

CONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 1/2024

HELD ON

Friday 15 March 2024

at 10am

(Boardroom & Via Teams)

CHAIR

Councillor Shane Sali

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 2 for 2024.

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

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

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

COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Shane Sali (Chair) – **Boardroom**
- Colin Kalms – Manager - Building, Planning & Compliance - Greater Shepparton City Council – **Boardroom**
- Nilesh Singh - Manager Development - Benalla Rural City Council – **Teams**
- Kahlia Reid - Manager - Building and Planning – Campaspe Shire Council – **Teams**

OFFICERS AND OTHERS PRESENT

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

- Ally Cook
- Elke Cummins – **Teams**

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

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.
- Out of courtesy for all other attendees any recording devices should be turned off during the course of the hearing unless the chair has been formally advised that a party wishes to record proceedings.
- The DHP operates under Local Law No 2, with such modifications and adaptations as the DHP deems necessary for the orderly conduct of meetings.
- All DHP panel members have 1 vote at a meeting.
- Decisions of the DHP are by ordinary majority resolution. If a vote is tied the Chair of the DHP has the casting vote.
- The process for submitters to be heard by the Panel shall be:
 - The planning officer to present the planning report recommendation
 - Any objectors or representatives on behalf of the objectors present to make a submission in support of their objection (should they wish to)
 - The applicant or representatives on behalf of the applicant to present in support of the application
- For the purpose of today's hearing the officer, objectors and applicant will be limited to a maximum of 6 minutes per person with no extension.

MATTERS FOR CONSIDERATION

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

- 1 Planning Permit Application – **2023-52/A – 15 Hunter Street, Tatura** - Use and development of land for a 92 place child care centre in the General Residential Zone and Land Subject to Inundation Overlay and reduction in car parking requirements
- 2 Planning Permit Application – **2023-198 – 9 Vickers Street, Kialla** – Two (2) Lot subdivision in the Neighbourhood Residential Zone, Floodway Overlay and Land Subject to Inundation Overlay

10. LATE REPORTS

None

11. NEXT MEETING

Friday 19 April 2024 - TBC

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<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2023-52/A	15 Hunter Street TATURA	Use and development of land for a 92 place child care centre in the General Residential Zone and Land Subject to Inundation Overlay and reduction in car parking requirements	3
2023-198	9 Vickers Street KIALLA	Two (2) Lot subdivision in the Neighbourhood Residential Zone, Floodway Overlay and Land Subject to Inundation Overlay	35

Amended Application Details:

Responsible Officer:	Andrew Dainton
Amended Permit Number:	2023-52/A
Applicants Name:	Ikonomidis Design Studio
Date Amendment Received:	24 November 2023
Land/Address:	15 Hunter Street TATURA
Why is the amendment required?	To amend what the permit allows and to amend plans endorse under the permit, specifically to delete the first floor, reduce the front setback and to include a reduction in car parking
Why is a permit required (include Permit Triggers)?	Use in the GRZ under Clause 32.08-2 Buildings and works in the GRZ under 32.08-9 Buildings and works in the LSIO under 44.04-2 Reduction in car parking requirements under 52.06-3
Are all plans provided?	Yes
Was the application fee paid?	\$3,664.95 – Development \$707.55 – Reduction in car parking Total - \$4,372.50
Zoning:	General Residential Zone – Schedule 1 (GRZ1) Abuts Transport Road Zone 1 – State Transport Infrastructure (TRZ1)
Overlays:	Land Subject to Inundation Overlay (LSIO) Specific Controls Overlay – Schedule 3 (SCO3)
Policy Provisions:	02.03-3 Environmental risks and amenity 02.03-5 Built form and heritage 13.03-1S Floodplain management 13.07-1S Land use compatibility 13.07-1L-02 Land use compatibility 15.01-1L-01 Urban design 15.01-2S Building design 15.01-5S Neighbourhood character
Application history:	2023-52 Use and development of land for a 92 place child care centre in the General Residential Zone and Land Subject to Inundation Overlay. The planning permit was issued on 4 May 2023 and is still valid.
Statutory Days?	113 days (15 th March 2024)
Date referred/notified:	CMA, Victrack, GVW and Engineering Department dated 4 December 2023
Further Information?	No
Lapse date?	N/A
Number of Notice Responses?	Four (4)
Key Response Considerations?	Built form, siting and reduction in setback, reduction in car parking and impact on flood storage and capacity
Title details – any:	
o Restrictive Covenant?	No
o Section 173 agreement?	No
o Easement/Caveat?	No

o Building Envelope?	No
o Access restrictions?	No
Is a CHMP required?	No
Garden area provisions?	N/A
Is the site contaminated?	No
Is the site in a BMO or BPA?	No
Is Cl. 13.01-2 Bushfire applicable?	No
Cl. 71.02-3 'Integrated Decision Making' assessment:	Built form, siting, and impact on streetscape, traffic and parking, and flooding impacts.
Cl. 71.03-2 Acceptable Outcomes:	Officers have undertaken an assessment of the application and found that the proposal achieves acceptable planning outcomes.
Conflicts of interest in relation to advice provided in this report	No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.
Key Planning Considerations:	Built form, siting, and impact on streetscape, traffic and parking, and flooding impacts.
Recommendation:	Approval – Notice of decision to grant an amended permit

Proposal

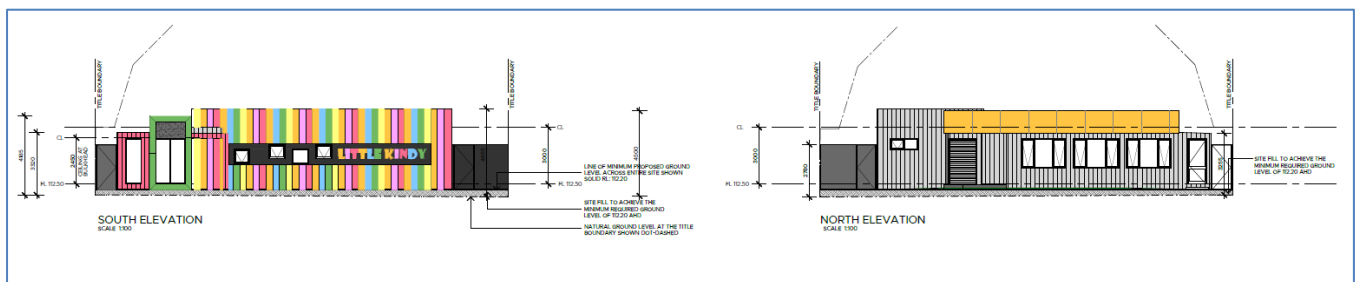
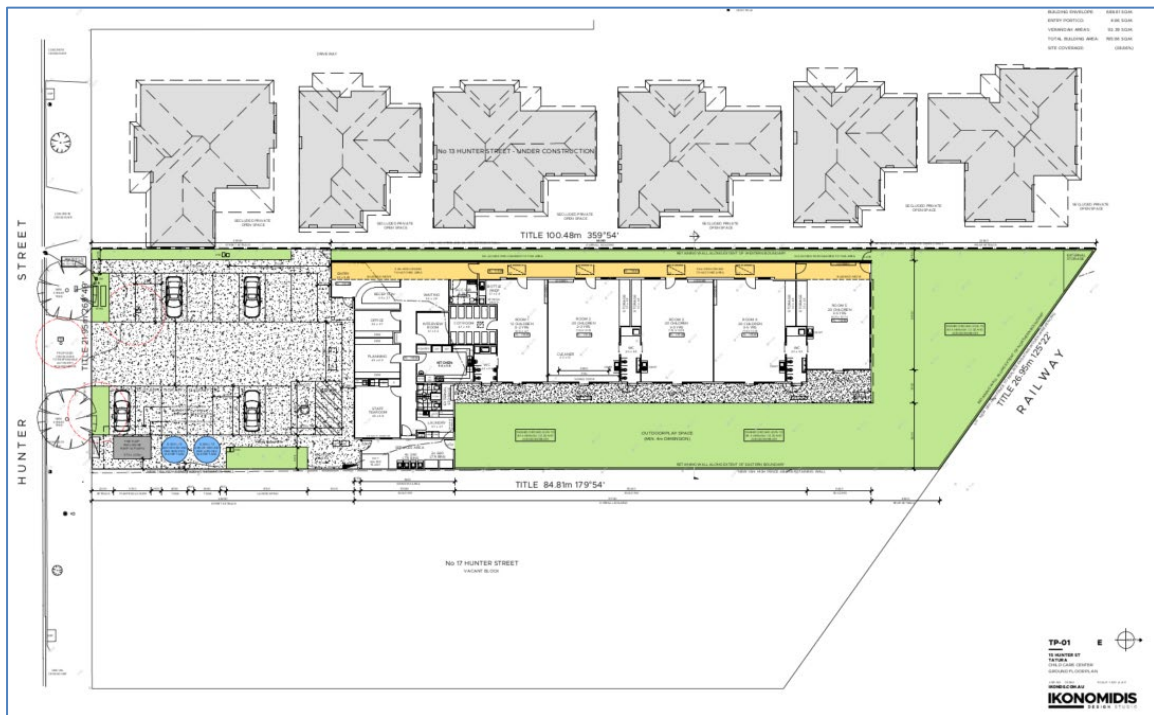
It is proposed to amend the planning permit as follows;

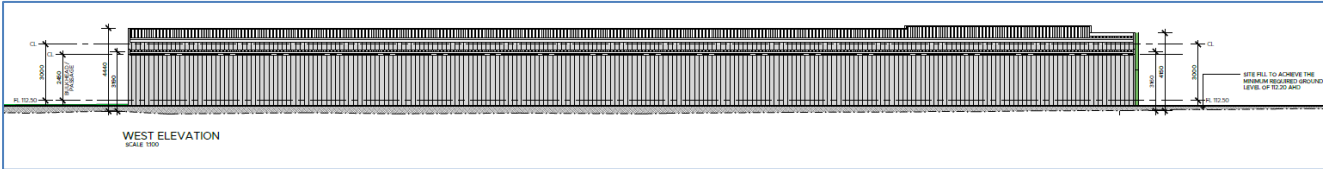
	Current planning permit:	Proposed amendment:
Number of children	92	92
Front setback	29.1m	23.93m
Side setback	1.150m – west 2.84m for 6.2m with a 2.4m screen fence– east	1.150m – west 0m for 10.06m with a height of 2.4m screen fence– east
Car parking	20 spaces	16 spaces (reduction in four requested)
Design	Double storey (7.4m high) Building envelope = 702.6sqm Staff facilities including planning room proposed on the first floor.	Single storey (4.185m high) Building envelope = 688.61sqm Staff facilities have been relocated to the ground level and the first floor removed.

