

UNCONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 1/2023

HELD ON

FRIDAY 3rd February 2023

at 11.30AM

(Boardroom & Via Zoom)

CHAIR

Councillor Shane Sali

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 1 for 2023.

This Development Hearings Panel will be conducted via Zoom as per the new regulations due to Covid-19.

Please be patient with us as we navigate this new form of meeting practice.

Any technical issues that may result in the Zoom 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**
- Michael MacDonagh – Team Leader Strategic Planning - Greater Shepparton City Council – **Boardroom**
- Braydon Aitken - Manager Planning and Investment – Shire of Strathbogie – **Boardroom**
- Andrew Fletcher – Manager Planning & Building – Campaspe Shire Council – **Via Zoom**

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

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- Minutes of DHP meeting No.5/2022 held on Friday 29 July 2022. Minutes have been circulated.

***Moved** by Braydon Aitken and **seconded** by Michael MacDonagh that the minutes of the meeting held on 29 July 2022 be adopted.*

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 submissions in support of their objection (should they wish to)
 - The applicant or representatives on behalf of the applicant to present in support of the application
- For the purpose of today's hearing the officer, objectors and applicant will be limited to a maximum of 3 minutes per person with 1 extension.

MATTERS FOR CONSIDERATION

There are 2 items listed for consideration in this session of the DHP:

1. Planning Permit application 2022-337 – Use and Development for Landscape Garden Supplies, Contractor's Depot including Alteration of Access to Principal Road Network and associated Business Identification Signage
 2. Planning Permit application – 2022-209 - Use of the site for a contractors depot in the General Residential Zone
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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

To be determined

I N D E X

<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2022-337	535 Doyles Road, Orrvale	Use and Development for Landscape Garden Supplies, Contractor's Depot including Alteration of Access to Principal Road Network and associated Business Identification Signage	3
2022-209	74-76 The Boulevard, Shepparton	Use of the site for a contractors depot in the General Residential Zone	35

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2022-337
Applicant Name:	Chris Smith & Associates P/L
Owner Name:	ECR PROPERTY PTY LTD
Cost of works:	\$100,000 - \$1,000,000
Correct application fee paid?	Please invoice \$2,958.60 \$1,597.80 Class 12 \$1,360.80 Class 1 (50%) \$1,360.80 Class 22 (50%)
Land/Address:	535 Doyles Road ORRVALE VIC 3631
Date Received:	14-Sep-2022
Statutory Days?	106 days as at 12 January 2022
Zoning?	Farming Zone – Schedule 1 (FZ1) Abuts Transport Road Zone 2 – Principal Road Network (TRZ2)
Overlay(s)	Land Subject to Inundation Overlay (LSIO) Specific Controls Overlay – Schedule 3 (SCO3)
What is proposed?	Use and Development for Landscape Garden Supplies, Contractor's Depot including Alteration of Access to Principal Road Network and associated Business Identification Signage
Why is a permit required?	35.07-1 Section 2 Use in FZ 35.07-4 Buildings and works associated with section 2 use in FZ 44.04-2 Buildings and works in the LSIO 52.29-2 Alteration of access to TRZ2 52.05-14 Signage
Are all plans provided?	Yes
MPS Provisions:	02.03-3 Environmental risks and amenity 02.03-4 Natural resource management
PPF Provisions:	13.03-1S Floodplain management 13.05-1S Noise management 13.06-1S Air quality management 13.07-1S Land use compatibility 14.01-1S Protection of agricultural land 14.01-1L Protection of agricultural land 14.01-2S Sustainable agricultural land use 14.01-2L Non-agricultural use and development 15.01-2L Signage 15.01-6S Design for Rural Areas 15.01-6L Non-agricultural development 17.02-2S Out-of-centre development
Any application history?	Nil
Date referred/notified:	Referred on 31 October 2022. Public notification on 4 November 2022.
Further Information?	No
Lapse date?	NA
Notice/Referral?	Yes
Number of Notice Responses?	4 objections from neighbours Consent from Vic Roads (DoT), CMA, GMW and GVW
Title details – any:	
o Restrictive Covenant?	No
o Section 173 agreement?	No
o Caveat?	No
o Easement?	Yes - Easement for services

o Building Envelope?	No
o Access restrictions?	No
Is a CHMP required?	No
Garden area provisions?	No
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 Addressed in report.
Cl. 71.03-2 Acceptable Outcomes:	Officers have undertaken an assessment of the application and found that the proposal does not achieve acceptable planning outcomes. It is recommended that a refusal be issued.
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:	FZ1 purpose and decision guidelines, MPS and PPF objectives and strategies particularly with respect to sustainable agriculture and amenity considerations.
Recommendation:	Refusal

Proposal

The applicant proposes to operate a landscape gardening supplies business and contractor depot on the site. The proposal also seeks approval for new car/truck parking and portable site office, signage and works to the existing driveway access.

The applicant states that the business currently operates from 286 Doyles Road, Shepparton.

The normal operating hours of the contractor's depot are from 7am to 5pm.

There will be a total of twelve (12) staff across both the companies who will access the depot per day to pick up work vehicles and equipment, then leave for a job site in a truck or ute.

There would be only three (3) full-time staff members working on the site, who will work from the site office between the hours of 9am to 5pm on weekdays, and 9am to 4pm on weekend.

In a typical day there would be nine (9) light vehicle and nine (9) heavy vehicle movements-per-day (including deliveries from third-party contractors etc.).

Road vehicles:

