and a transitional space.</p>	<p>Complies</p> <p>All dwelling entries have an easily identifiable entry and porches are used to provide shelter and a sense of personal address.</p>
<p>Clause 55.05-3</p> <p>Daylight to New Windows</p> <p>Allow adequate daylight into new habitable room windows.</p>	<p>1. Standard B27</p> <p>2. Habitable room windows to face:</p> <p>Outdoor space open to the sky or light court with minimum area of 3sqm and a min. dimension of 1m clear to the sky or;</p> <p>Verandah, provided it is open for at least one third of its perimeter or;</p> <p>A carport provided it has two or more open sides and is open for at least one third of its perimeter.</p>	<p>Complies</p> <p>All dwellings contain windows to each habitable room.</p>
<p>Clause 55.05-4</p> <p>Private Open Space</p> <p>Provide reasonable recreation and service needs of residents by adequate private open space</p>	<p>3. Standard B28</p> <p>4. Unless specified in the schedule to the zone, a dwelling should have private open space consisting of: 40sqm with one part at the side or rear of the</p>	<p>Complies</p> <p>All units have a minimum area of 25sqm private open space with appropriate dimensions to the rear or side of the dwelling and accessible via a living room.</p>

Objectives	Standards	Complies/ does not comply/ variation required
	<p>dwelling/residential building with a minimum dimension of 3m, a minimum area of 25sqm and convenient access from a living room or;</p> <p>Balcony - minimum 8sqm, minimum width 1.6m and accessed from living room or;</p> <p>Roof-top – minimum 10sqm, minimum width 2m and convenient access from living room</p>	<p>Unit 1 – 51.50sqm</p> <p>Unit 2 – 42.09sqm</p> <p>Unit 3 – 41.76sqm</p> <p>Unit 4 – 42.23sqm</p> <p>Unit 5 – 42.42sqm</p> <p>Unit 6 – 42.09sqm</p> <p>Unit 7 – 51.46sqm</p> <p>Unit 8 – 54.79sqm</p> <p>Each SPOS has a minimum dimension of 3m.</p>
<p>Clause 55.05-5</p> <p>Solar Access to Open Space</p> <p>Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Standard B29</p> <p>The private open space should be located on the north side of the dwelling if appropriate.</p> <p>Southern boundary of open space should be setback from any wall on the north of the space at least $(2+0.9h) h = \text{height of wall}$.</p>	<p>Complies</p> <p>All SPOS is located to the north of the dwelling and will achieve good solar access.</p>
<p>Clause 55.05-6</p> <p>Storage</p> <p>Provide adequate storage facilities for each dwelling.</p>	<p>Standard B30</p> <p>Each dwelling should have access to a minimum 6m³ of externally accessible, secure storage space.</p>	<p>Complies</p> <p>A storage area with a minimum of 6m has been provided to the north of all car ports on the plans. The construction of the storage will not impact the garden area requirements.</p>
<p>Clause 55.06-1</p> <p>Design Detail</p> <p>Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>5. Standard B31 (Can be varied)</p> <p>6. Design of buildings should respect the existing or preferred neighbourhood character and address: Façade articulation & detailing.</p>	<p>Complies</p> <p>The surrounding neighbourhood comprises of varying building designs and materials, however most buildings are single storey and detached, set within a garden landscape.</p>

Objectives	Standards	Complies/ does not comply/ variation required
	<p>Window and door proportions.</p> <p>Roof form.</p> <p>Verandahs, eaves and parapets.</p> <p>Garages and carports should be visually compatible with the development and neighbourhood character.</p>	<p>The design of the development includes a pitched Colorbond roof and small eaves, with detail to the front of the dwellings that is respectful of the general character of the area.</p>
<p>Clause 55.06-2</p> <p>Front Fences</p> <p>Encourage front fence design that respects the existing or preferred neighbourhood character</p>	<p>Standard B32 (Can be varied)</p> <p>The front fence should complement the design of the dwelling or any front fences on adjoining properties.</p> <p>A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone or if no max. specified, the front fence should not exceed:</p> <p style="text-align: center;">2m if abutting a Road Zone, Category 1.</p> <p style="text-align: center;">1.5m in any other streets</p>	<p>Complies</p> <p>The proposal includes a low brick fence along the front boundary with Alamein Street.</p> <p>The fence responds to the prevailing neighbourhood character and comments made by VCAT and will allow for landscaping in line with the neighbourhood character.</p>
<p>Clause 55.06-3</p> <p>Common Property Objectives</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained;</p> <p>To avoid future management difficulties in</p> <p>areas of common ownership</p>	<p>Standard B33 (Can be varied)</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property where provided, should be functional and capable of efficient management.</p>	<p>Complies</p> <p>The private parking spaces and SPOS clearly adjoin the corresponding dwellings and are separated by 1.8m high fencing.</p> <p>The communal driveway/accessway is clearly delineated.</p> <p>There is a communal garden bed along the southern boundary which will be easily managed (low landscaping) and is clearly delineated.</p>
<p>Clause 55.06-4</p> <p>Site Services Objectives</p>	<p>Standard B34 (Can be varied)</p>	<p>Complies</p>