	<p>The colour schedule and materials consistent of colorbond surfmest, bright colours such as pink, blue, green, yellow and orange. The built form is contemporary in design.</p>	<p>The colours, materials and overall design are generally consistent with the original planning permit.</p>
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The applicant advised that the purpose of the amendment was to provide a more cost effective layout. The requirements for mandatory fire water tanks and pumps have contributed to the impact to the overall costing of the development.

In support of the application a Traffic Impact Assessment Report including a car parking demand assessment and an amended Waste Management Plan prepared by TTM Consulting was submitted and will be addressed in more detail as part of the assessment.





Title Details

- The title identifies that the site has legal access to a road.
- The title does not contain a Restrictive Covenant
- The title does not contain a Section 173 Agreement
- The title does not contain an Easement, Caveat or Building Envelope

Pre-Application Meeting Details

Has there been a pre-application meeting? **No**

What is the Amended application for?

The permit triggers in the planning scheme in relation to the original application or permit are:

- Use of land for a child care centre in the GRZ under 32.08-2
- Buildings and works in the GRZ under 32.08-9
- Buildings and works in the LSIO under 44.04-2

As the application is an amendment to an existing planning permit the following has been reviewed as part of the application;

- Buildings and works in the GRZ under Clause 32.08-9
- Buildings and works in the LSIO under Clause 44.04-2
- Reduction of car parking requirements under Clause 52.06-3

Based on the existing permit, conditions and plans; and the permit triggers in the GSPS, specify the precise nature of the amended application which is to be used for all notices, referral, correspondence and decision making.

- Development of land for a childcare centre and reduction of car parking requirements.

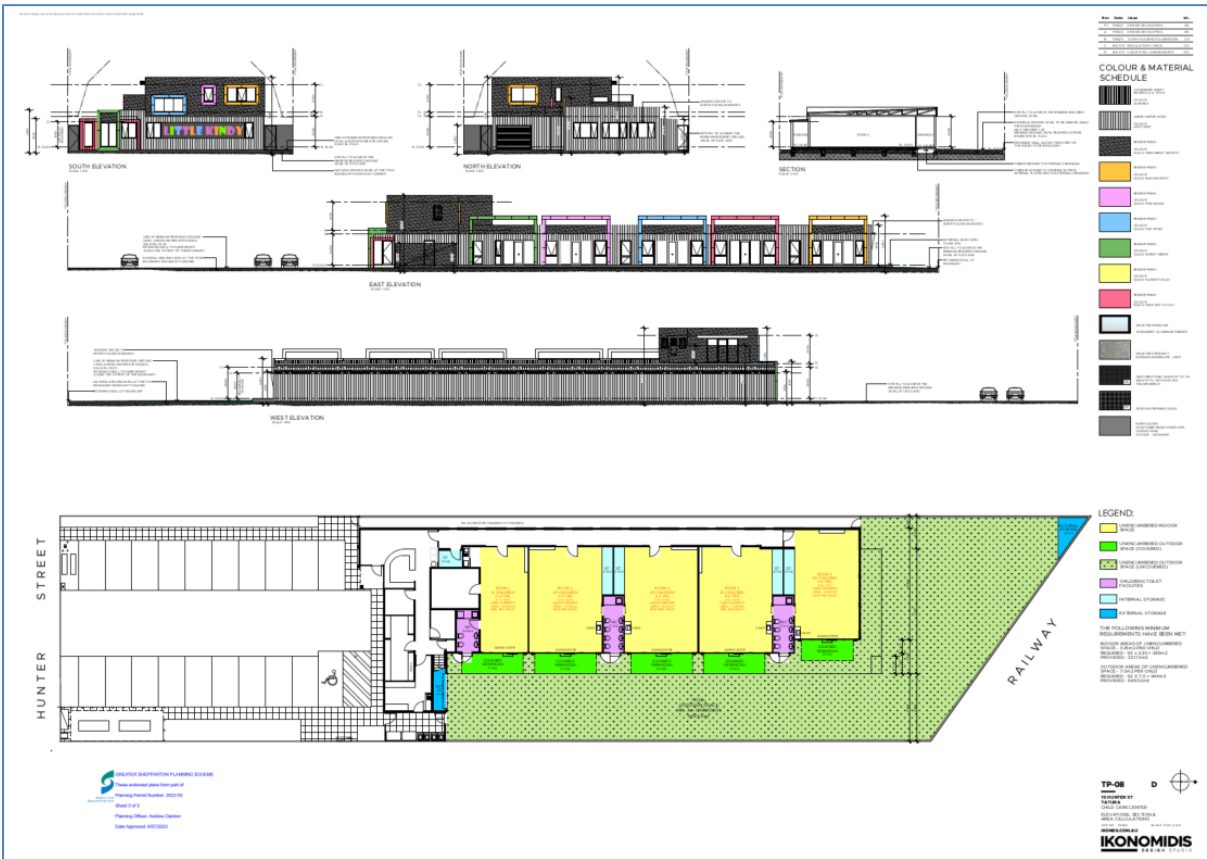
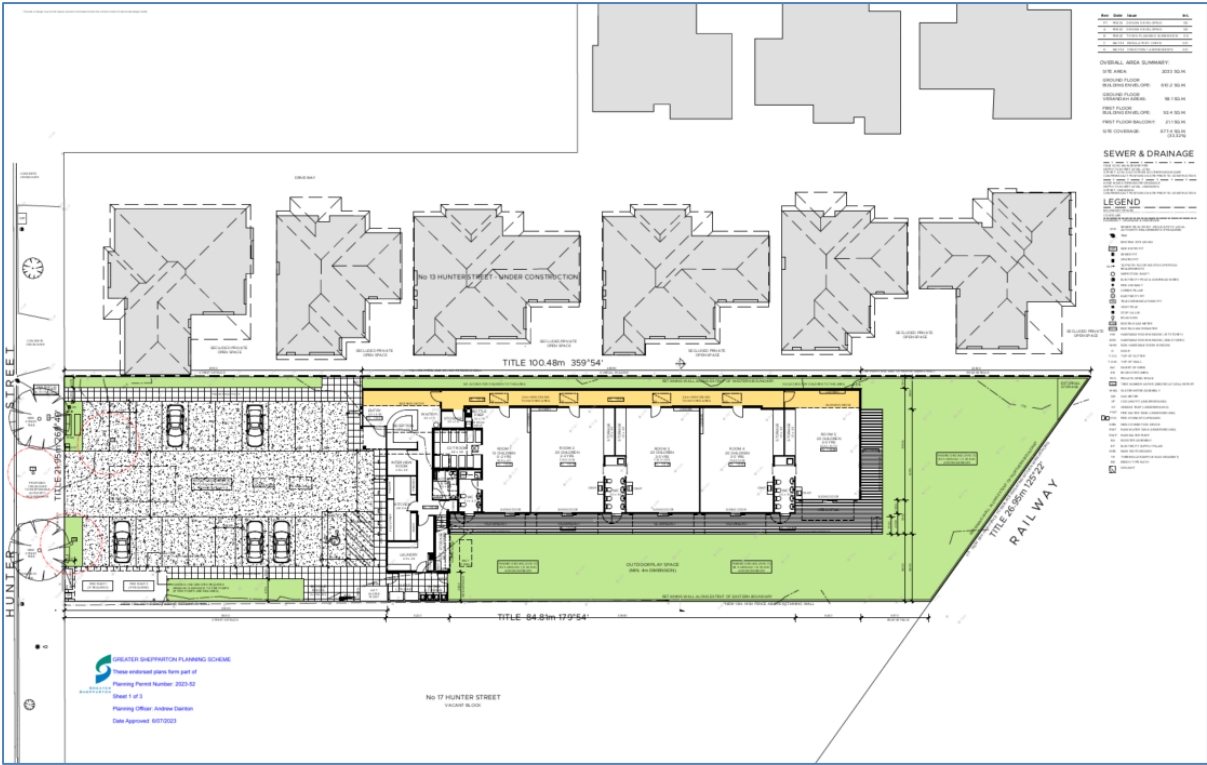
Permit/Site History

Details of the existing permit, conditions and endorsed plans.

[Planning Permit 2023-52, issued on 4/05/2023 by Andrew Dainton \(Greater Shepparton City Council\).](#)
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PLANNING PERMIT

PERMIT NO:	2023-52
PLANNING SCHEME:	GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY:	GREATER SHEPPARTON CITY COUNCIL
ADDRESS OF THE LAND:	15 Hunter Street TATURA VIC 3616
THE PERMIT ALLOWS:	use and development of land for a 92 place child care centre in the General Residential Zone and Land Subject to Inundation Overlay in accordance with the endorsed Plans forming part of this Permit.



The history of the site includes:

- 2023-52 Use and development of land for a 92 place child care centre in the General Residential Zone and Land Subject to Inundation Overlay was issued 4 May 2023 with endorsed plans

Subject Site & Locality

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

Date: **12 January 2024**

Time: **9am**

The site has a total area of **2033** square metres and currently contains:

- Vacant single-storey dwelling.
- Rear shed.
- Flat site.
- Minimal trees at front of site, rear of dwelling and rear of site abutting rail line.
- Vehicle access off Hunter Street.
- Pedestrian footpath located on the southern side of Hunter Street.

The main site/locality characteristics are:

- Approximately 670m north-west of Tatura and approximately 20.2km west of Shepparton CBD.
- Land to the south is Hunter Street, with land on the opposite side of the street is Sacred Heart School.
- Land to the north is a railway track.
- Land to the east is 17 Hunter Street, which is an undeveloped allotment similar in size to the subject site.
- To the west is 13 Hunter Street, where a multi-unit development.