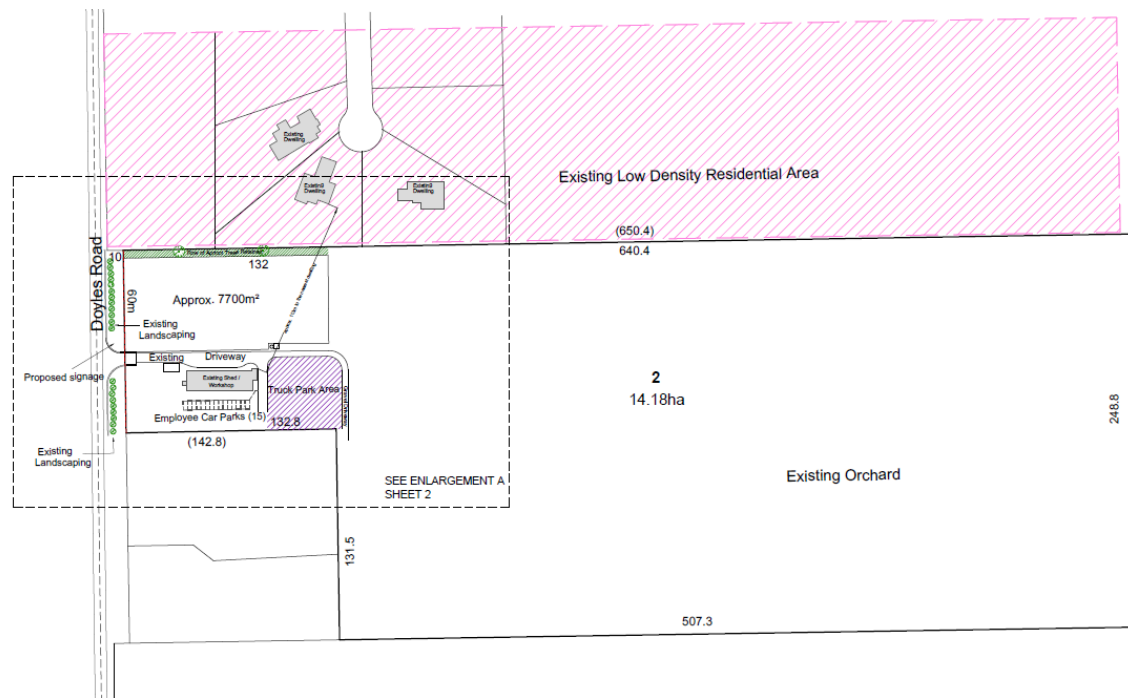
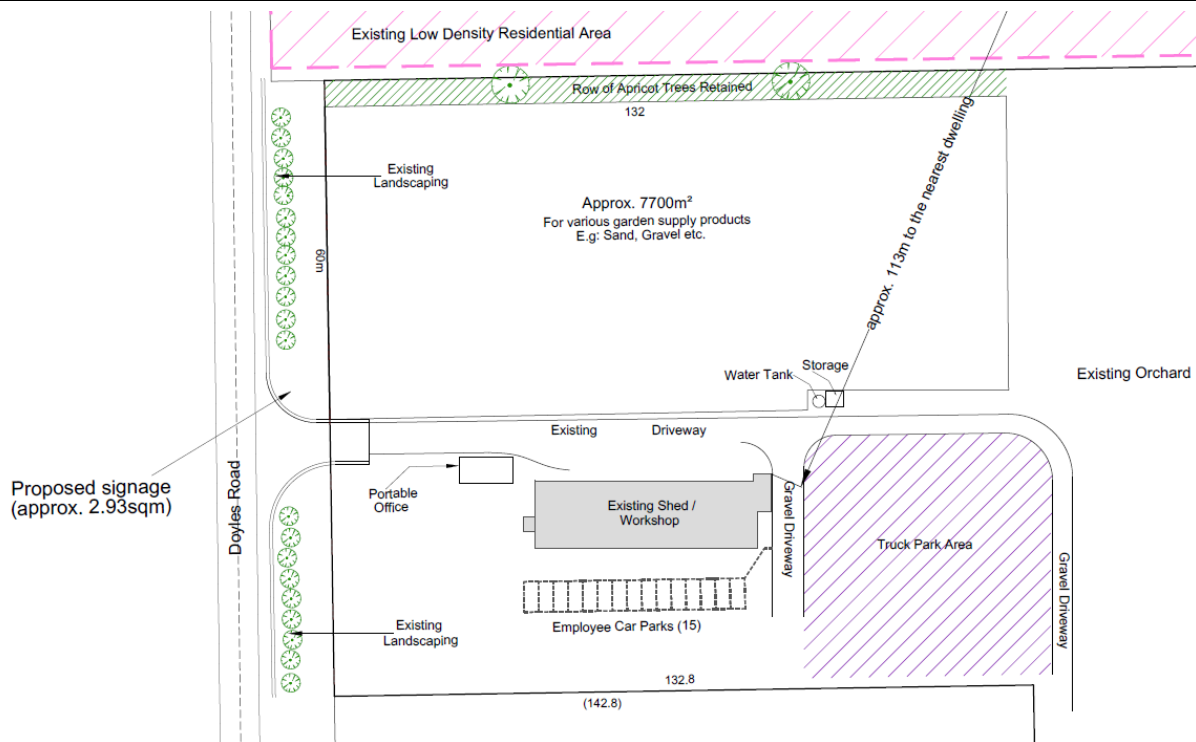
- Four (4) trout river trucks
- Three (3) truck-and-dog trailers
- Two (2) B-doubles
- Seven (7) light vehicles

Earthmoving equipment and machinery:

- Two (2) front-end loaders
- One (1) 2-metre-bucket
- One (1) 0.5-metre-bucket

Materials stored on site:

Products	Types
Firewood	Red gum, blue gum, mixed
Soil	Lawn mix, premium garden soil, organic compost
Sand	Filling sand, lawn sand, washed concrete sand, packing sand, red brick sand
Aggregate	Aggregate 7mm, aggregate 10mm, aggregate 14mm, aggregate 20mm, brown aggregate 20mm, septic aggregate 28mm, rail ballast
Pink Aggregate	Pink aggregate 14mm, pink aggregate 20mm, pink aggregate 40mm
Dust/Crushed Rock	Stone dust, concrete mix, crushed rock 20mm, redstone crushed rock 20mm
Granite	Crushed granite, granite aggregate 20mm, granite aggregate 40-60mm, granite pyramid hill 14mm
River Pebbles	River pebbles 20mm, oversized river pebbles
Bark & Mulch	Pine bark 6mm-10mm, pine bark 10mm-20mm, pine mulch, red mulch 20mm, black mulch 20mm, forest brown mulch 20mm, soft fall
Toppings	Seymour toppings, Katandra toppings
Recycled Brick	Crushed brick 10mm, crushed brick 40mm, recycled brick sand
Recycled Concrete	Recycled concrete sand, crushed concrete 10mm
Profiling	Road base (profiling)





Indicative Signage (current signage from existing site)
Dimensions of 1.53m (width) by 1.92m (height)



Indicative Location of proposed sign adjacent to the existing access
Not to scale – refer to site plan for location of signage

By letter dated 18 October 2022, Officers advised the applicant that they have undertaken an initial assessment of the application against the relevant planning provisions and provided the following information.

Officers consider that the application for a contractor's depot and landscape garden supplies is marginal in its compliance with the Greater Shepparton Planning Scheme for the following reason:

- *The application is not in accordance with the provisions of Clause 35.07 as the use of the site is not considered to be consistent with the purpose of the Farming Zone.*

Should you decide to proceed with your application, please be informed that officers will be recommending refusal for your proposal at a Development Hearing Panel (DHP).

An invitation to attend will be provided to you prior to the DHP, you will have an opportunity to address the panel prior to the final decision on this application.

