

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 2/2014

**HELD ON
WEDNESDAY 19 NOVEMBER 2014
AT 2.00PM**

**IN THE COUNCIL BOARD ROOM
90 WELSFORD STREET**

**CHAIR
Councillor Dinny Adem**

1. ACKNOWLEDGEMENT

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

2. RECORDING OF PROCEEDINGS

The Chairperson advised the hearing that:

- the proceeding is being minuted but not recorded.
- that out of courtesy for all other attendees Any recording devices should be turned off during the course of the hearing, unless the Chair has been formally advised that a party wishes to record proceedings.

3. COMMITTEE MEMBERS PRESENT

Councillor Dinny Adem (Chair), Colin Kalms, Robert Frame, Ian Boyle and Carl Byrne.

4. OFFICERS PRESENT

Tim Watson – Statutory Planner.

5. APOLOGIES

Johann Rajaratnam and Jonathan Griffin.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

None, as we do not have enough Panel members from the last meeting to adopt minutes.

7. DECLARATIONS OF CONFLICTS OF INTEREST

None

8. MATTERS FOR CONSIDERATION

Two items listed for consideration.

9. LATE REPORTS

None.

10. NEXT MEETING

3 December 2014.

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Application Details:

Responsible Officer:	Tim Watson
Application Number:	2014-221
Applicants Name:	G P O'Shannessy
Date Application Received:	4 August 2014
Statutory Days:	31(15/10/14)
Land/Address:	630 Downer Road TATURA EAST VIC 3616
Zoning and Overlays:	Farming Zone 1 Floodway Overlay Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	35.07-1 – Use of land for a dwelling in Farming Zone. 35.07-4 – Buildings and works in the Farming Zone associated with a Section 2 Use.
Are there any Restrictive Covenants on the title?	No

Proposal

The application for a planning permit proposes the use and development of the land for a dwelling in the Farming Zone.

The applicant has submitted a planning assessment which addresses the decision guidelines of clause 35.07-6 of the Planning Scheme. The applicant has advised that the purpose of the dwelling is to support the proposed use of the land for calving and lambing, with a total of 60 head proposed.

While the information provided with the application addresses the relevant application requirements for the zone, the information does not provide adequate detail on the proposed agricultural use of the land or adequate justification for a dwelling when considered against the relevant decision guidelines of the planning scheme. In an attempt to gain a better understanding of the proposal and obtain additional information an onsite meeting was arranged by the planning officer with the applicant and the landowner. Neither the applicant or the landowner attended this meeting.

The Rural Regional Land Use Strategy, a reference document to the Greater Shepparton Planning Scheme specifies that no new dwellings are required to support agricultural growth in the Farming Zone 1.

The State Planning Policy lists as an objective that development of small isolated lots in rural zones should be discouraged for single dwellings and rural living situations. Furthermore the State Planning Policy references the importance of the Hume Regional Growth Plan, which stresses the importance of agricultural land within the municipality, identifying the Shepparton area as one of strategic agricultural importance.

The Greater Shepparton City Council's Local Planning Policy is clear in the direction it provides for decision makers when assessing an application for a dwelling in the Farming

Zone. The policy objectives seek to discourage new dwellings unless it can be demonstrated that they are required for the agricultural use of the land and to avoid potential amenity impacts between rural activities and dwellings in rural areas.

The decision guidelines of the same policy ask the responsible authority consider evidence including an Integrated Land Management Plan addressing the relationship between agricultural activities on the land and the proposed dwelling and the nature of the agricultural activities on the land and whether they require permanent and continuous care among other things. As mentioned above, the applicant has provided limited information which addresses these decision guidelines, thus making it difficult for the Planning Officer to justify that the proposed use and development would provide a satisfactory planning outcome.

It is evident through both the State's acknowledgment of the municipality as an area of strategic agricultural importance and Council's clear and strong policy regarding dwellings in the Farming Zone that the facts surrounding the proposed use and development do not warrant a departure from the strong policy position that plainly discourages a dwelling not required for an agricultural use on the subject land.

The small size of the allotment, the limited justification against the relevant decision guidelines of the of the planning scheme and the potential for the dwelling to result in a rural living outcome if the proposed agricultural operation does not proceed, make the recommendation on this application a clear one for refusal.