The Photos below show the existing site:



Council GIS Latest



Council GIS Latest



Source: Googlemaps Streetview July 2023)



West of Hunter Street Source: Googlemaps Streetview July 2023)



East of Hunter Street Source: Googlemaps Streetview July 2023)



South of Hunter Street Source: Googlemaps Streetview July 2023)

Further Information

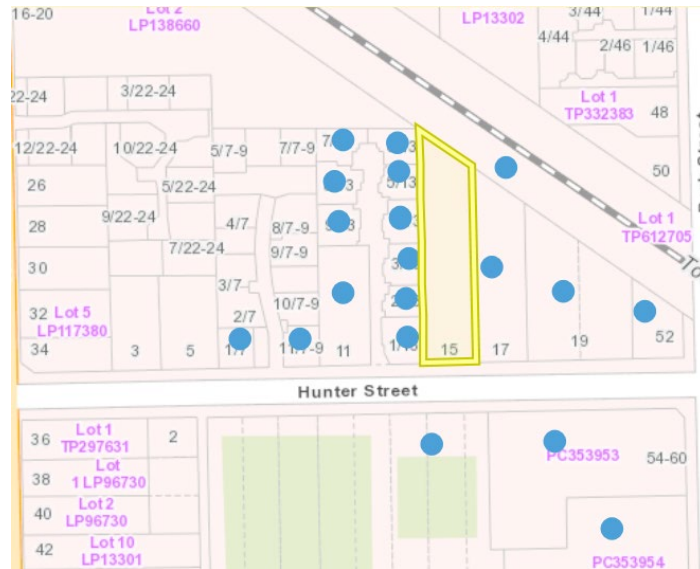
Is further information required for the application? **No**

Public Notification

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

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Development of land for a child care centre and reduction in car parking requirements**, by:

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



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 6 December 2023 to the 22 December 2023.

Objections

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

- Fully parking facilities need to be available within the grounds of the childcare centre to ensure public safety of users and residents
- The centre will impact rental potential and impact investment value
- The location of the day care is not appropriate

Referrals to Authorities

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
CMA	44.04-7	Recommending	No objection. Condition 11 to remain.

Notice to Authorities (including as required by GSPS)

External Notice to Authorities:

Section 52 - Notice Authority	List Planning clause triggering notice	Advice/Response/Conditions
GVW	Info only	No objection. Condition 10 to remain.
Victrack	Info only	No conditions

Internal Notice

Internal Council Notices	Advice/Response/Conditions
Engineering	No objection to the amendment. Condition 4 to remain
Environmental Health	No objection to the amendment. Condition 9 to remain

Consultation

Consultation was not undertaken.

Assessment

Details of the existing permit, conditions and endorsed plans.

The zoning of the land

32.08 GENERAL RESIDENTIAL ZONE

Purpose

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

32.08-1 Neighbourhood character objectives

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

32.08-2 Table of uses

A Child Care Centre is not listed therefore requires a planning permit pursuant to Section 2 of the table.

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

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

There are no requirements specified in Schedule 1.

Relevant overlay provisions

44.04 LAND SUBJECT TO INUNDATION OVERLAY

Purpose

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

44.03-2 Buildings and works

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

45.12 SPECIFIC CONTROLS OVERLAY

A permit is not required under SCO3.

Relevant Particular Provisions

52.06 CAR PARKING

Purpose

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

In accordance with Table 1 of Clause 52.06-5 a child care centre requires 0.22 to each child. The application proposes 92 children therefore requires 20 car spaces on site. The original planning permit provided all car parking on site.

The amendment proposes to reduce the number of car spaces provided on site to 16 car spaces seeking a reduction of four (4) car spaces. A planning permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

As part of an application to reduce the car parking requirements a car parking demand assessment is required pursuant to Clause 52.06-7. The application included a Traffic Impact Assessment report prepared by TTM to address the provision. This has been assessed in more detail as part of the officer's assessment below.

Does any Incorporated Document apply?

- *Local Floodplain Development Plan Precinct of Mosquito Creek 2003*
- *Infrastructure Design Manual*

The Municipal Planning Strategy (MPS) at Clause 02.

02.03 STRATEGIC DIRECTIONS

02.03-3 Environmental risks and amenity

Environmental risks

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

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

Amenity

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

Council is committed to:

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

02-03-5 Built form and heritage

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

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

Council is committed to:

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

The Planning Policy Framework (PPF)

13.03-1S Floodplain management

Objective

To assist the protection of:

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

Strategies

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

- Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.

15.01-1S Urban Design

Objective

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

Strategies

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

Policy documents

Consider as relevant:

- *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017)*

15.01-1L-01 Urban design

Strategies

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

Policy guideline

Consider as relevant:

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

15.01-2S Building design

Objective

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

Strategies

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

15.01-5S 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.

18.02-1S Walking

Objective

- To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.

Strategies

- Plan and develop walking networks to:
 - Provide pedestrian routes that are safe, direct and comfortable to use.
 - Enable walking as a part of everyday life.
 - Enable people to meet more of their needs locally and rely less on their cars.
 - Be accessible to vehicles that use footpaths, including wheelchairs, prams and scooters.
 - Accommodate emerging forms of low-emission, low-speed personal transport.
- Develop principal pedestrian networks for local areas that link with the transport system.
- Provide walking infrastructure in all major transport projects.
- Design walking routes to be comfortable by providing shelter from the sun through canopy trees, verandahs and other structures.
- Design direct, comfortable and connected walking infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.

Policy Documents

Consider as relevant

- *Guidelines for developing Principal Pedestrian Networks* (Department of Economic Development, Jobs, Transport and Resources, 2015)

18.02-4S Roads

Objective

To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

Strategies

Plan and develop the road network to:

- Ensure people are safe on and around roads.
- Improve people's perceptions of safety on and around roads.
- Improve road connections for all road users.
- Facilitate the use of public transport, cycling and walking.

- Integrate new and emerging technologies into road design, including the increasing connectivity and automation of vehicles.
- Accommodate the expansion of the High Productivity Freight Vehicle Network, and oversize and overmass vehicles.

Protect and develop the Principal Road Network to:

- Provide high mobility for through traffic and the efficient movement of freight by facilitating adequate movement capacity and speeds.
- Improve cross-town arterial links in outer suburbs and growth areas, including circumferential and radial movement to facilitate access to jobs and services.
- Limit access points to high-volume, high-speed roads by utilising urban design techniques such as service roads and internal connector roads.
- Improve high-capacity on-road public transport.

Develop declared freeways to:

- Link Melbourne with major regional cities, major interstate locations and other key locations important to the economy along major national and state transport corridors.
- Connect and provide access to Principal Transport Gateways and freight-generating areas.
- Improve connections to national employment and innovation clusters.
- Connect dispersed major residential areas with key destinations and lower density employment areas.
- Avoid private access, except for service centres.

Provide for grade separation at railway crossings, except with the approval of the Minister for Transport and Infrastructure.

Improve Melbourne's distinctive, established boulevards by developing a connected, contemporary network of boulevards within the urban growth boundary.

Design road space to complement land use and meet business and community needs through the provision of wider footpaths, bicycle lanes, transit lanes (for buses and commercial passenger vehicles) and freight routes, in line with the designated role of the road.

Design roads to facilitate the safe movement of people and goods while providing places for people to interact and gather in high pedestrian areas like activity centres, around schools and around community facilities.

Plan an adequate supply of car parking that is designed and located to:

- Protect the role and function of nearby roads.
- Enable the efficient movement and delivery of goods.
- Facilitate the use of public transport.
- Maintain journey times and the reliability of the on-road public transport network.
- Protect residential areas from the effects of road congestion created by on-street parking.

- Enable easy and efficient use.
- Achieve a high standard of urban design.
- Protect the amenity of the locality, including the amenity of pedestrians and other road users.
- Create a safe environment, particularly at night.

Allocate land for car parking considering:

- The existing and potential modes of access including public transport.
- The demand for off-street car parking.
- Road capacity.
- The potential for demand-management of car parking.

Consolidate car parking facilities to improve efficiency.

- Design public car parks to incorporate electric charging facilities to support the use of low-emission vehicles.

Policy documents

Consider as relevant

- *Victorian Road Safety Strategy 2021-2030* (Department of Transport, 2021)
- *Movement and Place in Victoria* (Department of Transport, February 2019)

Structure Plans/Development Plans

There are no relevant Structure Plans or Development Plans.

Relevant Background documents

There are no relevant background documents

The decision guidelines of Clause 65.01 and 65.02

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

65.01 Approval of an application or plan

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.

- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The decision guidelines of the zone

GRZ1 – Clause 32.08-13 Decision guidelines

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

General

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

Non-residential use and development

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

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

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

44.04-8 - LSIO Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
 - Any local floodplain development plan.
 - Any comments from the relevant floodplain management authority.
 - The existing use and development of the land.
 - Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
 - Alternative design or flood proofing responses.
 - The susceptibility of the development to flooding and flood damage.
 - The potential flood risk to life, health and safety associated with the development.
- Flood risk factors to consider include:

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

The decision guidelines of the particular provision

52.06-10 Car parking decision guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay.

OFFICER ASSESSMENT

The proposal is an amendment to an existing planning permit and endorsed plans issued in May 2023.

The amendment varies the design and layout and consequently seeks a reduction in car parking. The application was advertised and one (1) objection was received and has been considered as part of the assessment of the application below.

The amendment reduces the scale of the building to provide a more feasible development while meeting mandatory fire requirements. The built form will be single storey and the height is consistent with the surrounding area within Hunter Street which includes different built forms, colours and materials associated with dwellings, an aged care development and education use.