Title Details

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

The title does contain an Easement, Caveat or Building Envelope

The title does not contain a Restrictive Covenant

The title does not contain a Section 173 Agreement

The application does not breach the Easement for the following reasons:

- No changes to easement
- Signage proposed in easement area not considered to hinder operation of easement

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
R1	WAY, DRAINAGE, SEWERAGE, AND SUPPLY OF GAS, WATER, ELECTRICITY AND TELEPHONE SERVICES.	10	THIS PLAN	LAND IN THIS PLAN

Pre-Application Meeting Details

Has there been a pre-application meeting? Yes

If yes with Whom? Andrew Dainton

Date of Meeting? 09/03/2022

What advice was given by the Council Officer? Proposal would not be supported

What is the application for?

The permit triggers in the planning scheme are.

- 35.07-1 Section 2 Use in FZ
- 35.07-4 Buildings and works associated with section 2 use in FZ
- 44.04-2 Buildings and works in the LSIO
- 52.29-2 Alteration of access to TRZ2
- 52.05-14 Signage

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 for landscape garden supplies business and contractor's depot including associated business identification signage and alteration of access.
-

Permit/Site History

There is no permit history of the site.

Subject Site & Locality

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

Date: 16 January 2023

Time: 2.20pm

The site has a total area of **14.18 hectares** and currently contains:

- Large shed and workshop.
- Land is flat and contains orchards.

The main site/locality characteristics are:

- Approximately 5km south-east of Shepparton CBD.
- Farmland to the south, east and west.
- Abuts Doyles Road to the west which is a TRZ2 managed by DoT.
- Low density residential developed land abutting to the north.

The Photos below show the existing site:



Subject site – existing shed and orchard to the side and rear of picture



Subject site with orchard in background



Existing orchard onsite to the north



Doyles Road looking north

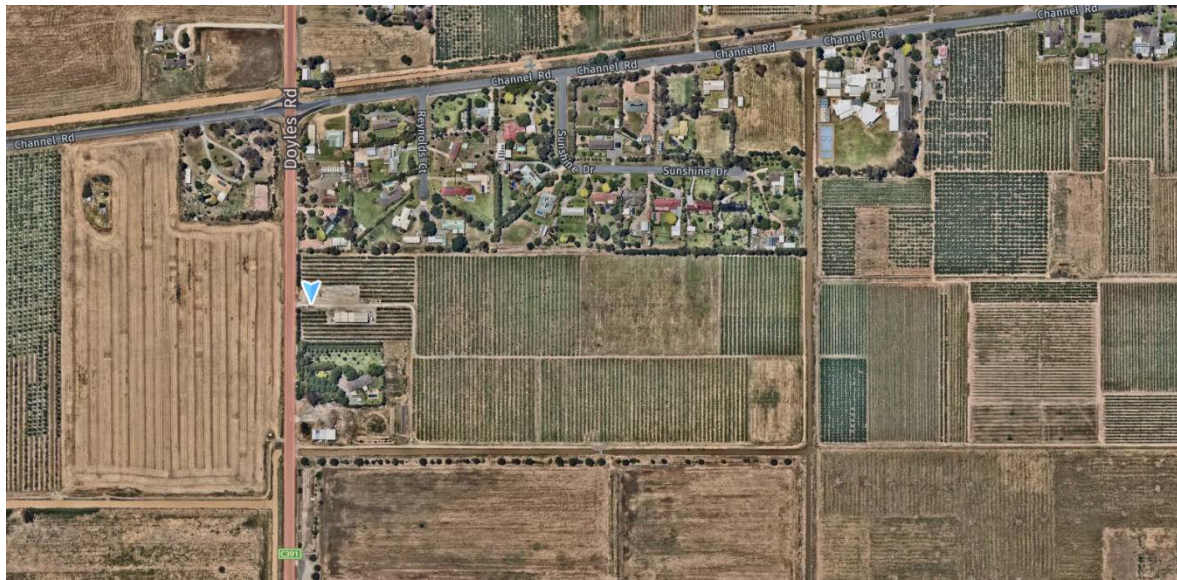


View of Doyles Road to the south and access



Farmland opposite to the west





Source: Nearmap (4 December 2022)



Source: Googlemaps Streetview (November 2019)



Looking south-east from edge of low density residential development to subject site - Source: Googlemaps Streetview (November 2019)

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 use and development for landscape garden supplies business and contractor's depot including associated business identification signage and alteration of access, by:

- Sending notices to the owners and occupiers of adjoining land



Objections

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

- Applicant illegally using the site as a transport depot and for the storage of landscaping materials.
- No pre-application consultation undertaken by applicant.
- Need for additional information to fully assess the application.
- Inaccuracies in application information.
- Fails to meet the following provisions of the Shepparton Planning Scheme – Clauses 13, 13.03-1S, 13.05, 13.06, 13.07, 35.07, 35.07-4, 35.07-6, 44, and 65.

- Contrary to the objectives of the Farming Zone in terms of introducing industrial and retail uses into what is a highly productive and profitable orchard.
- Proposed uses will result in significant detrimental impacts on residential amenity and ignores Environment Protection Authority standards around noise and dust emissions.
- Will exacerbate flood impacts.
- There is no buffer between the Low Density Residential Zone and the Farming Zone next door (e.g. there is no Rural Living Zone to act as a buffer to transition between residential uses and the Farming Zone).
- The map in clause 11.02L Investigation areas identifies the Low Density Residential Living Zone, as being within the Shepparton Settlement Boundary, underlining the sensitivity of our residential area.

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
GBCMA	44.04-7	Recommending	<p>No objection subject to the following condition and note:</p> <ol style="list-style-type: none"> 1. The finished floor level of the proposed “Portable Office” must be constructed at least 300 millimetres above the 1 in 100 AEP flood level of 115.14 metres AHD, i.e. 115.44 metres AHD. <p>If this portable office already exists, the above condition may be removed.</p> <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>
DoT	52.29-4	Determining	<p>No objection subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Only one access will be permitted from the subject land to Doyles Road located as shown on the plan appended to the application. 2. Prior to the commencement of the use, the access is to be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria in accordance with VicRoads guideline

			<p>drawing GD4010 Typical Access to Rural Properties to cater for a B-double as detailed in Table 2 - Access Setout Details as shown on the guideline drawing.</p> <p>3. The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).</p> <p>4. Vehicles must only:</p> <p style="padding-left: 40px;">i. access the site using a left-turn from Doyles Road.</p> <p>Permit Notes</p> <ul style="list-style-type: none"> • Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act.
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Notice to Authorities (including as required by GSPS)

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GMW	<p>No objection subject to the following condition:</p> <p>1. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).</p>
GVW	No objection with no conditions