Objectives	Standards	Complies/ does not comply/ variation required
<p>To ensure that site services can be installed and easily maintained;</p> <p>To ensure that site facilities are accessible, adequate and attractive</p>	<p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post</p>	<p>The proposed dwellings are appropriately located to allow for the provision of connection to services and the location of mailboxes to the front of the site.</p>

Council Bins Policy

Council is transitioning to the introduction of a purple lid bin (glass) and changes to the collection cycle for bins.

- **green lid bin** will be collected weekly.
- **yellow lid bin** will be collected fortnightly.
- **red lid bin** will be collected fortnightly.
- **purple lid bin** will be collected monthly.

The submitted waste management plan (WMP) provides provisions for storage of four bins for each dwelling.

The WMP describes that the red and yellow bin collection is to be undertaken by private contractors rather than the Council delivered service. Permit conditions will implement this private collection arrangement.

<https://greatershepparton.com.au/animals-environment-and-waste/waste-and-recycling/kerbside-collection/kerbside-collection-changes-faq>

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 Planning Policy Framework and the MPS.
- 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.

Officer Assessment:

The application was lodged on 13 November 2022.

The site is shown as an area of incremental change in the *Greater Shepparton Housing Strategy 2011*, referenced in the Greater Shepparton Planning Scheme. The site is in close location to a number of neighbourhood shops and businesses, schools and the GV Health Hospital. The nearest bus stop is in Monash Street which is approximately 450m away from the site.

The proposal was lodged following the VCAT decision, and purports to have taken into consideration the matters raised by VCAT in refusing the application.

The main grounds for refusal was neighbourhood character. In particular, the member made reference to the orientation of the proposal, particularly Dwelling 1 to the street, the setback and secluded private open space of Dwelling 1 in relation to the street and the design of the proposal, specifically the front fence and its relation to the prevailing character of the street.

Officers placed the application on public notice and three objections were received. All of the objections were lodged by nearby neighbouring properties.

The grounds for the objections centred on the following:

- The proposal did not adequately provide for storage of all bins required by City of Greater Shepparton (including purple bins) and collection via private service.

- Functionality of car parking on site and on street car parking should not be relied upon as it could cause congestion on an already busy street.
- Impact on access down the street if cars park there during construction.
- Privacy and noise issues during construction.
- Safety issues associated with additional traffic generated by the proposal.

The application also seeks a reduction in car parking requirements. The application includes 8 car parks – one for each unit (3 x two bedrooms and 5 x one bedroom) in accordance with Clause 52.06-5. An additional car park is required for developments of five or more dwellings as a designated visitor car park. The application seeks a reduction to waive this car parking requirement and proposes to rely on on-street car parking for the visitor car park.

The main considerations for this application are as follows:

1. Is the proposal consistent with the provisions and requirements of the General Residential Zone?
2. Is the proposal consistent with the requirements of Clause 55 (ResCode) under the Scheme?
3. Is the proposal consistent with the relevant provisions of the Planning Policy Framework and Municipal Planning Strategy under the Scheme?
4. Is compliance with the garden area requirements achieved?
5. Has adequate car parking been provided?
6. What impact will the development have on waste collection?
7. Does the proposal respond to the VCAT decision of 3 June 2022?

Officers support the provision of medium to higher density development in locations close to amenities, neighbour conveniences, schools and open space, and consider the site is an appropriate location for such a development.