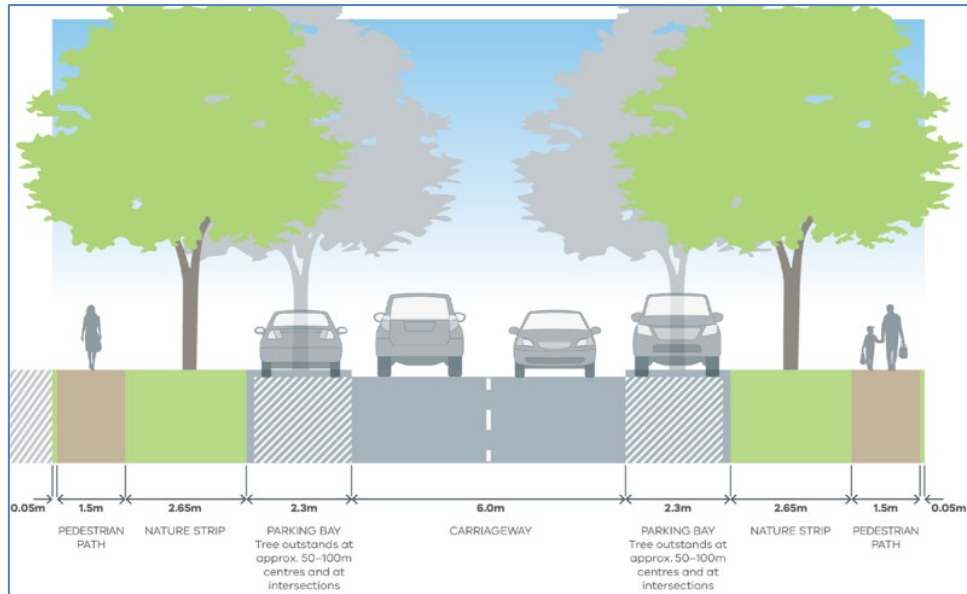
The proposal maintains the same overall design, colours and materials and further incorporates colours and windows within the front façade breaking up the visual mass onto the streetscape. Although the colours are bright, the colours are generally associated with a child care or education use. The setback, although reduced, is still sufficiently setback from the streetscape and in the officers opinion is unlikely to cause any unreasonable visual impact.

Access/Car Parking

As part of the application an objection was received in relation to the reduction of four (4) car spaces. The objection included no evidence such as a Traffic Impact Assessment Report by a suitably qualified engineer to justify the objection. However, Council officers have considered the concerns in accordance with the requirements of Clause 52.06 as part of the overall assessment below.

Hunter Street has a 10.6m carriageway easement equal to a school interface street width.

Engineering have informed the road is capable of accommodating kerbside parallel parking on both sides, there is no car parking restrictions and adjoining a school includes slow moving speed limits. The road can accommodate up to 2000 traffic movements, has parking on both sides and allows vehicles to pass each other comfortably. Below is a cross section demonstrating the function of the street with car parking.



Example of school interface street (Hunter Street)

A car parking demand assessment was submitted by the applicant in accordance with Clause 52.06-7 included as part of the Traffic Impact Assessment Report prepared by TTM. Council officers have reviewed the TIAR and obtained advice from the Engineering Department. The reduction is appropriate based on the following reasons:

- Hunter Street has unrestricted car parking and an empirical assessment determined there was 57 available car spaces available. A survey was carried out during the periods 11/04/23 11am, 6/02/23 2pm, 10/10/22 1:30pm, 5/04/22 10am, 2/02/22 1pm it was found on average that 40-48 car spaces were available within the surveyed area on Hunter Street.
- An empirical assessment of an existing childcare centre was undertaken by TTM, being Goodstart Childcare at 104-106 Warrigal Road, Mentone carried out on Thursday October 9th, 2014. The centre operates from 6:30am to 6:30pm Monday to Friday, has 60 child places, nine (9) car spaces on site and the centre was fully booked. The survey was taken from peak periods being 7:30am to 9:40am and 2:30pm to 6:15pm. The survey indicated that the peak rate was 0.20 spaces not 0.22 spaces per child. Using the rate 0.20 car spaces equates to 18 car spaces and the reduction of two (2) can be provided at the front of the site on Hunter Street minimising any unreasonable impact within the streetscape.
- Childcare centres will peak during set-down/collection hours which are typically 7:30am to 8:30am and 4:00pm to 5:00pm respectively. Parents/Carers will generate short stay parking (typically 5 to 15 minutes) to drop off or pick up their child/s minimising any unreasonable impact on Hunter Street whereas staff will generate long stay parking (4 to 8 hours) and have been accommodated within the proposed car park.

- The site is within an existing residential area which may attract locals to walk or ride their bike to the centre. Four (4) bike spaces have been provided as part of the application which may encourage alternative transport to minimise demand on street. There is a footpath on Hunter Street on one (1) side to the south.

As the amendment relies on street parking, it is recommended a footpath be provided at the front of the site and extend to the east to connect to Park Street. This will ensure that children and users can access the site safely minimising conflicts with residents within the street in accordance with Clauses 15.01-1S, 15.01-2S, and 18.02-4S.

The car parking design has been assessed by engineers and incorporates a new 6.4m wide vehicle crossing with 4.9m x 2.6m car spaces including a DDA compliant space and an access way of 6.4m in accordance with Clause 52.06. The design also incorporates footpaths for parents and children internally to safely access the building which connects from Hunter Street. The overall design of the amended car park is considered satisfactory.

Referrals/other matters

The application was referred to a number of internal departments including health and engineering who did not object subject to existing conditions in the planning permit to remain. The application was also referred to Goulburn Broken Catchment Management Authority (GBCMA) who did not object and requested the existing conditions remain.

As part of the amendment an updated Waste Management Plan prepared by TTM was submitted as the location of the waste arrangement on the site has altered. The re-arrangement does not impact the collection of rubbish which will require a private waste rear loader track to access the site after hours. Collection of refuse will be required to be in accordance with EPA Noise Guidelines and remains satisfactory.

The objection raised concerns regarding the child care centre use, location and impact on property valuation. The use and location has been justified as part of the previous approval noting no objections were received at the time. There has also been various case law advising there is no correlation regarding planning proposals and the impact on property valuations and has not been addressed as part of the assessment.

Any other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

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

Are there any significant environment, social & economic effects?

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

Any other relevant Acts that relate to the application?

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

The Aboriginal Heritage Act 2006

The site is not located within an area of Aboriginal Cultural Heritage Sensitivity and therefore does not require a Cultural Heritage Management Plan be prepared.

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

N/A

Charter of Human Rights and Responsibilities

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

Summary of Key Issues

The following is a summary of the key issues taking into consideration the objection received;

- The amendment reduces the scale of the building in terms of height and layout and although reduces the setback onto Hunter Street it is unlikely to cause any unreasonable visual impact to the streetscape due to the design and materials.
- The reduction of four (4) car spaces has been assessed against Clause 52.06-7 and it is the officer's opinion the reduction can be accommodated on street. This outcome has also been confirmed by the engineering department and by a suitably qualified traffic consultant.
- The amendment was referred to referral authorities who consented subject to existing conditions on the permit including engineering and health department, GBCMA (flooding), GVW and Victrack making the amendment unlikely to cause any unreasonable impact.
- The amendment complies with relevant objectives and strategies of the MPS, PPF, the zone, overlay and particular provisions and Clause 65 decision guidelines of the Greater Shepparton Planning Scheme.

Conclusion

Officers have undertaken an assessment of the application and found that the amendment achieves an acceptable planning outcome. It is recommended that a notice of decision to grant an amended permit be issued subject to conditions.

Recommendation

Notice of Decision to Grant an Amended Permit

That Council having caused notice of Amended Planning Application No. 2023-52/A to be given under Section 52 or having referred the application under Section 55 of the *Planning*

and *Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant an Amended Permit under the provisions of the Greater Shepparton Planning Scheme in respect of the land known and described as **15 Hunter Street, Tatura** in accordance with the Notice of Decision and the submitted plans.

Recommendation

Notice of Decision to Grant an Amended Permit

That Council having caused notice of Amended Planning Application No. 2023-52/A to be given under Section 52 or having referred the application under Section 55 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant an Amended Permit under the provisions of the Greater Shepparton Planning Scheme in respect of the land known and described as **15 Hunter Street, Tatura** in accordance with the Notice of Decision and the submitted plans.

Motion: Colin Kalms

Second: Kahlia Reid

CARRIED unopposed

Draft Notice Of Decision to Amend a Permit

APPLICATION NO: 2023-52/A

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO AMEND A PERMIT.

THE AMENDED PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 15 HUNTER STREET TATURA VIC 3616

PERMIT FOR WHICH AMENDMENT WAS SOUGHT: 2023-52

WHAT AMENDMENT IS BEING MADE TO THE PERMIT ?:

Deletion of the first floor, carparking waiver and reduced front setback.

TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT ?:

- Preamble amended to include reduction in car parking
- Condition 1 Deleted Amended Plans
- Renumbered Conditions
- Included Condition 3 footpath construction
- Amended Condition 4 Drainage Discharge plan.

1. **Layout Not Altered**

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

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

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

3. **Footpath construction**

Prior to the use commencing, a footpath must be constructed at the owners/permit holders cost for the frontage of the property on Hunter Street and extend to connect to the existing path in Park Street. Prior to the works commencing, plans must be prepared in accordance with the Infrastructure Design Manual (IDM) and to the satisfaction of the responsible authority for approval.

4. **Civil Works Plan**

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

- a) earthworks plan showing the filled site level to 112.2m
- b) details of how the works on the land are to be retarded and drained
- c) detailed design of the retaining wall on the lands boundaries
- d) underground pipe drains conveying stormwater to legal point of discharge maximum discharge rate shall be restricted to the peak pre-development rate or 37 l/s/ha, whichever is less. On-site detention capacity for the 10% AEP storm event of 17 litres/m²- horizontal pipe and 15 litres/m²- vertical tanks, whichever is greater (or as agreed in writing by the responsible authority)
- e) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements, unless otherwise agreed to in writing by the responsible authority
- f) the incorporation of water sensitive urban design, designed in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999
- g) details to demonstrate that the development will not impact on the drainage of abutting lots
- h) detailed construction plans of the crossover including its gradient and removal of the redundant vehicle crossing
- i) car park plan as required under clause 52.06-8
- j) lighting plan of the car park area which avoids light spill to abutting properties

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

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

5. **Landscape Plan**

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

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

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

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

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

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

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

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

6. Electricity Connection

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

7. General Amenity

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

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

Noise Control

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

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

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

8. Hours of Operation

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

9. Health Requirements

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

10. Goulburn Valley Region Water Corporation Requirements

- a) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;
- b) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement.
The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted.