Internal Notice

Internal Council Notices	Advice/Response/Conditions
Engineering	<p>No objection subject to the following condition:</p> <p style="text-align: right;"><u>Car Park Construction Requirements</u></p> <p style="text-align: right;">Before construction works start associated with the provision of car parking, detailed layout plans must be submitted to and approved by the responsible authority. The plans must:</p> <p>a. Be drawn to scale with dimensions;</p> <p>b. Show that the entrance will be able to accommodate two-way traffic.</p> <p>c. Show the Swept Path Diagrams for all critical turning movements to/from the site and within the site, for the type of vehicles expected to access the site; and</p> <p>d. Show the clearances between the proposed portable office and the driveway.</p>

	<p>Before the use or occupation of the development starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:</p> <ul style="list-style-type: none"> a) surfaced with an all-weather seal coat, or surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust; b) constructed and completed to the satisfaction of the Responsible Authority; c) drained in accordance with the approved Drainage Plan to the satisfaction of the Responsible Authority; d) line-marked to indicate each car space and all access lanes; e) properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land; f) measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing; g) Provision of traffic control signage and or structures as required; h) Provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. This sign must not exceed 0.3 square metres. <p>to the satisfaction of the responsibility authority.</p> <p>The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.</p> <p>Car spaces, access lanes and driveways must be kept available for these purposes at all times.</p> <p><u>Vehicle Turning</u></p> <p>All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property</p> <p><u>Drainage Plan</u></p> <p>Before any of the development starts a suitably prepared Drainage Plan (by a suitably qualified person or organisation) with computations to the satisfaction of the responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.</p> <p>The information and plan must include:</p> <ul style="list-style-type: none"> a) details of how the works on the land are to be drained and/or retarded. b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority c) underground pipe drains conveying stormwater to the legal point of discharge d) measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements; e) maximum discharge rate will be restricted to comply with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority);
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	<p>f) documentation demonstrating approval from the relevant authority for the legal point of discharge.</p> <p>g) the details of the incorporation of water sensitive urban design, designed in accordance with the “Urban Stormwater Best Practice Environmental Management Guidelines” 1999.</p> <p>h) maintenance schedules for treatment elements.</p> <p style="text-align: right;">Before the use begins and/or the building(s) is/are occupied all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.</p>
Health	<p>No objection but has made the following comment:</p> <p>The applicant should liaise with the Environment Protection Authority to investigate appropriate preventative measures regarding issues such as dust, noise, use of lights, vehicular movement and the like, to protect the amenity of the nearby dwellings.</p>

Consultation

Consultation was not undertaken.

Assessment

The zoning of the land

35.07 FARMING ZONE

Purpose

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

35.07-1 Table of uses

The use of the land for a Landscape Garden Supplies and Contractor’s Depot is an innominate use insofar as it is not defined in the list of land use terms under the Greater Shepparton Planning Scheme. As such the use requires a planning permit as it is a section 2 use under the table to Clause 35.07-1.

35.07-4 Buildings and works

A permit is required to construct or carry a building or works associated with a use in Section 2 of Clause 35.07-1. (the portable office is within 50m of land in a TRZ2).

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.

Planning permission is required for buildings and works pursuant to **Clause 44.04-2**.

45.12 SPECIFIC CONTROLS OVERLAY – SCHEDULE 3

There is no permit trigger under the SCO3.

Relevant Particular Provisions

52.05 SIGNS

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.

52.05-9 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.

52.05-14 Category 4 - Sensitive areas

Maximum limitation

Purpose

To provide for unobtrusive signs in areas requiring strong amenity control.

Section 1 - Permit not required

Sign	Condition
Bed and breakfast sign	Only one to each premises.
Home based business sign	The display area must not exceed 0.2 sqm.
Direction sign	None specified

Section 2 - Permit required

Sign	Condition
Business identification sign	The total display area to each premises must not exceed 3 sqm.
Floodlit sign	None specified

Section 3 - Prohibited

Any sign not in Sections 1 or 2

Indicative signage based on the signage on the current site is 1.53m x 1.92m (2.9376m²) and would be classified as a Business Identification Sign which requires planning approval.

52.29 LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK

Purpose

- To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.
- To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

52.29-2 Permit requirement

A permit is required to:

- Create or alter access to:
 - A road in a Transport Zone 2.
 - Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.

Does any Incorporated Document apply?

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

The Municipal Planning Strategy (MPS) at Clause 02.

02.03-3 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.

02.03-4 Natural resource management

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

The farming areas of the municipality can generally be grouped into three categories:

- **Farming 'Growth' areas**, being areas for the growth and expansion of existing farm businesses and for new investment. These areas comprise/include larger properties and provide opportunity for large scale, standalone agricultural development as well as consolidation of existing farm properties wishing to grow.
- **Farming 'Consolidation' areas**, being areas that support existing farm businesses to operate and expand. These areas provide opportunities for development of growing agricultural enterprises that can, over time, expand and consolidate through a process of property restructure.
- **Farming 'Niche' areas**, being those areas with opportunities for smaller scale and specialised agriculture. These areas include locations of productive potential due to soil type, property size or water access that are not rural living areas. The opportunity for properties within these areas to expand in response to general market trends is limited due to land value and existing development as most lots are smaller, with dwellings.

Council is committed to: Supporting opportunities for the growth and diversity of primary product in the municipality.

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 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 and schools) outside the 1 in 100 year floodplain (1 per cent Annual Exceedance Probability 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

13.05-1S Noise management

Objective

To assist the management of noise effects on sensitive land uses.

Strategy

- Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.
- Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Policy guidelines

Consider as relevant:

- The noise requirements in accordance with the Environment Protection Regulations under the Environment Protection Act 2017.

13.06-1S Air quality management

Objective

To assist the protection and improvement of air quality.

Strategies

- Ensure that land use planning and transport infrastructure provision contribute to improved air quality by:
 - Integrating transport and land use planning to improve transport accessibility and connections.
 - Locating key developments that generate high volumes of trips in the Central City, Metropolitan Activity Centres and Major Activity Centres.
 - Providing infrastructure for walking, cycling and public transport.
- Ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital).
- Minimise air pollutant exposure to occupants of sensitive land uses near the transport system through suitable siting, layout and design responses.

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.

Policy documents

Consider as relevant:

- *Recommended separation distances for industrial residual air emissions* (Publication 1518, Environment Protection Authority, March 2013).

14.01-1S Protection of agricultural land

Objective

To protect the state's agricultural base by preserving productive farmland.

Strategies

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.

- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.
- Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
 - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
 - Compatibility between the proposed or likely development and the existing use of the surrounding land.
 - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
 - Land capability.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

14.01-1L Protection of agricultural land

Strategies - General

- Encourage farm earthworks that minimise the impact on drainage and flooding through Whole Farm Plans.
- Discourage land use and development in the Farming Zone (Schedule 1) that would compromise the future agricultural use of the land, including farm related tourism.
- Discourage industrial use and development (other than rural industry) in rural areas, except where it:
 - Is unable to be accommodated in existing industrial zoned areas.
 - Does not compromise the existing and future agricultural practices of the surrounds.
 - Adds value to the agricultural based of the municipality.
 - Is a rural based enterprise.
 - Provides for the reuse of existing large scale packing sheds and cool stores.