Neighbourhood Character and VCAT 575 (3 June 2022)

The Scheme emphasises that new developments should respect the existing character of an area while contributing to the preferred character (if applicable). Furthermore, emphasis is placed on striking an appropriate balance between the amenities offered to proposed dwellings and mitigating negative amenity impacts on adjoining/nearby properties. Given that these considerations are key to the previous application being refused at VCAT, officers have made the following observations and assessment:

Planning Practice Note 43 by the Department of Environment, Land, Water & Planning (DELWP) describes neighbourhood character in the following terms:

Neighbourhood character is essentially the combination of the public and private realms. Every property, public place or piece of infrastructure makes a contribution, whether great or small. It is the cumulative impact of all these contributions that establishes neighbourhood

character. The key to understanding character is being able to describe how the features of an area come together to give that area its own particular character. Breaking up character into discrete features and characteristics misses out on the relationships between these features and characteristics. Understanding how these relationships physically appear on the ground is usually the most important aspect in establishing the character of the area.

Importantly, 'respecting neighbourhood character' does not mean the mere replication of existing dwelling patterns.

The streetscape character of Alamein Street consists primarily of dwellings oriented towards the street with a mix of low front fencing and higher transparent front fencing. Where there is solid front fencing, the fence is usually located along a side street setback of corner sites. Development is typically setback from the street and provides a visible garden character. The proposal responds to these elements, providing a graduated setback between the two buildings either side, with a low brick and pier fence and landscaped front garden, to contribute to the character of the streetscape.

Secluded private open space for all dwellings is provided to the north of the dwellings and is of an appropriate size and accessible from living areas. The SPOS for Dwelling 1 is located to the north and will be set behind a Colorbond fence that will extend to the boundary in line with the wall of the Dwelling. This is considered an appropriate response to the neighbourhood context and VCAT decision.

The General Residential Zone, ResCode and Garden Area requirements

A planning permit is required for two or more dwellings on a lot pursuant to Clause 32.08-6 of the Scheme. The proposal supports the purpose of the General Residential Zone, providing infill housing diversity in close proximity to services, open space and major transport routes.

The application must also provide a minimum garden area of 35% of the total site in accordance with Clause 32.08-3 (as a lot of greater than 650sqm.). Given the site is 1689sqm, a garden area of 591.15sqm is required. The development plans show a garden area of 591.6sqm, in accordance with the policy.

Officers have provided a Clause 55 assessment of the proposal earlier in the Report. The application complies with the Standards of ResCode and provides an appropriate design response.

State Planning Policy

The application complies with the relevant state policy provisions as the proposal is for development within an established urban area located appropriately for jobs, services and public transportation and is redirecting development to an urban area rather than greenfield development. The proposal allows for a mix in housing types and improves housing choice for Shepparton to allow for a range of income groups to choose housing in a well-serviced location.

Local Planning Policy Provisions

The subject site is identified as an area of Incremental Change in the *Greater Shepparton Housing Strategy 2011*, referenced at Clause 21.04-2 of the Scheme. The Clause provides the following guidance in relation to infill development in these areas:

- *Low-scale, medium density dwellings that respect existing neighbourhood character, particularly in areas that are in close proximity to shops, facilities, services and amenities shall be encouraged.*
- *New development that increases residential densities and is sensitively designed to respond to the existing neighbourhood character shall be supported.*

Additional strategies that are relevant to development proposals in incremental changes areas:

- *Ensure that new development does not cause significant new overlooking, overshadowing, and excess visual bulk impacts on adjacent housing.*
- *Encourage a high standard of design for new development and major renovations.*
- *Support and encourage environmentally friendly technologies for new development and major renovations.*

The proposal allows for low rise, medium density development of an unused site and will provide housing diversity within close proximity to services and employment areas. The development offers a range of dwelling types and layouts that will increase housing choice in the area and contribute to the evolving character of the area towards a higher density, walkable neighbourhood.

The incremental change area expects the character of these areas to evolve over time. It has been ten years since the designation of the area as incremental change, and although the existing character of the area is predominantly one or two dwellings on a lot, the proposal responds to a trend for medium density and low rise dwelling options in existing urban areas.