11. Goulburn Broken Catchment Management Authority Requirements

- a) The entire property must be filled to the 1 in 100 AEP flood level of 112.2 metres AHD. Fill must be limited to the property boundary and not spill into neighbouring properties.
- b) The finished floor level of the proposed childcare centre (building) must be constructed at least 300 millimetres above the 1 in 100 AEP flood level of 112.2 metres AHD, i.e. 112.5 metres AHD, or higher level deemed necessary by the responsible authority.
- c) The applicant must prepare a Flood Response Plan that allows for the evacuation of the childcare centre in the event of flooding in the Tatura region. This plan must be prepared by a suitably qualified consultant.
- d) The Flood Response Plan must be submitted to the Goulburn Broken CMA for its consideration and approval prior to the issuing of the Occupancy Certificate.

12. Time for Starting and Completion

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

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

Application Details:

Responsible Officer:	Michelle Edwards
Application Number:	2023-198
Applicant Name:	Lush Property Services Pty Ltd
Owner Name:	Mitchell Eastick and Tara Stanton
Cost of works:	Nil – Subdivision
Correct application fee paid?	\$1415.10
Land/Address:	9 Vickers Street Kialla
Date Received:	17 July 2023, Amended via S57A 31 October 2023.
Statutory Days?	116 days as at 4 March 2024
Zoning?	Neighbourhood Residential Zone – Schedule 1 (NRZ1)
Overlay(s)	Floodway Overlay (FO) Land Subject to Inundation Overlay (LSIO)
What is proposed?	Two lot subdivision
Why is a permit required?	32.09-3 Subdivision in NRZ1 43.03-3 Subdivision in Floodway Overlay 44.04-3 Subdivision in Land Subject to Inundation Overlay
Are all plans provided?	Yes
MPS Provisions:	02.03-1 Settlement 02.03-8 Infrastructure 02.03-3 Environmental risk and amenity
PPF Provisions:	11.02-1S Supply of urban land 15.01-3S Subdivision design 15.01-5S Neighbourhood character 19.03-2S Infrastructure design and provision 19.03-2L-01 Infrastructure design and provision 13.03-1S Floodplain Management
Any application history?	Yes – original application made 17 July 2023 for a three lot subdivision.
Date referred/notified:	Re-referred 11 November 2023
Further Information?	No
Lapse date?	N/A
Notice/Referral?	Yes, public notice and referral to APA, GWV & Powercor
Number of Notice Responses?	Four (two referral authorities, two objections)
Key Response Considerations?	Neighbourhood character, traffic, amenity
Title details – any:	
o Restrictive Covenant?	No
o Section 173 agreement?	No
o Caveat?	No
o Easement?	No
o Building Envelope?	Yes- E-1 Drainage and sewerage easement
o Access restrictions?	No
Is a CHMP required?	No
Garden area provisions?	Yes – 25% for lot 1
Is the site contaminated?	No
Is the site in a BMO or BPA?	No
Is Cl. 13.01-2 Bushfire applicable:	N/A
Cl. 71.02-3 'Integrated Decision Making' assessment:	ResCode compliance, neighbourhood character, traffic and response to policy.
Cl. 71.03-2 Acceptable Outcomes:	Officers have undertaken an assessment of the application and found that it supports policy and will achieve acceptable planning outcomes.
Conflicts of interest in relation to advice provided in this report	No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.
Key Planning Considerations:	ResCode compliance, neighbourhood character and consent from referral authorities and neighbours.
Recommendation:	Approval – Notice of Decision

Proposal

The application seeks permission for a two (2) lot subdivision at 9 Vickers Street Kialla.

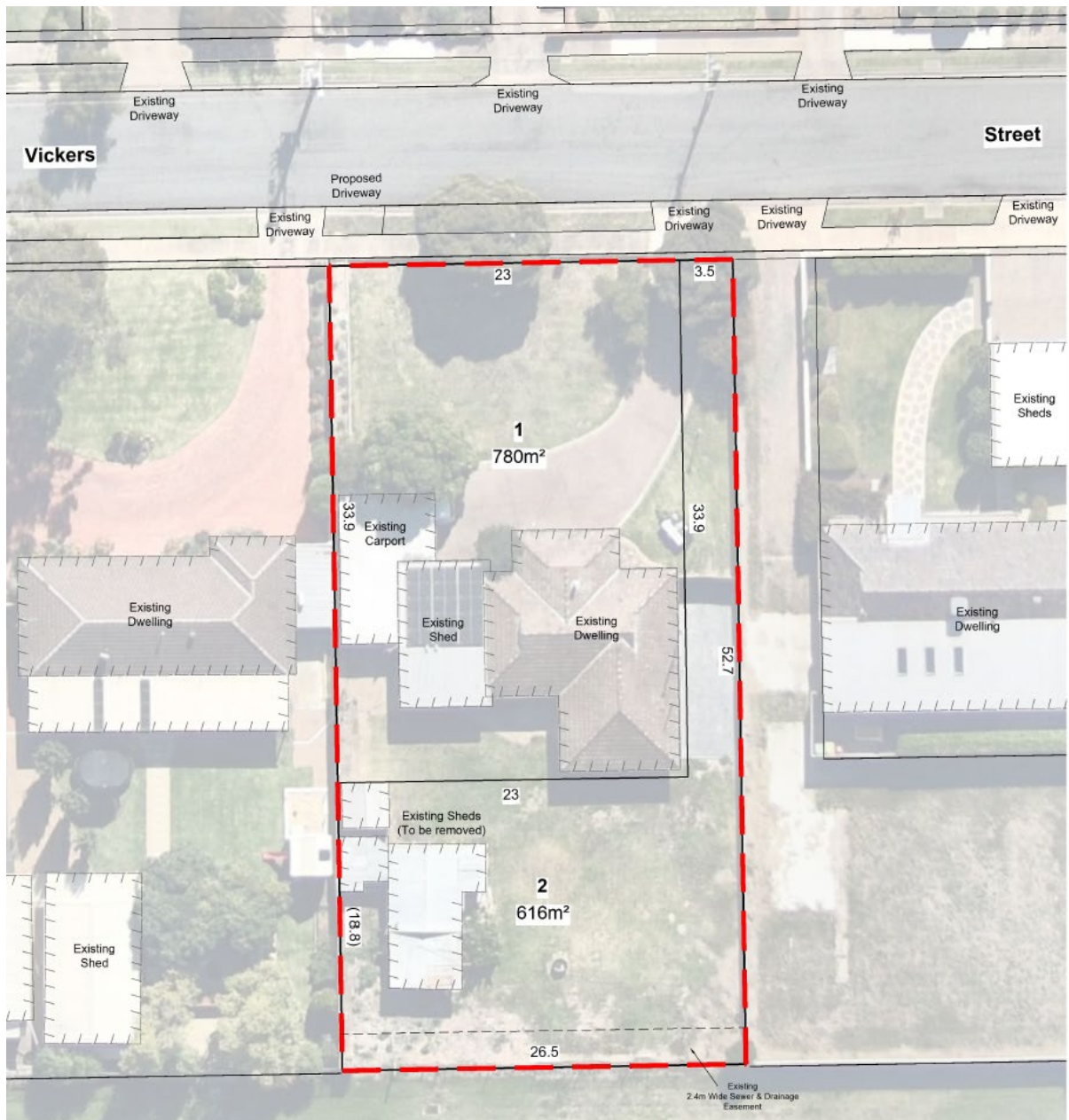
The land is within the Neighbourhood Residential Zone – Schedule 1 (NRZ1) and affected by Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO).

The application proposes the following:

- Subdivide the existing property to incorporate the existing dwelling and create a vacant lot to the south of the site, which will be capable of development of a dwelling in future.
- Lot 1 – 781sqm – to contain the existing dwelling, access via a proposed crossover and driveway from the northwest corner of the site.
- Lot 2 – 616sqm – battleaxe shaped lot to the rear of the site, to be vacant. Access via the existing crossover via a 3.5m entry 'strip' to the bulk of the block.



Aerial image of the land currently (shown in red)



Plan of proposed subdivision

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2023-198 to be given under Section 52 or having referred the application under Section 55 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to issue a Notice of Decision to Grant a Permit under the provisions of Clauses 32.09-3, 43.03-3, 44.04-3 of the Greater Shepparton Planning Scheme in respect of the land known and described as 9 Vickers Street, Kialla for the subdivision of land into two

lots in the Neighbourhood Residential Zone, Floodway Overlay and Land Subject to Inundation Overlay in accordance with the endorsed plans.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2023-198 to be given under Section 52 or having referred the application under Section 55 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to issue a Notice of Decision to Grant a Permit under the provisions of Clauses 32.09-3, 43.03-3, 44.04-3 of the Greater Shepparton Planning Scheme in respect of the land known and described as 9 Vickers Street, Kialla for the subdivision of land into two lots in the Neighbourhood Residential Zone, Floodway Overlay and Land Subject to Inundation Overlay in accordance with the endorsed plans.

Motion: Colin Kalms

Amend Cond 5 to remove all references to common property.