Policy document

Consider as relevant:

- Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy (Parsons Brinckerhoff, RM Consulting Group, 2010)

14.01-2S Sustainable agricultural land use

Objective

To encourage sustainable agricultural land use.

Strategies

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.
- Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.
- Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.
- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
- Support agricultural investment through the protection and enhancement of appropriate infrastructure.
- Facilitate ongoing productivity and investment in high value agriculture.
- Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.
- Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

Policy documents

Consider as relevant:

- Victorian Code for Cattle Feedlots (Department of Agriculture, Energy and Minerals, 1995)
- Victorian Code for Broiler Farms (Department of Primary Industries, 2009, plus 2018 amendments)
- Apiary Code of Practice (Department of Planning and Community Development, 2011)
- Planning Guidelines for Land Based Aquaculture in Victoria (Department of Primary Industries, No. 21, 2005)
- Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)
- Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines (Department of Economic Development, Jobs, Transport and Resources, June 2018)

14.01-2L Non-agricultural use and development

Strategies

- Maintain agriculture as the major economic driver in the region.
- Encourage tourism in the Farming Zone (Schedule 2) that is managed to prevent conflict and impact on agricultural operations.
- Encourage growth and expansion of existing farm businesses and new investment in 'growth' and 'consolidation' areas.

- Encourage opportunities for smaller scale, specialized agriculture in 'niche' areas.

Policy document

Consider as relevant:

- Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy (Parsons Brinckerhoff, RM Consulting Group, 2010)

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.

15.01-6S Design for Rural Areas

Objective

To ensure development respects valued areas of rural character.

Strategies

- Ensure that the siting, scale and appearance of development protects and enhances rural character.
- Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.
- Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

15.01-6L Non-agricultural development

Strategies

- Design non-agricultural buildings in rural areas to blend in with the rural landscape.
- Discourage non-agricultural development along major roads in rural areas especially at the fringe of existing urban areas when it may contribute to ribbon development.

Policy guideline

Consider as relevant:

- Designing buildings for non-agricultural purposes in rural areas to be:
 - Set back a minimum of 100 metres from any road.
 - Constructed in muted coloured ‘colorbond’ materials or similar.
 - Screened from any road by dense tree and shrub planting.

17.02-2S Out-of-centre development

Objective

To manage out-of-centre development.

Strategies

- Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres.
- Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.
- Discourage large sports and entertainment facilities of metropolitan, state or national significance in out-of-centre locations unless they are on the Principal Public Transport Network and in locations that are highly accessible to their catchment of users.
- Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

Structure Plans/Development Plans

Nil.

Relevant Background documents

Regional and Rural Land Use Strategy.

The decision guidelines of Clause 65.01

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.

The decision guidelines of the zone

FZ1 – 35.0-6 Decision Guidelines (as relevant)

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.
- Whether Rural worker accommodation is necessary having regard to:
 - The nature and scale of the agricultural use.
 - The accessibility to residential areas and existing accommodation, and the remoteness of the location.
- The duration of the use of the land for Rural worker accommodation.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.
- The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:
 - A permit for a wind energy facility; or
 - An application for a permit for a wind energy facility; or
 - An incorporated document approving a wind energy facility; or
 - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

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

LSIO - 44.04-8 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

Signs - 52.05-8

Decision guidelines

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.
 - Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
 - Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
 - Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
 - Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
 - Is within 100 metres of a rural railway crossing.
 - Has insufficient clearance from vehicles on the carriageway.
 - Could mislead drivers or be mistaken as an instruction to drivers.

Land Adjacent to the Principal Road Network - 52.29-6

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to schedule 2, clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

OFFICERS ASSESSMENT

The applicant proposes to operate a landscape gardening supplies business and contractor depot on the site. The proposal also seeks approval for new car/truck parking and portable site office, signage and works to the existing driveway access.

The applicant has provided a site plan identifying the areas of the site that will be used for the depot and details on the associated vehicles, tools, equipment and materials that would be expected to be stored onsite.

The development is within the FZ1, on land affected by the LSIO and with direct access to the TRZ2. Neighbouring properties to the north are in the Low Density Residential Zone.

The proposed landscape gardening supplies business and contactors depot is not a residential, educational, recreational, religious or community use. It is not considered that the proposal will result in a use which serves local community needs. The application does not demonstrate why the use of a site in an agricultural area, abutting a Low Density Residential Zone, is required for the proposal or how it would benefit the local community by being located on the subject site rather than being in an industrial or commercially zoned area.

The primary purpose of the Farming Zone is to support and facilitate agricultural uses. It is considered that the proposed development, which is not an agricultural use, fails to demonstrate how it will achieve acceptable planning outcomes in relation to the purpose of the zone.

It is considered likely that the proposal will result in impacts to the properties to the north in the Low Density Residential Zone. While these properties will generally have an expectation of agricultural impacts, the amenity impacts from a commercial or industrial use would not be an expectation for occupiers. Additionally, the relevant EPA provisions for agricultural uses will not cover impacts from commercial or industrial uses. It is considered that the proposal will likely result in noise, smells, dust and traffic impacts which would not be expected from an agricultural use of the site.

The land is currently used for an orchard and the proposal is considered to result in the permanent loss of established productive agricultural land.

It may create a precedent and encourage other commercial uses to move to cheaper agricultural land rather than more appropriately zone agricultural or commercial areas.

It is deemed that the proposed development would be better suited within an Industrial Zone where commercial uses, such as the proposed, are supported by the zoning provisions and planning policy.

The application is not supported by the PPF, particularly in terms of the impact on agricultural land and will result in the loss or fragmentation of productive agricultural land.

The proposal is considered to be inconsistent with the provisions of the planning scheme and result in poor planning outcomes.

Any other relevant adopted State policies or strategies policies

There are no relevant incorporated or reference documents that relate to this application.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme Amendments.

Are there any significant environment, social & economic effects?

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

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 Charter of Human Rights and Responsibilities has been considered and is considered the application does not impinge on the charter

Summary of Key Issues

The key issue in this application is the relevant zone provisions, planning policies and overlay controls which seek to protect agricultural land, and also amenity considerations for adjacent residential land.

Conclusion

Officers have undertaken an assessment of the application and have formed the view that this application does not produce acceptable planning outcomes.