Summary of Key Issues

- Application for a planning permit proposes the use and development of the land for a dwelling in the Farming Zone 1, where the minimum lot size for a dwelling as of right is 60 hectares. The subject land is 16.5 hectares in area.
- A request for further information was made with regard to the proposed access point, with the information submitted within the timeframe.
- The application was notified to surrounding neighbours, with no objections received.
- The application was notified to Goulburn Murray Water and the Goulburn Broken Catchment Management Authority, neither of which objected subject to conditions.
- The application was referred internally to the Council's Health Department, who did not object to the issue of a permit subject to conditions.
- The applicant has submitted limited information as to how a dwelling will support an agricultural use on the land or information regarding the agricultural use itself.
- In an attempt to gain a better understanding of the proposal and obtain additional information an onsite meeting was arranged by the planning officer with the applicant and the landowner. Neither the applicant or the landowner attended this meeting.

- The Council's Policy is clear with its direction for the Farming Zone 1 and when dwellings should be considered to support agricultural uses.
 - The policy directs that a dwelling should be discouraged where it cannot be demonstrated that it will support an agricultural use. Given the size of the allotment and the information provided the Council's Planning Officer is not satisfied that the dwelling is required for the agricultural use and not a rural living outcome.
-

Moved by Ian Boyle

Seconded by Colin Kalms

That the Council having caused notice of Planning Application No. **2014-221** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of **35.07-1 and 35.07-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **630 Downer Road TATURA EAST VIC 3616**, for the **use and development of the land for a dwelling in the Farming Zone**.

Reasons for refusal:

- a) The proposed use and development of the land for a dwelling on the subject land of 16.5 hectares does not provide an acceptable outcome or a net community benefit in terms of the State and Local Planning Policy Frameworks and purpose and decision guidelines of the Farming Zone, and:
 - Is likely to impact on the continuation of primary production now or into the future on adjacent land, with particular regard to land values;
 - Removes land from agricultural production, and has the potential to limit the use of adjacent land;
 - Has potential to create a rural living situation which could create conflict between the ongoing farming activities within the locality;
- b) The application does not adequately demonstrate that the proposed dwelling is reasonably required for the operation of an agricultural activity on the land.
- c) The application does not comply with the rural Regional Land Use Strategy (C121) which seeks to limit dwellings in the Farming Zone 1 which are not required to support agricultural growth.