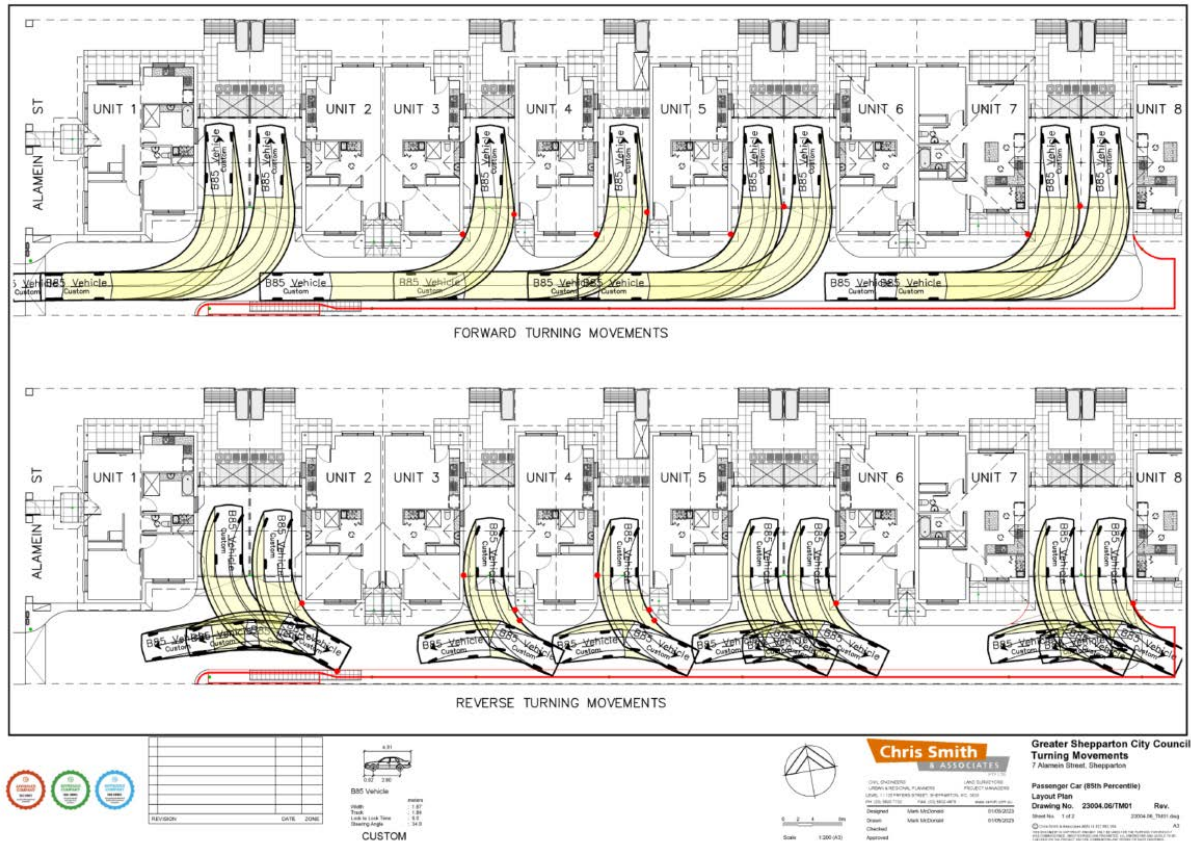
Clause 52.06 Car Parking

The proposal provides for off street car parking for all dwellings and relies on on-street parking for one visitor space. The waiver of the visitor car parking space is considered appropriate given the design and layout of Alamein Street.

Objectors have raised concerns with congestion during and post construction. Alamein Street is subject to unrestricted kerbside parking and has 37 spaces located in the street. This is considered sufficient for car parking during construction and it is not expected the proposal will lead to an unmanageable increase in on street car parking post construction. Alamein Street and the surrounding street network is not expected to be significantly impacted by the additional traffic generated by the proposal.

Officers have undertaken an assessment review of on site turning movements from parking spaces to the internal driveway. This assessment found that the on site turning movements were unacceptable as shown on the below plan – the red dots are the conflict points for turning vehicles.

The red line indicates the additional pavement required for the turning circles to be workable for residents of the dwellings.



On 10 May 2023, the application was amended under S57A to revise the driveway design to implement the CSA (Council consultant) recommendations.

CSA have undertaken a review of the amended plans and have confirmed that they are consistent with their recommendations.

Based on the amended plans officers are satisfied that the vehicle movements with the site are safe, manageable and convenient.