Carried: Nilesh Singh

CARRIED

Title Details

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

The title does contain an Easement – E-1 Drainage and sewerage easement

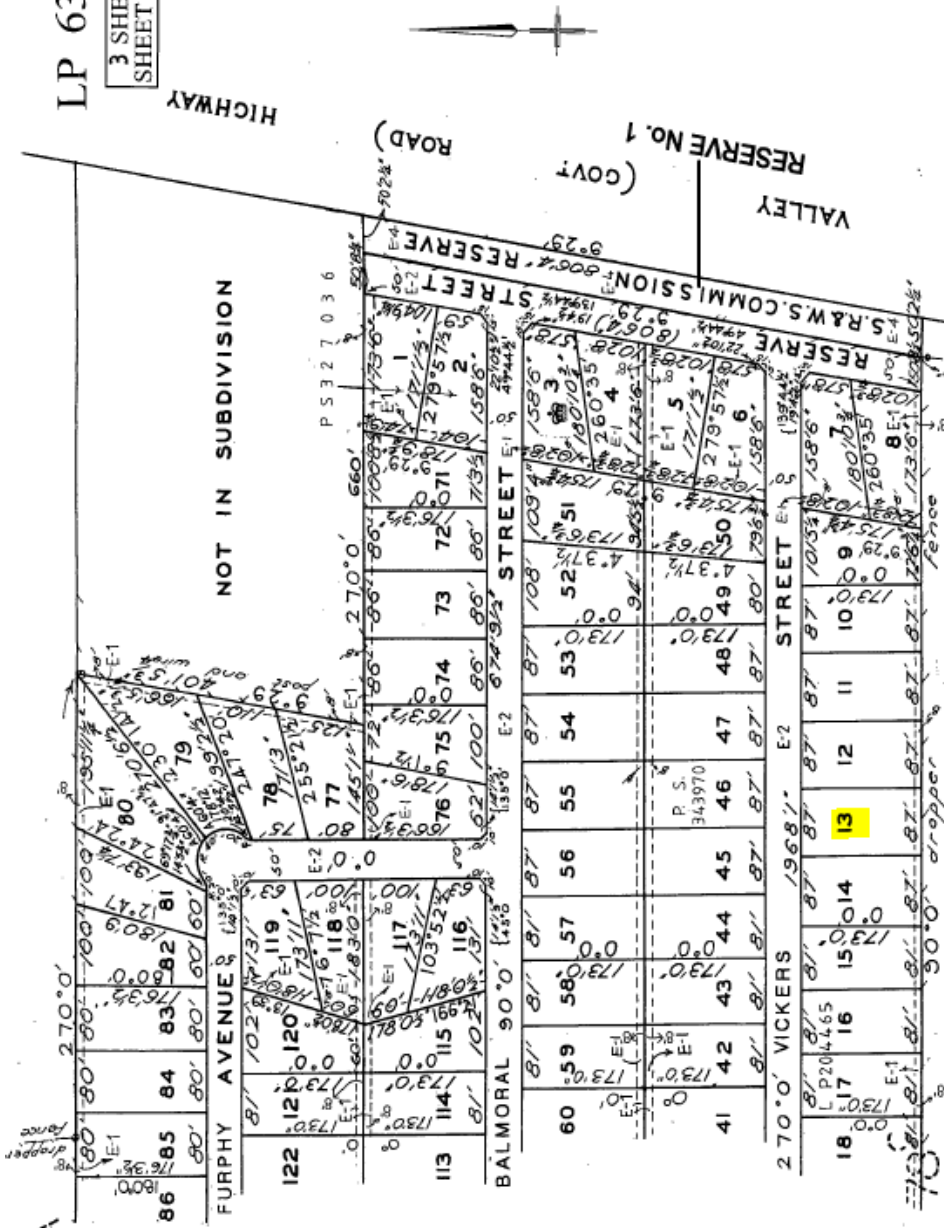
The title does not contain a Restrictive Covenant

The title does not contain a Section 173 Agreement

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

LP 63440

3 SHEETS
SHEET 3



Pre-Application Meeting Details

Has there been a pre-application meeting?

No.

What is the application for?

The permit triggers in the planning scheme are.

- Subdivision of land in the NRZ under 32.09-3
- Subdivision on land in FO under 44.03-3

- Subdivision of land in LSIO under 44.04-3

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.

- Two lot subdivision in the Neighbourhood Residential Zone, Floodway Overlay and Land Subject to Inundation Overlay

Permit/Site History

The history of the site includes:

- The original application lodged 7 July 2023 was for a three lot subdivision. Council officers informed this was unlikely to be supported and the applicant subsequently amended the application to a two lot subdivision on 31 October 2023.

Subject Site & Locality

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

The site has a total area of **1431 sqm** and is rectangular in shape. The site currently contains a single storey, brick veneer detached dwelling with a tiled roof, setback into the block. The site contains modest landscaping within the frontage, predominately exotic vegetation and lawn.

Access to the site is via an existing crossover and driveway from the northeast corner of the property. The land has been raised southwards from street level, in response to flood risk.

The existing dwelling is located in the middle of the property, containing significant setbacks from its front (approximately 26m) and rear, which would provide ample space for a dwelling at the back of the existing dwelling. Similarly, there are large setbacks at each side of the existing dwelling, which would provide ample space for access to a future dwelling at the site's rear.

Vickers Street connects to Reserve Street and the Goulburn Valley Highway to the east.

The main site/locality characteristics are:

- The subject site is located approximately 4km south of Shepparton CBD and 100m west of the Goulburn Valley Highway.
- 1km south of Riverside Plaza
- The abutting land to the east and west of the site primarily contains single detached dwellings with sizeable front setbacks and landscaped front areas. Fences are typically low or non-existent, however 7 Vickers Street has a solid, high front fence which appears an anomaly within the streetscape.
- The land abuts Kialla Reserve along the southern boundary while to the north land comprises similar sized lots, predominately single detached dwellings.

- While the surrounding area is predominately single detached dwellings, there are examples of higher density development evident in the vicinity, noticeably at 7 Vickers Street (has been recently subdivided into two lots) and 10 Vickers Street (three dwellings).

The aerial below shows the existing site:



Land to the north and west of the site is located in General Residential Zone, as per zoning map below:



- Proposal does not reflect the pattern and layout of surrounding development and subdivision, in particularly the front setback.
- The proposal will lead to increased flooding on surrounding properties.
- Additional fencing is required along the western boundary.
- The proposal will result in significant additional rubbish bins on the site and congestion and unsightliness on collection days.

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

Referrals to Authorities

External Referrals Required by the Planning Scheme:

Section 55 -Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
GVW	66.01	Determining	No objection subject to conditions
APA Group	66.01	Determining	No objection to the original application. No response to the amended application.
PowerCor	66.01	Determining	No Objection subject to conditions. No updated response has been received.
Goulburn Broken CMA	Clause 44.03-6 (FO) Clause 44.04-7 (LSIO)	Recommending	No objection – based on the current climate scenario, flood depths along the accessway are in the order of 0.5 metres during a 1 in 100 AEP type flood event. Based on this scenario the CMA did not object to the proposal to subdivide the land. It is noted that the proposal will have no impact on the existing conditions on the ground and any development application will likely require referral to GBCMA for compliance with any relevant standards.

Internal Notice

Internal Council Notices	Advice/Response/Conditions
Eng	Council's engineering department did not object to the proposal subject to conditions in relation to drainage, access construction methods being included on any planning permit issued.

Consultation

Copies of the objections were forwarded to the applicant for a response. The applicant has since amended the planning application to a two lot subdivision, essentially removing the proposed lot to the north of the site (in front of the existing dwelling). No objections have been withdrawn as a result of this process.

Assessment

The zoning of the land

32.09 Neighbourhood Residential Zone

The purpose of the NRZ is to:

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

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

Pursuant to Clause 32.09-3 a planning permit is required to subdivide the land. An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area.

An application to subdivide land must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

Relevant overlay provisions

44.03 FLOODWAY OVERLAY AND CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY

The northern portion of the site is located within the Flood Overlay, including the proposed access, while the southern portion of the site is within the Land Subject to Inundation Overlay. A planning permit is required to subdivide land in both overlays. In relation to the Flood Overlay, permission must not be given to create any lot wholly within the Flood Overlay. Both lots will be impacted by the Flood Overlay which runs along the northern boundary.

The land is located within an area of known flood risk, with most development elevated in response to this. The application was referred to GBCMA who advised that their best estimate of the 1 in 100 AEP (1% AEP) flood level for the location is 113.54 metres AHD, which was established from Shepparton Mooroopna 1% AEP Flood Mapping Project (2021).

GBCMA noted that based on available ground surface level information, under a future climate scenario, the property would flood to depths of between 0.2 and 0.4 metres during a 1 in 100 AEP type flood event, with the accessway to the property flooding to depths of up to 0.6 metres during a same flood event.

This would normally lead GBCMA to object to a permit however GBCMA advised that under the current climate scenario, flood depths along the accessway are in the order of 0.5 metres during a 1 in 100 AEP type flood event. The Goulburn Broken CMA has adopted the current climate scenario when assessing flood depths along the accessway.

Based on this scenario the CMA did not object to the proposal to subdivide the land. It is noted that the proposal will have no impact on the existing conditions on the ground and any development application will likely require referral to GBCMA for compliance with any relevant standards.

Relevant Particular Provisions

Clause 53.01 – Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause. In this instance, the proposal is for a two lot subdivision and Council considers it is unlikely the lot will be furthered subdivided. As such a contribution will not be required.

Clause 56 Residential Subdivision

LIVEABLE AND SUSTAINABLE COMMUNITIES				
Clause 56.03-5 Neighbourhood character objective	Met?	Standard C6	Met?	Comments
<i>To design subdivisions that respond to neighbourhood character.</i>	Yes	<i>Subdivision should:</i> <ul style="list-style-type: none"> <i>Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</i> <i>Respond to and integrate with the surrounding urban environment.</i> <i>Protect significant vegetation and site features.</i> 	Yes	<p>The southern side of Vickers Street comprises almost entirely of similar sized lots to 9 Vickers Street, most containing a single dwelling setback substantially from the street frontage in line with the current layout of 9 Vickers.</p> <p>Where the setback varies and is closer to the street, it is typically offset via a large heavily vegetation rear yard.</p> <p>There is a two lot subdivision next door to 9 Vickers at 7 Vickers Street. This subdivision and built form presents an anomaly in an otherwise relatively uniform southern streetscape.</p> <p>To the north of Vickers Street, the land is also typified by single dwellings on a lot, although the front setback is generally smaller. There is one multi lot subdivision (3 lots) directly opposite the subject site at 10 Vickers, however it is worth noting this land is zoned General Residential. As is the land at 14 Reserve Street, the only other land to contain a three lot subdivision. This is a</p>

			<p>corner lot that allows for a variation of pattern and layout of the lots.</p> <p>The proposal will allow for an additional to the rear of the existing dwelling, maintaining the built form and setback from the street. While an additional crossover and access is planned, effort has been made to locate the new crossover adjacent to an existing driveway, to lessen the impact on the streetscape. The lots remain of a larger size to allow for landscaping within the front and rear of the site that is typical of the area.</p>
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LOT DESIGN				
56.04-2 Lot Area and Building Envelopes	Met?	Standard C8	Met?	Comments
<p><i>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</i></p>	Yes	<p><i>An application to subdivide land that creates lots of less than 300sqm should be accompanied by information that shows:</i></p> <ul style="list-style-type: none"> <i>That the lots are consistent or contain a building envelope that is consistent with a development approved under this scheme, or</i> <i>That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.</i> 	N/A	No lots less than 300sqm are proposed
		<p><i>Lots of between 300sqm and 500sqm should:</i></p> <ul style="list-style-type: none"> <i>Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</i> <i>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10m x 15m, or 9m x 15m if a boundary wall is nominated as part of the building envelope</i> 	N/A	No lots are between 300-500sqm.
		<p><i>If lots of between 300sqm and 500sqm are proposed to contain buildings that are built to the boundary, the long axis of the lots should be within 30°E and 20°W of N unless there are significant physical constraints that make this difficult to achieve.</i></p>	N/A	As above.
		<p><i>Lots greater than 500sqm in area should be able to contain a rectangle measuring 10m x 15m, and may contain a building envelope.</i></p>	Yes	Lot 1 contains an existing dwelling. Lot 2 is large enough to contain a 10m x 15m rectangle.
		<p><i>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</i></p> <ul style="list-style-type: none"> <i>The objectives of the relevant standard are met, and</i> <i>The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.</i> 	N/A	No building envelopes are provided as part of the proposal.
		<p><i>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</i></p>	N/A	No building envelopes have been provided as part of the proposal.