CARRIED

Subject Site & Locality

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

Date: **12/8/14**

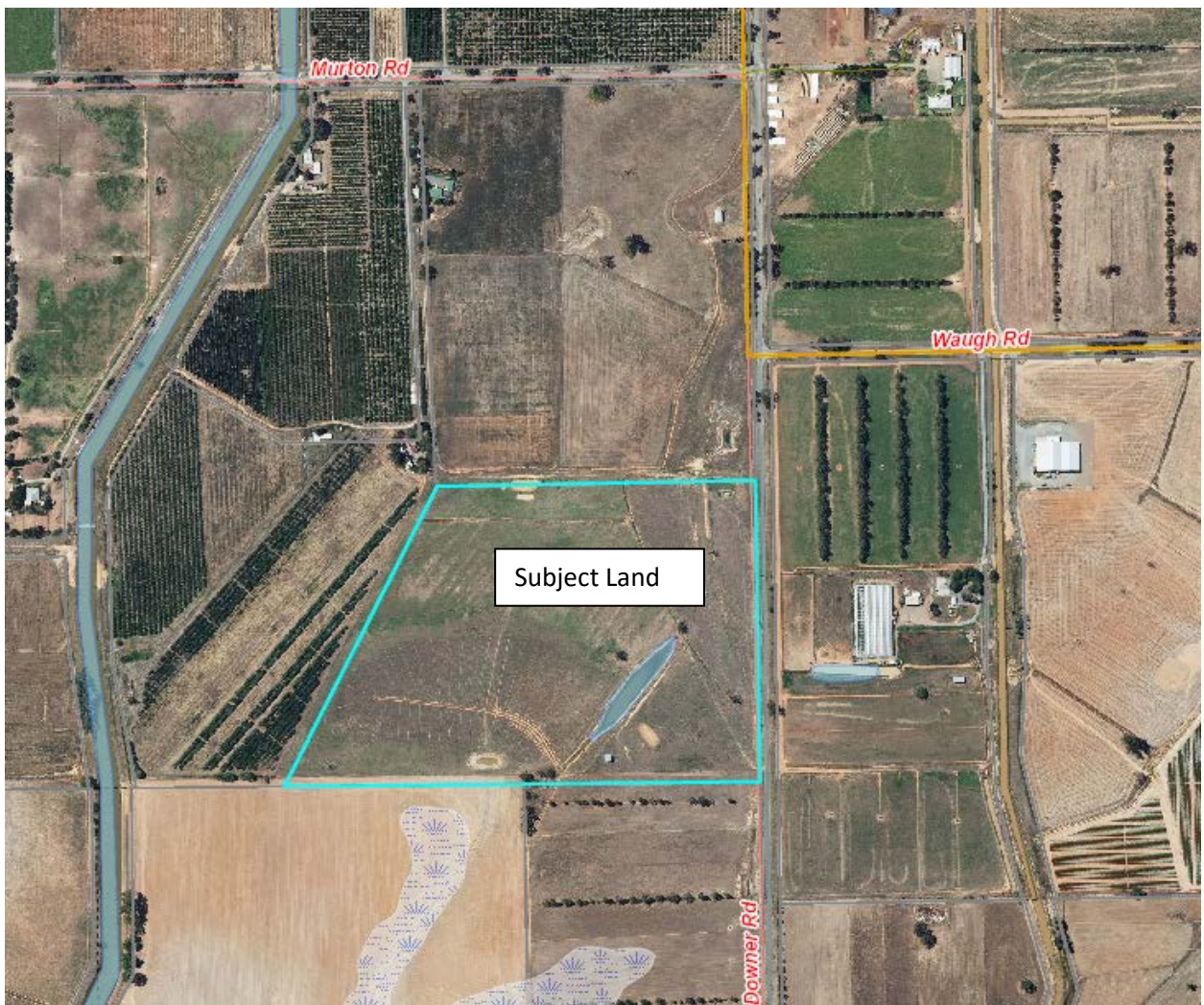
The site has a total area of **16.5 hectares** and currently contains:

- A vacant allotment for grazing purposes, which is currently stocked and used for grazing.
- The site is separated in to a small number of paddocks.
- The existing gateway provides entrance to the site from Downer Road into a depression which traverses the site.

The main site/locality characteristics are:

- The site to the south is approximately 19 hectares and contains an existing dwelling.
- The land to the north is of similar size to the subject allotment, with an existing dwelling on the northern boundary with access provided from Murton Road.
- The land to the west (rear) of the site is currently used for orchard.
- The land to the east contains dwelling, with grazing land and plastic glass houses. With land further to the west used for the growing of tomatoes, with warehousing facilities provided onsite.

The Photos below show the existing site:







Pre-Application Meeting Details

As there been a pre-application meeting? **Yes**

If yes with whom? **Ronan Murphy**

Date of Meeting? **29/4/14**

What advice was given by the Council Officer? **Permit required, would need to demonstrate an agricultural need for dwelling and informed that no guarantee that permit would issue.**

Permit/Site History

The history of the site includes:

- There is no previous planning permit history on record for this site.
-

Further Information

Is further information required for the application? **Yes**

What additional information is required? **Location of access to dwelling**

What date was the information requested? **12/8/14**

What is the lapsed date? **12/9/14**

What date was the information received? **28/8/14**

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Use and Development of the land for a dwelling in the Farming Zone**, by:

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

The applicant provided a signed declaration stating that the sign on site was displayed on the land between **21/8/14 and 4/9/14**

Objections

The Council has received **no** objections to date.

Title Details

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

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Informing the applicant during a telephone discussion on 12 August 2014 that Council was unlikely to support the application after an onsite inspection.

- This telephone discussion was a follow up call after an onsite meeting was arranged for the applicant, land owners and Council Officer's (Tim Watson and Braydon Aitken) to discuss the application. Neither applicant nor owners attended this meeting after Council Officers waited for 15 minutes.