Recommendation

Refusal

That DHP having caused notice of Planning Application No. 2022-337 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* decides to refuse to Grant a Permit under the provisions of Clauses 35.07-1, 35.07-4, 44.04-2, 52.05-14 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 535 Doyles Road, Orrvale for use and development for landscape garden supplies business and contractor's depot including associated business identification signage and alteration of access.

For the following reasons:

1. The proposal is inconsistent with the Planning Policy Framework of the Greater Shepparton Planning Scheme, particularly clauses 02.03-3, 02.03-4, 13.05-1S, 13.06-1S, 13.07-1S, 14.01-1S, 14.01-1L, 14.01-2S, 14.01-2L, 15.01-6L, and 17.01-2S.
2. The proposal will result in a development which is inconsistent with the purpose and decision guidelines of Clause 35.07 – Farming Zone.
3. The proposal is considered to result in the permanent loss of established productive agricultural land.
4. The proposal will create detrimental amenity impacts to neighbouring residential residents, and is not compatible adjacent to a residential zone.
5. The proposal will likely result in noise, smells, dust and traffic impacts which would not be expected from an agricultural use of the site.
6. The proposal will result in a use which does not serve local community needs.

Refusal

That DHP having caused notice of Planning Application No. 2022-337 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* decides to refuse to Grant a Permit under the provisions of Clauses 35.07-1, 35.07-4, 44.04-2, 52.05-14 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 535 Doyles Road, Orrvale for use and development for landscape garden supplies business and contractor's depot including associated business identification signage and alteration of access.

Moved: Andrew Fletcher

Second: Braydon Aitken

Carried

DRAFT REFUSAL TO GRANT A PERMIT

APPLICATION NO:	2022-337
PLANNING SCHEME:	GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY:	GREATER SHEPPARTON CITY COUNCIL
ADDRESS OF THE LAND:	535 Doyles Road ORRVALE VIC 3631
WHAT HAS BEEN REFUSED:	Use and Development for Landscape Garden Supplies, Contractor's Depot, Alteration of Access to Principal Road Network and associated Business Identification Signage

WHAT ARE THE REASONS FOR THE REFUSAL?

1. The proposal is inconsistent with the Planning Policy Framework of the Greater Shepparton Planning Scheme, particularly clauses 02.03-3, 02.03-4, 13.05-1S, 13.06-1S, 13.07-1S, 14.01-1S, 14.01-1L, 14.01-2S, 14.01-2L, 15.01-6L, and 17.01-2S.
2. The proposal will result in a development which is inconsistent with the purpose and decision guidelines of Clause 35.07 – Farming Zone.
3. The proposal is considered to result in the permanent loss of established productive agricultural land.
4. The proposal will create detrimental amenity impacts to neighbouring residential residents, and is not compatible adjacent to a residential zone.
5. The proposal will likely result in noise, smells, dust and traffic impacts which would not be expected from an agricultural use of the site.
6. The proposal will result in a use which does not serve local community needs.

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2022-209
Applicants Name:	Prestons Turf & Garden
Date Application Received:	10 June 2022
Statutory Days:	212
Land/Address:	74-76 The Boulevard, SHEPPARTON
Zoning and Overlays:	General Residential Zone – Schedule 1 (GRZ1) Floodway Overlay – Schedule 1 (FO1) Land Subject to Inundation Overlay (LSIO) Bushfire Management Overlay (BMO) Area Aboriginal Cultural Heritage Sensitivity Bushfire Prone Area
Why is a permit required (include Permit Triggers):	32.08-2 Section 2 use in the GRZ
Are there any Restrictive Covenants on the title?	No
Disclosures of 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.

Proposal

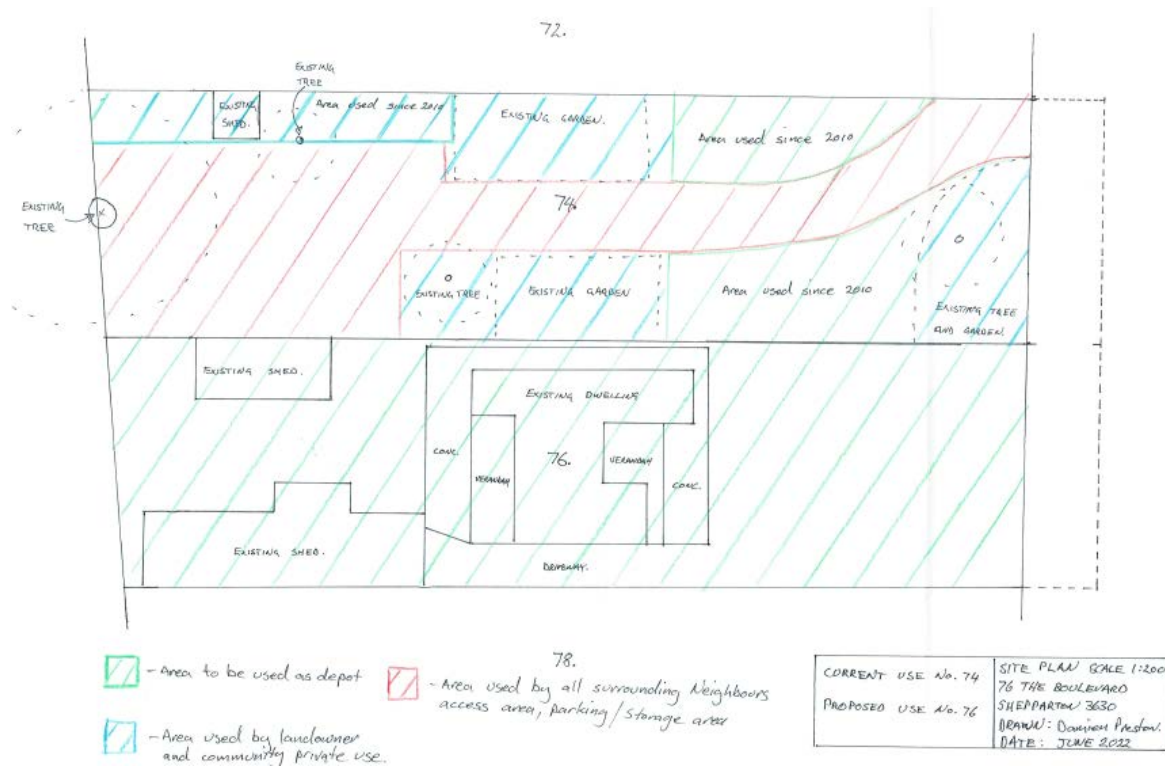
Applicant proposes use of the site for a contractors depot.

The company is a landscaping and gardening business; it currently employs approximately seven (7) staff and has a number of vehicles and trade equipment.