		<ul style="list-style-type: none"> The building envelope must meet Standards A10 and A11 and Clause 54 in relation to the adjoining lot, and The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement. 		
		<p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. Existing or proposed easements on lots. Significant vegetation and site features. 	Yes	The lots are of sufficient size to accommodate building envelopes that will not impact any easements and allow for solar access; and there is limited significant vegetation on site.
56.04-3 Solar Orientation	Met?	Standard C9	Met?	Comments
To provide good solar orientation of lots and solar access for future dwellings	Yes	Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.	Yes	Both lots are north facing and it is likely that appropriate solar access can be provided given the size and layout of the lots.
		<p>Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> The long axes of lots are within the range N20°W to N30°E, or E20°N to E30°S. Lots between 300sqm and 500sqm are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within N20°W to N30°E. Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	Yes	As above, appropriate solar access is likely achievable provided given the site characteristics.
56.04-5 Common Area	Met?	Standard C11	Met?	Comments
To identify common areas and the purpose for which the area is commonly held.	Yes	An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:	N/A	No common property is proposed.
To ensure the provision of common area is appropriate and that necessary management arrangements are in place.	Yes	<ul style="list-style-type: none"> The common area to be owned by the body corporate, including any streets and open space. The reasons why the area should be commonly held. 		
To maintain direct public access throughout the neighbourhood street network.	Yes	<ul style="list-style-type: none"> Lots participating in the body corporate. The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. 		
56.06-8 Lot Access	Met?	Standard C21	Met?	Comments
To provide for safe vehicle access between roads and lots.	Yes	Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.	N/A	The proposed lots do not abut an arterial road.
		Vehicle access to lots of 300sqm or less in area and lots with frontage of 7.5m or less should be provided via rear or side access lanes, places or streets.	N/A	All lots are greater than 300 sqm with a frontage of more than 7.5m
		The design and construction of a crossover should meet the requirements of the relevant road authority.	Yes	Crossovers will be provided in accordance with relevant Engineering requirements.

INTEGRATED WATER MANAGEMENT				
56.07-1 Drinking Water Supply	Met?	Standard C22	Met?	Comments
<i>To reduce the use of drinking water</i>	Yes	<i>The supply of drinking water must be:</i> <ul style="list-style-type: none"> <i>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</i> <i>Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority</i> 	Yes	Services will be installed in accordance with the requirements of the relevant utility provider.
<i>To provide adequate, cost-effective supply of drinking water</i>	Yes			
56.07-2 Reused and Recycled Water	Met?	Standard C23	Met?	Comments
<i>To provide for the substitution of drinking water for non-drinking water purposes with reused and recycled water,</i>	N/A	<i>Reused and recycled water supply systems must be:</i> <ul style="list-style-type: none"> <i>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services.</i> <i>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</i> 	N/A	Not available.
56.07-3 Waste Water Management	Met?	Standard C24	Met?	Comments
<i>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</i>	Yes	<i>Waste water systems must be:</i> <ul style="list-style-type: none"> <i>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environmental Protection Authority.</i> <i>Consistent with any relevant approved domestic waste water management plan.</i> 	Yes	Services will be installed in accordance with the requirements of the relevant utility provider.
		<i>Reticulated waste water must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</i>	Yes	As above.
56.07-4 Urban Run-Off Management	Met?	Standard C25	Met?	Comments
<i>To minimise damage to properties and inconvenience to residents from urban run-off.</i>	Yes	<i>The urban stormwater management system must be:</i> <ul style="list-style-type: none"> <i>Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</i> <i>Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.</i> <i>Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</i> <i>Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</i> 	Yes	Services will be installed in accordance with the requirements of the relevant drainage authority. A detailed drainage design will be required to be submitted for assessment prior to certification of the subdivision.
<i>To ensure that the street operates adequately during major storm events and provides for public safety.</i>	Yes	<i>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</i>	Yes	As above.

<p><i>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</i></p>	Yes	<p><i>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</i></p> <ul style="list-style-type: none"> <i>Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</i> <i>Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.</i> 	Yes	As above.
		<p><i>For storm events greater than 20% AEP and up to and including 1% AEP standard:</i></p> <ul style="list-style-type: none"> <i>Provision must be made for the safe and effective passage of stormwater flows.</i> <i>All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.</i> <i>Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35m^2/s$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second).</i> 	Yes	As above.
		<p><i>The design of the local drainage network should:</i></p> <ul style="list-style-type: none"> <i>Ensure run-off is retarded to a standard required by the responsible drainage authority.</i> <i>Ensure that every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Where possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</i> <i>Ensure that inlet and outlet structures take account of the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overload flow in a safe and predetermined manner.</i> <i>Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</i> 	Yes	As above.
		<p><i>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</i></p>	Yes	As above.

SITE MANAGEMENT				
56.08-1 Site Management	Met?	Standard C26	Met?	Comments

<i>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</i>	Yes	<i>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing::</i> <ul style="list-style-type: none"> • <i>Erosion and sedimentation.</i> • <i>Dust</i> • <i>Run-off</i> • <i>Litter, concrete and other construction wastes.</i> • <i>Chemical contamination.</i> • <i>Vegetation and natural features planned for retention.</i> 	Yes	The site could be managed to address these issues; which would be imposed by permit condition.
<i>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</i>	Yes	<i>Recycled materials should be used for the construction of streets, shared paths and other infrastructure where practicable.</i>	Yes	As above. Recycled materials will be utilised where possible.
<i>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</i>	Yes			

UTILITIES				
56.09-1 Shared Trenching	Met?	Standard C27	Met?	Comments
<i>To maximise the opportunities for shared trenching.</i>	Yes	<i>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</i>	Yes	Services will be installed in accordance with the requirements of the relevant utility providers.
<i>To minimise constraints on landscaping within street reserves.</i>	Yes			
56.09-2 Electricity, Telecommunications and Gas	Met?	Standard C28	Met?	Comments
<i>To provide public utilities to each lot in a timely, efficient and cost effective manner.</i> <i>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</i>	Yes	<i>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</i>	Yes	Services will be installed in accordance with the requirements of the relevant utility provider.
		<i>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</i>	N/A	N/A
		<i>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</i>	Yes	Services will be installed in accordance with the requirements of the relevant utility provider.
		<i>Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</i>	Yes	Services will be installed in accordance with the requirements of the relevant utility provider.

Does any Incorporated Document apply?

Local Floodplain Development Plan

The Municipal Planning Strategy (MPS) at Clause 02 and the Planning Policy Framework (PPF)

The relevant Clauses from the Municipal Planning Strategy and Planning Policy Framework are listed below and accompanied with a planning response.

Clauses 02.03-1, 11.01-1S – Settlement

The intent of the abovementioned Clauses is to locate urban growth within township boundaries and in appropriate areas taking into account environmental constraints, natural hazards, servicing limitations and productive agricultural land resources. The subject site is located within an existing residential area of Kialla and is ideally positioned with access to all reticulated services. The proposal provides for a modest subdivision in keeping with the Zone, generally consistent with the allotment pattern and pattern of development in the Neighbourhood Residential Area.

The site introduces an additional housing option that will largely retain the form and siting of residential development pattern of generous front and rear setbacks, low built form and substantial garden areas within the streetscape.

Clause 11.02-1S – Supply of Urban Land

The proposed subdivision achieves the intent of the policy by providing additional residential land which will support the projected population growth over the next 15 years. There are no known infrastructure servicing limitations as per referral responses from utility providers.

The proposal is in an area of minimal change, with only modest redevelopment and growth envisioned, largely due to the impacts of flooding. Referral to the GBCMA has indicated that the proposed level of growth can be accommodated without impacting the flood risk to the area.

Clause 02.03-3 - Environmental risks and amenity

Clauses 13.03-1S Floodplain management

Clauses 13.03-1S seek to protect life, property and community infrastructure from flood hazard, as well as protecting the natural flood carrying capacity of floodways, and storage function of floodplains and waterways.

The GBCMA has indicated it will support the proposal, despite latest flood data identifying that the front portion of the land and therefore the access is likely to be significantly inundated up to .6m in a 1 in 100 year flood event (1 per cent Annual Exceedance Probability). GBCMA has utilised the lower range of less than .5m, as informed by the planning scheme.

It is likely that any built form on lot 2 can be developed to appropriately account for flood levels.

Clause 15.01-3S – Subdivision Design

Clause 15.01-3S seeks to ensure that the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposed subdivision will provide a modest design outcome in keeping with the lot layout and pattern of the surrounding area.

Clause 15.01-5S – Neighbourhood Character

The intent of the relevant policies is to ensure that development has a positive interface with the public realm and responds to its context in terms of the existing neighbourhood character and the built and natural environment. As mentioned previously, the subject site is situated within an established residential area that has an established subdivision pattern, with expansive front and rear setbacks and very modest multi lot development. It is important to note that land directly north of the site is located within a General Residential Area, and therefore dealt with differently in terms of expectations for growth and development on these sites.