Summary of Key Issues

The application proposes the buildings and works for an eight dwelling development. The site is within the General Residential Zone with no Overlays.

A planning permit is required for two or more dwellings on a lot within the General Residential Zone pursuant to Clause 32.08-6. A Clause 55 assessment has been undertaken as part of the report.

The site is approximately 1689sqm, which requires 35% of the site to for garden area. This would mean that 591.15sqm would be required for garden area. The plans indicate that 591.6sqm has been provided for garden area, which complies with the requirement.

The application also includes a waiver in car parking requirements for one visitor car park pursuant to Clause 52.06-3.

A previous planning permit for 11 dwellings on the site was the subject of a Victorian Civil and Administrative Tribunal hearing (*Sessions Builders Pty Ltd v Greater Shepparton CC* VCAT 575 (3 June 2022)). Prior to the Hearing, the applicant revised the application to reduce the amount of dwellings from 11 to eight on site. VCAT refused the application on the basis that it did not address neighbourhood character.

Officers placed the application on public notice and three objections were received. All of the objections were lodged by nearby neighbouring properties.

Conclusion

Officers have assessed the application against the relevant policy of the Scheme and consider that the application complies. Officers recommend that a Notice of Decision be issued subject to conditions.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2022-392** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **Clauses 32.08-6 and 52.06-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **7 Alamein Street Shepparton**, for the **development of 8 Dwellings in the General Residential Zone and waiver of one visitor car parking space** in accordance with the Notice of Decision and the endorsed plans.

Notice of Decision to Grant a Permit

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Motion: Joel Ingham

Second: Colin Kalms

CARRIED

Draft Notice Of Decision

APPLICATION NO: 2022-392

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: 7 ALAMEIN STREET SHEPPARTON VIC 3630

WHAT THE PERMIT WILL ALLOW: DEVELOPMENT OF 8 DWELLINGS IN THE GENERAL RESIDENTIAL ZONE AND WAIVER OF ONE VISITOR CAR PARKING SPACE

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Amended Plans Required

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

- a) Location of all mechanical equipment associated with each dwelling
- b) Planting of two street trees abutting the land in Alamein Street
- c) Details of top soiling and planting of lawn in the Alamein Street nature strip in place of the redundant vehicle crossing
- d) Enclosure of the bin store area

2. Layout Not Altered

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

3. Buildings and works on endorsed plans to be completed prior to occupation

Before the dwellings are occupied, all buildings and works, including landscaping on the endorsed plans forming part of this permit, including landscaping, must be completed to the satisfaction of the responsible authority unless otherwise agreed in writing by the responsible authority.

4. Drainage Discharge Plan

Before the development starts, a drainage plan with computations prepared by a suitably qualified person or organisation, to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and submitted in an electronic format. The plans must be in accordance with council's Infrastructure Design Manual and include:

- a) how the land will be drained;
- b) underground pipe drains conveying stormwater to the legal point of discharge;
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) maximum discharge rate shall not be more than 37 lit/sec/ha with 12 litres (Tank/Basin) or 14 litres (Pipe) of storage for every square metre of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority).;
- e) incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the responsible authority; and
- f) provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal; to the satisfaction of the responsible authority.

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

5. Waste Management Plan

The provisions and requirements of the endorsed waste management plan must be implemented and complied with at all times to the satisfaction of the responsible authority.

6. Urban Vehicle Crossing Requirements

Before the dwellings are occupied vehicle crossings shall be constructed in accordance with the endorsed plans and constructed to Councils IDM standard drawing SD235, and must:

- a) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);
- b) be setback a minimum of 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 in writing by the responsible authority;
- c) the redundant vehicle crossing on the lands northern side be removed and replaced by concrete kerb and channel.

A Works within Road Reserves permit must be obtained from the responsible authority prior to carrying out of any vehicle crossing works.

7. Underground Connection

Before the occupation of the dwellings, the electricity connection to those dwellings must be undergrounded to the satisfaction of the responsible authority.

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) Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of 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) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

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

Please note, 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.

It is recommended that you contact a licensed surveyor to confirm the location and alignment of the sewer. Goulburn Valley Water will assist on site with the lifting of the manhole lids as requested.

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

The applicant should contact the Corporation to discuss current and future proposals for this development.

9. Time for Starting and Completion

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

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