The application states that the typical operations expected on the site “*will include employees arriving at the depot each morning in their personal vehicle, loading up the work vehicle (ute with or without trailer) with tools and equipment required for the day and leaving for a job site. There is no work carried out at the depot site; all work is carried out at job sites. All work vehicles and equipment remain away from the depot all day, and only return at the end of the day.*”

The application does not include any use of any machinery, vehicle maintenance or repairs etc. carried out on the depot site.

Refer to site plan below.



Summary of Key Issues

Planning policy and the purpose and decision guidelines of the GRZ1 and in particular the compatibility of the use of the land within a residential area. Refer to discussion below.

Recommendation

Refusal

That the DHP with respect to Planning Application No. **2022-209** and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of **Clause 32.08-2** of the Greater Shepparton Planning Scheme in respect of the land known and described as **76 The Boulevard, Shepparton**, for the Contractors Depot for the following reasons :

1. The proposal is inconsistent with the Planning Policy Framework of the Greater Shepparton Planning Scheme, particularly clauses 2.03-1, 11.01-2S, 13.07-1L-02, 15.01-5S, and 16.01-1S.
2. The proposal will result in a use which is inconsistent with the purpose and decision guidelines of Clause 32.08.

The applicant's consultant requested that the item be deferred as his client was non-contactable.

The panel chair agreed to the request as a motion and proposed that the item be deferred to the next DHP for consideration.

Moved: Cr Shane Sali

Second: Braydon Aitken

Panel Members Andrew Fletcher & Michael MacDonagh were against the motion.

Cr Sali as the Chair has the casting vote – deferral approved.

Subject Site & Locality

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

Date: 8/06/2022

The site has a total area of 2,100 square metres and currently contains:

74 The Boulevard

- Predominantly undeveloped site, contains existing garden beds and small shed.
- The land is used by various neighbours and the applicant as communal plot, with two neighbourhood vegetable gardens in use and an access way through to the back of the houses along this area.
- The applicant advises that he has – with the consent of the owner – used parts of the land to store his truck, trailers and equipment on the land.
- This land is also used by neighbouring properties to occasionally (temporarily) park items such as caravans, boats and trailers and to store firewood.
- Other than the garden beds, the land is surfaced with crushed rock to prevent mud and dust from being carried onto the road by vehicles accessing the site.

76 The Boulevard

- Existing building previously used as dwelling, two sheds.
- The dwelling is in very poor condition and has not been occupied for a number of months.
- The remainder of the land is bare and surfaced with crushed rock, apart from two trees (one just inside the front property boundary and one at the rear of the house).

The main site/locality characteristics are:

- Site within a residential area, surrounding development to the north, east and south predominantly 1 and 2 storey single dwellings
- To the west of the site is the Goulburn River and associated reserve area.

The Photos below show the existing site:



Source: Nearmap 30 July 2022



Source: Googlemaps Streetview (November 2019)





Permit/Site History

The history of the site includes:

- 2021-356 Planning Permit approved for a fence in the Floodway Overlay

Further Information

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

Public Notification

The application was not advertised pursuant to Section 52 of the *Planning and Environment Act 1987* as the application is not supported by Council Officers, the proposal is recommended to be refused.

Objections

The Council has received **0** objections to date.

Title Details

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

Consultation

Consultation was not undertaken.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	Nil

Internal Council Notices	Advice/Response/Conditions
Nil	

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.

32.08-2 Table of uses

Legal advice obtained by Council has confirmed that the contractors depot is a section 2 or permit required use. An extract of the advice is provided below:

“...As the term Contractor’s depot is not a defined land use term, nor does it fall within any defined land use term (ie nested), it is characterised as being an innominate use and in terms of the GRZ would fall within the land use in the Table of uses at clause 32.08-2 described as Any other use not in Section 1 or 3.

Where the use is in question is an innominate use, as it is not defined, it logically could not come within a listed defined land use term in Section 1 or Section 3 of the Table of uses.

Accordingly, in this case if the proposal is to use the Land for the purpose of a Contractor’s depot, it falls within the land use described as Any other use not in Section 1 or 3 and would be a Section 2 use within the GRZ...”

32.08-11 Application requirements

An application must be accompanied by the following information, as appropriate:

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.

- For an apartment development of five or more storeys, an urban context report and design response as required in Clause 58.01.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The siting and use of existing and proposed buildings.
 - Adjacent buildings and uses.
 - The building form and scale.
 - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

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.

Relevant overlay provisions

The site is within a Floodway Overlay, Land Subject Inundation Overlay and Bushfire Management Overlay, however no buildings and works are proposed and consequently no permit requirements are triggered in the overlays.

Does any Incorporated Document apply?

Nil

The Municipal Planning Strategy (MPS) at Clause 02.

02.03-1 Settlement

To accommodate a population that is forecast to grow 59,202 in 2006 to 71,509 by 2026 (Victoria in Future, DSE, 2016), there will need to be a corresponding growth in the number of dwellings in Shepparton and the outlying townships. 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, with new growth located to the south, south east of Shepparton and Kialla, north of Shepparton and to the west of Mooroopna, with remaining growth distributed throughout the outlying townships of Tatura, Murchison, Merrigum, Dookie, Congupna, Katandra West, Tallygaroopna, Toolamba, and Undera.

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. Council encourages the provision of additional medium density and apartment style accommodation including shop-top housing within the Shepparton, Mooroopna and Kialla urban areas.

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.

02.03-6 Economic development

Greater Shepparton services a significantly wider region than that located within the municipal boundaries and continues to experience strong economic growth. The local economy is diverse and includes agriculture, food processing, manufacturing, retail, education, health/community services, transport and warehousing.

Shepparton has developed a 'critical mass' of manufacturing-based employment that is an important component of the local economy. Owing to the presence of a number of significant national and international food processing and packaging companies, the agricultural, food processing and manufacturing sectors are all closely interlinked.

Greater Shepparton has a dispersed pattern of industrial areas with the main concentration of industrial activity occurring within the urban centres of Shepparton, Mooroopna and Tatura. The activities in these industrial areas vary from small-scale uses with a more localised focus to

larger manufacturing and warehousing facilities operated by large national and international companies. The expansion of Shepparton has resulted in many of these industrial areas now being encumbered by surrounding sensitive land uses. Industrial land is a limited resource in the municipality and there is an ongoing need to ensure that existing industrial zoned lands are protected for industrial and related land uses.

In addition, there are significant challenges in accommodating material recycling facilities, eco industries and other such land uses that require extensive storage areas or buffer requirements from adjacent sensitive land uses.

The commercial and retailing centres fulfil both local shopping and discretionary shopping needs, with Shepparton CBD positioned as the principal retail centre in the region. The primary issue confronting the CBD's retail sector is competition from sub-regional centres outside the traditional retail core.

Tourism is mainly focused on shopping for locally produced and manufactured products, corporate tourism and people visiting family and friends.