The proposal respects the prevailing character of Vickers Street, introducing an additional lot while retaining the opportunities for generous setbacks and landscaping. The subdivision design largely provides a positive interface between the denser development proposals to be found within the General Residential Area.

Clause 02.03-6 – Housing

Clause 16.01-1S – Housing Supply

These clauses seek to support housing diversity and increased densities in appropriate locations that have the physical infrastructure, community facilities and commercial facilities to support an increase in population. Specifically, increased housing within established urban areas (including underutilised land) is sought. Whilst the development of dwellings has not been included within the application, the abovementioned Clauses are still of relevance as the proposal provides for housing supply and dwelling diversity within an established residential area of Kialla. The area is nominated for Minimal Change in Council's Housing Strategy, with the expectation that modest growth is supported, where it responds appropriately to the character of the area. The proposal provides an opportunity for a two lot subdivision on the site, consistent with the Strategy and zoning of the area.

Clause 02.03-8 – Infrastructure

Clauses 19.03-2S & 19.03-2L – Infrastructure Design and Provision

Clauses 19.03-3S & 19.03-3L – Integrated Water Management

Clause's 19.03-2S and 19.03-2L seek to ensure that development infrastructure is provided in a timely and cost-effective manner to meet the needs of the community. An assessment by Council's Engineer has found proposed access and design of common property is appropriate.

Structure Plans/Development Plans

There are no relevant Structure Plans or Development Plans.

Relevant Background documents

There are no relevant background documents.

The decision guidelines of Clause 65.01 and 65.02

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

65.01 Approval of an application or plan

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

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

Clause 65.02 Approval of an application to subdivide land

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.

- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas. If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot. Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas. The impact the development will have on the current and future development and operation of the transport system.

Decision Guidelines at Clause 32.09-13

The Neighbourhood Residential Zone includes additional decision guidelines for the responsible authority to consider. Guidelines not considered above include:

General

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

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

The proposal is in accordance with the objectives and strategies of the PPF and local policy as discussed earlier in this report, particularly in relation to settlement and neighbourhood character. The proposal provides for a modest development of the site that reflects the prevailing character of the neighbourhood in keeping with the purpose and decision guidelines of the Neighbourhood Residential Zone.

No native vegetation is proposed to be removed and stormwater can be appropriately managed within the site.

The proposal is located in an area of identified flood risk, with access to both lots through the Flood Overlay. The GBCMA does not object to the proposal and considers any future development can be appropriately managed in response to the flood risk.

There are no further objectives or decision guidelines set out in the schedule to the Neighbourhood Residential Zone. Vickers Street consists primarily of single storey, detached dwellings on large lots. No development proposal is being considered as part of this proposal, however it is accepted that development on each of the lots could be designed to respond to this built form.

OFFICER ASSESSMENT

Neighbourhood Character

Vickers Street is unique in that it is impacted by two Zones, the General Residential Zone and the Neighbourhood Residential Zone.

The Neighbourhood Residential Zone was applied to implement the recommendations of the Greater Shepparton Housing Strategy, June 2011, and reflects the designation of an area as an area of Minimal Change.

A Minimal Change area is described in the Strategy as 'an established residential areas that for a number of reasons have limited capacity to accommodate future residential development'. The designation of an area of Minimal Change generally included land that has 'a strong neighbourhood character... are affected by environmental factors such as flooding which limit development capacity...and have valued landscape features and / or views and vistas.'

In contrast, land within the General Residential Zone was identified as areas of Incremental Change by the Strategy, which is land that over time has the capacity to accommodate a moderate level of residential development.

Importantly, the general character of Incremental Change areas is expected to evolve over time as new types and more intense development is accommodated.

When considering the current proposal therefore, the assessment must be against the purpose, objectives and decision guidelines of the Neighbourhood Residential Zone and accompany state and local policy that seek to ensure any new development responds to the prevailing character of the area. As stated previously in this report, the amended proposal provides a satisfactorily response to the characteristics of the site and area, providing for a subdivision pattern and density that is respectful of lots in Vickers Street, particularly to the south and west. The proposal retains the generous setbacks from the front and rear boundaries as is typical to the street and will allow for landscaping to mitigate the impact of subsequent development within the streetscape.

The proposal provides an additional lot in an area of minimal change, acting as an appropriate interface with the more denser development in close proximity within the General Residential Zone.

The designation of the Neighbourhood Residential Zone follows the identification of flood impacts in the area, shown as the Flood Overlay. The proposal acknowledges that development should be modest to mitigate flooding and protect life in the event of a flood event.

Consideration of objections

The application was advertised and two objections were received which were summarised earlier in this report but included concerns regarding amenity, access and safety, neighbourhood character, flood risk and waste management. Most of these concerns have

been addressed previously in this report however the remaining matters are addressed below. The objections were in response to the original three lot subdivision, however the objectors have advised their concerns remain. As revised objections have not been received, the response will consider these objections in light of the amended proposal.

Traffic

The proposal is for an additional lot on the site. While Council is not considering a development proposal as part of this application it is likely that any development on the site will be typical to a residential area and introduce a modest increase in traffic movement to and from the site. It is unlikely the proposal will significantly impact the existing traffic network or safety.

Devaluation of Property

It has long been upheld that the perceived impact of a proposal on property value is not a valid planning consideration.

Flooding

The proposal is for a two lot subdivision and will have limited impact on the rate and flow of water across the land at this stage. The application has been referred to GBCMA who did not object to the proposal and noted they would have the opportunity to review and comment on any subsequent development proposals for lot 2.

Fencing

Should a planning permit be issued, the matter of fencing along the western boundary can be resolved via a planning permit condition.

Waste Management

The proposal is for a two lot subdivision and at present no development proposal has been envisaged for the site. Any future waste management will be conducted in accordance with Council regulations.

Any other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

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

Are there any significant environment, social & economic effects?

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

Any other relevant Acts that relate to the application?

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

The Aboriginal Heritage Act 2006

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

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

The land is not located within an 'Area of Cultural Heritage Sensitivity in Victoria' and does not require a CHMP.

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

The proposal is within an area of low bushfire risk. The surrounding land is generally maintained and there is access to fire hydrants along the frontage of the site. It is considered to be an acceptable location for development in terms of bushfire risk.

Charter of Human Rights and Responsibilities

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

Summary of Key Issues

The key issues relate to compliance with flood controls, neighbourhood character, state and local policy and the Neighbourhood Residential Zone. The application provides an additional lot and layout in keeping with the prevailing lot layout and pattern of the surrounding area and should be supported. GBCMA has provided support for the proposal and notes that while the most recent flood data indicates the land is susceptible to greater flood levels than currently provided for in endorsed floodplain management plans, risk can be satisfactorily managed on site.

Conclusion

Officers have undertaken an assessment of the application and found that the proposed subdivision is in accordance with the Planning Policy Framework, local policy, Neighbourhood Residential Zone, standards and objectives of Clause 56 and Clause 65.01 of the Greater Shepparton Planning Scheme. It is recommended that a Notice of Decision to Grant a Permit be issued.

Draft Notice Of Decision

APPLICATION NO: 2023-198
PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.

THE PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 9 VICKERS STREET KIALLA VIC 3631

WHAT THE PERMIT WILL ALLOW: TWO LOT SUBDIVISION IN THE NEIGHBOURHOOD RESIDENTIAL ZONE, FLOODWAY OVERLAY AND LAND SUBJECT TO INUNDATION OVERLAY

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. **Amended Plans Required**

Before the Plan of Subdivision can be certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a) Internal boundary fencing

2. **Layout Not Altered**

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

3. **Drainage Discharge Plan**

Before the plan of subdivision is certified under the *Subdivision Act 1988*, a drainage plan with computations prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be in accordance with council's Infrastructure Design Manual and include:

- a) How the land will be drained and/or retarded;
- b) Underground pipe drains conveying stormwater to the legal point of discharge, which is nominated as the Side Entry pit in front of 7 Vickers St.

- c) Maximum discharge rate shall not be more than 37 lit/sec/ha with 12 litres Tank/Basin or 14 litres Pipe of storage for every square metre of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority);
- d) Incorporation of water sensitive urban design in accordance with the “Urban Stormwater Best Practice Environmental Management Guidelines” 1999 or as otherwise approved in writing by the Responsible Authority;
- e) Provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal;

4. Urban Vehicle Crossing Requirements

Before the issue of the Statement of Compliance, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the responsible authority, and must:

- a) Be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);
- b) Be setback a minimum of 1 metre from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 2.5 metres from any street tree;
- c) Residential vehicular crossings shall not be less than 3 metres nor more than 7.2 metres (9.8 m – double crossing) in width and shall be constructed from concrete or other material as approved in writing by the Responsible Authority; and
- d) Be at least 9 meters apart
- e) The final location of crossing to be confirmed on site with work in Road Reserve permit process.

5. Vehicle Access Requirements (internal)

Before the issue of the Statement of Compliance, the common property access adjoining proposed lots shall be constructed in accordance with the endorsed plan(s) and constructed to Councils IDM standards, and must:

- a) Be designed to provide for vehicle parking within the common property access;
- b) Be constructed with a sealed surface being either concrete or asphalt;
- c) Be Drained in accordance with an approved drainage plan.
- d) Be designed to ensure that overland flood flows from the adjoining properties are not impeded;
- e) Be designed to collect surface water as practicable, to the internal drainage system to avoid any nuisance discharge to adjacent land.

6. Boundary Fencing

Before the issue of a statement of compliance, internal boundary fencing must be erected as shown on the endorsed plans.

7. Goulburn Valley Region Water Corporation Requirements

- a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;

- b) Provision of one water tapping per Lot, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
- c) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;
- d) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- e) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- f) Relocation of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;
- g) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all proposed gravity sewer mains located within private property;
- h) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;
- i) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region.

8. **Powercor Requirements**

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

The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- b) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

9. Telecommunications Referral Condition

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

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

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

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

10. Referral Authority Requirements

- a) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- b) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easements or site is to be created.
- c) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

11. Form 13

Before a Statement of Compliance is issued under the *Subdivision Act 1988* by the Responsible Authority the owner must provide a completed Form 13.

12. Time for Starting and Completing a Subdivision

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

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