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
N/A	-	-	-

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
Goulburn Broken Catchment Management Authority	<p>The application was notified to the GBCMA, who do not object to the issue of a permit subject to the following conditions:</p> <ul style="list-style-type: none"> a) The finished floor level of the proposed dwelling is set at least 450 millimetres above the general natural surface elevation to ensure safeguard from flash flooding by severe localised thunderstorm episodes. b) The access way is not sited through the Floodway Overlay as shown in the Greater Shepparton Planning Scheme
Goulburn Murray Water	<p>The application was notified to Goulburn Murray Water, who do not object to the issue of a permit subject to the following conditions:</p> <ul style="list-style-type: none"> a) All wastewater from the proposed dwelling must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Approval. b) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed. c) The dwelling must not be constructed within 30 metres of the easement in favour of GMW affecting the property. d) The wastewater disposal system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy of the dwelling including an appropriately sized wastewater disposal area specific to the proposal, and the satisfaction of Council's Environmental Health Officer. e) The wastewater disposal field must not be located within 60 metres of the easement in favour of GMW affecting the property.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Health Department	The application for a planning permit was referred to the Council's Health Department who do not object to the issue of a permit subject to the standard installation of a septic tank conditions.

Assessment

The zoning of the land

Clause 35.07 (Farming Zone) requires a permit for use and development of a dwelling on a lot of less than 60 hectares, and for Buildings and works associated with a section 2 use.

Farming Zone – Clause 35.07

The purpose of the Farming Zone is to:

- Provide for the use of land for agriculture;
- Encourage the retention of productive agricultural land;
- Ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture;
- To encourage the retention of employment and population to support rural communities; and
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Farming Zone Decision Guidelines

The decision guidelines which are relevant to this application and which the Council must consider when assessing an application to construct a dwelling or subdivide land are:

General issues

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

Response

The state and local policy framework are addressed under other sections within this report.

It is considered that the subject land has the capability to dispose effluent onsite given the size of the property.

The applicant has informed that the dwelling is required to support an agricultural use of the land for the rearing of lambs and calves. Though an agricultural use of the land is proposed the use of the land for a dwelling is not considered compatible with the adjoining and nearby uses. As noted in the site description section of this report, the surrounding uses include orchards and tomato farms, should the calf and lamb business not proceed, there is a high likelihood given the allotment size that it will become a lifestyle allotment.

There is no existing infrastructure onsite in which the proposal is able to make use of.

Agricultural issues

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

Response

As identified above the applicant has submitted that the proposed dwelling is required to support an agricultural operation involving the rearing of calves and lambs (approximately 60) on the land. The applicant has provided no further information as to why their proposed use requires a dwelling other than a residence onsite will make the farm operations more maintainable and productive.

It is envisaged that a portion of the land though small will be lost from production through the standard dwelling envelope (dwelling, sheds, access, garden, septic envelope, etc.), should the proposal proceed. Though small, this reduces the farmable area of what would already be considered a small agricultural allotment for grazing and animal husbandry.

The proposed development has the potential to limit the expansion of surrounding properties, with the placement of a dwelling on the land likely to increase the price of the land to rural living rates (given the size) and make it unattainable for surrounding agricultural uses, should the owners wish to sell in the future if a dwelling was approved.

The proposed development is not envisaged to result in impact on the agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Dwelling issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Response

Given the size of the allotment, should the agricultural operation proposed cease, it is likely that future uses of the land with a dwelling would centre on rural living. This would be considered a loss of productive agricultural land. The use of the dwelling on the land is likely to be adversely affected by the surrounding agricultural uses, given the small size of the allotment restricting the buffers which could be provided. During a site inspection planning officers noticed a strong fertiliser odour from the adjacent tomato farm. This further substantiates that the locality is being used for agricultural purposes likely to result in adverse amenity impacts of the inhabitants of any dwelling approved.

The proposed use is unlikely to result in a proliferation of dwellings within the locality.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the development will require traffic management measures.