Council is committed to:

- Reinforcing the Shepparton CBD as the principal retail centre in the region.
- Facilitating subregional retail facilities to serve local communities.
- Sustaining a growing and diverse industrial base, while protecting the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.
- Providing for the continued growth of the Shepparton CBD as a multi-purpose retail, business, commercial, community, entertainment and tourism centre.

The Planning Policy Framework (PPF)

11.01-1S Settlement

Objective

To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

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.

15.01-5S 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.
-

16.01-1S Housing supply

Objective

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

16.01-2S Housing affordability

Objective

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

17.02-2S Out-of-centre development

Objective

To manage out-of-centre development.

Strategies

Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres.

Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.

Discourage large sports and entertainment facilities of metropolitan, state or national significance in out-of-centre locations unless they are on the Principal Public Transport Network and in locations that are highly accessible to their catchment of users.

Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

17.03-1L Industry

Objective

To protect the integrity and viability of existing and future industrial areas within Shepparton, Mooroopna and Tatura from competing and non-compatible land uses.

Strategies

Consolidate existing major areas of industrial zones within the urban growth boundaries and around major transport routes and infrastructure assets.

Encourage industrial subdivisions to provide a variety of lot sizes on all undeveloped land.

Encourage land in undeveloped areas to be retained in large holdings until it is required for development.

Encourage industrial uses and development to locate in GV Link freight logistic centre.

Avoid incremental approvals and development in investigation areas until future land opportunities and constraints, land use, development opportunities, subdivisional layout and servicing for the area have been planned for.

Facilitate light industrial uses in townships for industries associated with the storage, packing and processing of local agricultural produce or the immediate servicing needs of local communities.

Facilitate the redevelopment of under-utilised industrial sites for more intensive forms of industrial uses to make more efficient use of existing infrastructure.

Structure Plans/Development Plans

Nil

Relevant Background documents

Nil

The decision guidelines of Clause 65.01

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.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.

- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

This clause does not apply to a VicSmart application.

The decision guidelines of the zone

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)

Nil

Any other relevant adopted State policies or strategies policies

There are no relevant incorporated or reference documents that relate to this application.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme Amendments.

Are there any significant environment, social & economic effects?

There are no significant social & economic effects.

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 whole of the Land is also within an area of Aboriginal cultural heritage sensitivity, for the purposes of the *Aboriginal Heritage Regulations 2018 (AH Regulations)*.

Is a CHMP required?

Regulation 7 of the AH Regulations specifies the two requirements for when a CHMP would be required for an activity.

The first requirement is that the activity area for the activity is within an area of cultural heritage sensitivity.

In the current case the mapping provided with a planning property report for the Land shows that the whole of the Land is within an area of cultural heritage sensitivity.

The second requirement is that all or part of the activity is a *high impact activity*, as defined in the AH Regulations.

Division 5 of Part 2 of the AH Regulations specifies activities that are high impact activities. First, none of the activities specified in regulations 46 through to 57 (within Division 5 of Part 2 of the AH Regulations) include development associated with a *Contractor's depot* or the like.

Second, the activities must include *significant ground disturbance*, which is defined in the AH Regulations, or other development within the activity area.

Accordingly, in the current case as the proposed activity is not identified and there is no development or substantive works associated with the proposal, the proposal is not a high impact activity for the purpose of the AH regulations.

It is noted that regulation 58 of the AH Regulations relates to the use of land, however, the uses identified do not include a *Contractor's depot* or the like.

For the reasons outlined above, officers do not consider the proposal to use the Land for the purpose of a *Contractor's depot* and in addition where no development is proposed requires a CHMP.

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

Nil

Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered and is considered the application does not impinge on the charter.

Conclusion

The application proposes use of the site for a contractors depot.

The applicant has provided a site plan identifying the areas of the site that will be used for the depot and details on the associated vehicles, tools, equipment and materials that would be expected to be stored onsite.

The site is within the General Residential Zone, and affected by the Floodway Overlay, Land Subject to Inundation Overlay and Bushfire Management Overlay.

A Planning Permit is required pursuant to the provisions of the General Residential Zone for use of the site for a section 2 use.

The purpose of the zone is:

- *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.*

The primary purpose of the General Residential Zone is to facilitate residential development and associated supporting development. It is considered that the proposed contractor's depot fails to demonstrate how it will achieve acceptable planning outcomes in relation to the purpose of the zone.

The proposed contractors depot is not a residential, educational, recreational, religious or community use. It is not considered that the proposal will result in a use which serves local community needs. The application does not demonstrate why the use of a site in a residential area is required for the proposal or how it would benefit the local community by being located on the subject site rather than being in an industrial or commercially zoned area.

The applicant states that the vehicle movements generated by the development will not noticeably increase existing traffic loads. Assessing officers regard that the application does propose reasonable numbers of traffic movements for a contractor's depot. However, when assessed in context, the site is within a residential area and a depot with up to 7 staff and multiple vehicles the development is expected to generate significantly more traffic movements than neighbouring residential properties. It is considered that the proposal will result in more vehicle movements and movements of larger vehicles than what would be considered reasonable for a residential location.

While the applicant could implement protocols to minimise amenity impacts on adjoining neighbours, the use is still not considered to be appropriate in the context of a residential area. The proposal is foreseen to result in land use conflicts as follows:

- Noise, traffic generation far greater than residential use.
- Streetscape impacts in terms of the storage of vehicles.
- Inappropriate/non-residential use in an established residential area
- Does not respect the neighbourhood character which is predominantly lower density residential.
- Does not encourage housing diversity or growth.
- Removes residential land in convenient location.

It is deemed that the proposed development would be better suited within an Industrial Zone where commercial uses, such as the proposed, are supported by the zoning provisions and planning policy.

Clause 13.07-1L-02 sets out aims and objectives for non-residential uses in residential areas. The proposed use, being a commercial use in an established residential area isolated from other commercial uses is not considered appropriately located and will have an adverse impact on the amenity of the surrounding residential neighbourhood.

The use of the site for a contractors depot will not support the purpose of the zone or the planning policy provisions for settlement or industry.

Officers have undertaken an assessment of the application and found that the proposal does not achieve acceptable planning outcomes. It is recommended that a refusal be issued.

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2022-209

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 74-76 The Boulevard SHEPPARTON VIC 3630

WHAT HAS BEEN REFUSED: Use of the site for a contractors depot in the General Residential Zone

WHAT ARE THE REASONS FOR THE REFUSAL?

1. The proposal is inconsistent with the Planning Policy Framework of the Greater Shepparton Planning Scheme, particularly clauses 2.03-1, 11.01-2S, 13.07-1L-02, 15.01-5S, and 16.01-1S.
2. The proposal will result in a use which is inconsistent with the purpose and decision guidelines of Clause 32.08.