Response

The location of the proposed dwelling within 10 metres of the northern property raises the potential for any current or future agricultural activities on the adjacent land to impact the dwelling. The GBCMA has identified that the current access proposed by the application would not be supported given the flood impacts through that section of the property.

Relevant overlay provisions

Floodway Overlay 44.03

The overlay identifies waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding. The overlay's purpose is to ensure that development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard and local drainage conditions.

Land Subject to Inundation Overlay 44.04-4

The Overlay identifies land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority. The Overlay's purpose is to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

The application did not trigger a permit in either of the overlays, which affect the land, however given that the access was proposed through the Floodway Overlay the application was notified to the GBCMA.

The GBCMA do not object to the issue of a permit, provided the dwelling is constructed to a minimum floor level and that the access is not provided through the land which is affected by the Floodway overlay. This is consistent with the Floodplain Development management Plan for the locality which discourages that accesses to dwellings be through more than 0.8 meters depth of flood water during an 100 year event.

The State Planning Policy Framework (SPPF)

Rural Productivity 11.05-3

Objectives and strategies

- To manage land use change and development in rural areas to promote agriculture and rural production
- Prevent inappropriately dispersed urban activities in rural areas.
- Limit new housing development in rural areas, including:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible.
 - Encouraging consolidation of existing isolated small lots in rural zones.

Map 6 at Clause 11.10-4, the Hume Regional Growth Plan identifies the land within the locality as one of Strategic Agricultural importance.

Protection of Agricultural Land 14.01-1

Clause 17.05 Agriculture – objective is to minimise loss of productive farmland.

The objective for agriculture in this Clause is:

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

It is State policy:

- Permanent removal of productive agricultural land from the State's agricultural base must be undertaken without consideration of its economic importance for the agricultural production and processing sectors.

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

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

Response

As identified in the Farming Zone assessment section of this report, the proposed dwelling given the small lot size has the potential to impact on the surrounding agricultural activities.

The subject land is identified as land of strategic agricultural importance for the State within the Hume Region Strategy. The proposed use and development of the land for a dwelling on the small parcel in which little justification has been given as to how the agricultural benefits outweigh the proposed use of the land for a dwelling should therefore be discouraged.

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

Dwellings in Rural Areas 21.06-3

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

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

Objectives – Dwellings in Rural Areas

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

Strategies – Dwellings in Rural Areas

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

Policy Guidelines – Dwellings in Rural Areas

Criteria

An application for a dwelling in Farming Zone, Schedule 1 and Farming Zone, Schedule 2 should meet the following criteria:

- The dwelling is required for the operation of the rural use of the land.
- The agricultural use is established on the land prior to the construction of a dwelling (or an Integrated Land Management Plan under Clause 35.07-6 in place).
- The dwelling is located on a lot of at least 2 ha in area.
- The dwelling is located on a lot created after 1st January 1960.

Exercise of Discretion

It is policy to:

- Discourage the construction of new dwellings on any land that is not suitable for the onsite disposal of septic tank effluent.

- Discourage the construction of new dwellings on any land with a water table within one metre of the surface when waste water is to be treated and retained on site.
- Require the applicant to enter into an agreement under section 173 of the act to:
 - Ensure that the dwelling is used in conjunction with agricultural production;
 - Prevent the subdivision of the lot containing the dwelling where the proposed lot size is less than the minimum lot size for subdivision specified in the zone; and
 - Acknowledge the impacts of nearby agricultural activities.

Response

As identified above the applicant has submitted that the proposed dwelling will assist the landowners in operating a calf and lamb rearing operation from the site with approximately 60 head of stock to be kept onsite at any given time. The consultants acting for the applicant have provided no further detail other than a brief budget plan, regarding the proposed agricultural use or why a dwelling is required. This justification is not considered sufficient to justify that the dwelling is required for the agricultural use of the land. Nor could what has been submitted be considered an integrated land management plan under clause 35.07-6.

Decision Guidelines

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

- The relationship between the proposed dwelling and the agricultural activity on the land.
- Evidence including an Integrated Land Management Plan under Clause 35.07-6 (or similar) addressing the relationship between agricultural activities on the land and the proposed dwellings.
- The agricultural productive capacity or the agricultural potential of the land.
- The nature of the existing agricultural infrastructure and activity on the land and any new proposed agricultural infrastructure and activity at the land.
- The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.
- The proposed sitting of the dwelling and whether it minimises impacts on existing and potential agricultural operations on nearby land.
- Whether the dwelling will result in a rural living or rural residential outcome in the area.

- The planning history of the land.
- The potential for land to be consolidated with other land to enhance agricultural productivity.
- Whether the planning scheme identifies a 'non-agricultural' future for the land and the implication of development on future development options.

Response

The applicant has provided limited justification for why the proposed dwelling is required on the land, other than to operate a calf and lamb rearing business. Furthermore the applicant, has not sought planning approval for the use of the land for intensive agriculture (section 2 use) in the Farming Zone.

The existing land is used for grazing and separated into a number of paddocks, with no proposed additional works (i.e. Farm sheds, stock yards, new fencing, etc.). Limited information has been provided as to whether the proposed agricultural activities require permanent and continuous care, supervision or security or whether any new agricultural infrastructure will be built.

The proposed siting for the dwelling within close proximity of the boundary has the potential to limit any future intensification of agricultural activities on the abutting land. It is acknowledged that the siting has been undertaken to ensure maximum land is retained for agricultural production though, given the small size of the allotment in the context of farming operations.

Given the size of the allotment, should a dwelling be approved it is likely that it would become a rural living allotment should the proposed activity cease. Surrounding allotments are still used for varying agricultural uses, thus there is always the potential for the allotment to be consolidated with other land to enhance agricultural productivity.

No non-agricultural future is identified within the Greater Shepparton Planning Scheme for the subject land.

Relevant Particular Provisions

There are no relevant Particular Provisions that relate to this application for a planning permit.

The decision guidelines of Clause 65

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

The relevant decision guidelines of Clause 65 have been considered and addressed when assessing this application for a planning permit.

The proposed use and development of the land is not considered to meet the purpose of the zone, whereby there is the potential for the dwelling to adversely affect the use of land for agriculture. The use and development is at variance with the direction of the State and Local Planning Policies, both of which place strong emphases on the protection of important agricultural land from non-agricultural use. The Council's Local Policy is strong and clear on this matter, and identifies that dwellings should only be supported where there is a clear need for the dwelling to support the agricultural use and that the dwelling will not impact surrounding agricultural uses.

Relevant incorporated or reference documents

Rural Regional Land Use Strategy

The Rural Regional Land Use Strategy formed the Basis of Council Amendment C121, which implement the majority of the current Local Policies which address the use and development of Farming Zoned land. The document was made a reference document at the time of amendment.

The direction of the document is clear that new dwellings not required to support an agricultural use in the Farming Zone 1, should not be approved.

Other relevant adopted State policies or strategies policies

There are no other relevant adopted State or strategic policies that relate to this application for a planning permit.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments that relate to this application for a planning permit.

Are there any significant social & economic effects?

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

Discuss any other relevant Acts that relate to the application?

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

The Aboriginal Heritage Act 2006

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

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

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

The proposed use and development is an exempt activity under regulation 8, being the development of a single dwelling.

Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

Conclusion

The limited justification on why the dwelling is required along with the small size of the allotment will not provide acceptable outcomes when assessed against the Local Planning Policies of Clause 21.06-3 of the Greater Shepparton Scheme. These policies are clear and unambiguous in the directions they provide when assessing dwelling applications in the Farming Zone. They seek for an agricultural use for which a dwelling is required to have already started or significant information to be provided on the proposed use, neither of which can be applied in this case. For these reasons the application for the use and development of a dwelling in the Farming Zone 1 is not considered to be supported by the strongly weighted and specific agricultural policies of the Greater Shepparton Planning Scheme.

The proposed use and development of the land for a dwelling on an allotment of 16.5 hectares is at variance with the policies of the Greater Shepparton Planning Scheme, and it is therefore recommended that it be refused.

DRAFT REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2014-221

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 630 Downer Road TATURA EAST VIC 3616

WHAT HAS BEEN REFUSED: Use and development of the land for a dwelling in the Farming Zone

WHAT ARE THE REASONS FOR THE REFUSAL?

- a) The proposed use and development of the land for a dwelling on the subject land of 16.5 hectares does not provide an acceptable outcome or a net community benefit in terms of the State and Local Planning Policy Frameworks and purpose and decision guidelines of the Farming Zone, and:
- Is likely to impact on the continuation of primary production now or into the future on adjacent land, with particular regard to land values;
 - Removes land from agricultural production, and has the potential to limit the use of adjacent land;
 - Has potential to create a rural living situation which could create conflict between the ongoing farming activities within the locality;
- b) The application does not adequately demonstrate that the proposed dwelling is reasonably required for the operation of an agricultural activity on the land.
- c) The application does not comply with the rural Regional Land Use Strategy (C121) which seeks to limit dwellings in the Farming Zone 1 which are not required to support agricultural growth.

Application Details:

Responsible Officer:	Tim Watson
Application Number:	2014-174
Applicants Name:	Bruce Mactier Building Design
Date Application Received:	30 June 2014
Statutory Days:	
Land/Address:	68 Casey Street TATURA VIC 3616
Zoning and Overlays:	Commercial 1 Zone Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	34.01-1 – use of land for a store 34.01 – 4 – buildings and works in the Commercial 1 Zone 44.04-1 – buildings and works in the Land Subject to Inundation Overlay
Are there any Restrictive Covenants on the title?	no

Executive Summary

The application proposes the use and development of the land for self-storage units at the rear of an existing gym.

The application was initially amended to include the reduction of car spaces under Section 50A of the *Planning and Environment Act 1987*, under mutual agreement between the applicant and planning officer.

Two objections were received after public notification of the application, which related to the preservation of the residential amenity for an inhabitant of a dwelling abutting the rear of the site and the reduction of car parking requirements which would further exacerbate the saturation of on street parking on Casey Street, already causing concerns for existing business.

The applicant submitted amended plans in response to the objections, illustrating the correct number of car parks for both the proposed and existing uses of the site, thus removing the requirement for a reduction in car parking spaces.

The concerns of the habitants of the residential zone can be addressed via condition of a permit should a permit issue. Condition measures would include requirements regarding fences heights, security lighting, operating hours and colour treatments for the proposed storage shed.

Through discussions with the objector regarding the car parking concerns, it was identified that the car park at the rear of the gym would need to be upgraded to encourage its use. Measures would include a seal, properly marked spaces and signage directing that users of the gym use the parking at the rear.

The proposed use and development of the land for storage sheds is considered an appropriate use in the Commercial 1 Zone, which will not result in any detrimental impact to the character of the street, with the sheds to be located behind an existing building. The proposed use and development are both considered acceptable in addressing the zone interface issues between the Residential and Commercial Zones. The nature of the use whereby it is unlikely to result in a significant number of traffic or customer movements ensures that a level of amenity for abutting residents is retained. However these residents must also be aware that abutting land is zoned commercial they cannot expect a perfect level of amenity, like what would be expected if they abutted residential zoned land on all boundaries.

The proposed use and development is considered to achieve an acceptable planning outcome and though the use of conditions it is recommended that a permit should grant.

Summary of Key Issues

- Application for a planning permit proposes the use and development of the land at the rear of an existing gym for self-storage units.
- The application was initially amended to include the reduction in car parking, however this permission was removed after amended plans were submitted illustrating a number of car parking spaces to the satisfaction of the Responsible Authority for both the proposed and existing use of the site.
- The application was publically notified, with two objections received which related to the preservation of the residential amenity for an inhabitant of a dwelling abutting the rear of the site and the reduction of car parking requirements further exacerbating the saturation of on street parking on Casey Street, already causing concerns for existing business.
- The application was referred to the Goulburn Broken Catchment Management Authority who did not object to the issue of a permit.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2014-174** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **34.01-1, 34.01-4 and 44.04-1** of the Greater Shepparton Planning Scheme in respect of the land known and described as **68 Casey Street TATURA VIC 3616**, for the **use and development of the land for self-storage units in the Commercial 1 Zone and Land Subject to Inundation Overlay and the reduction in car parking requirements** in accordance with the Notice of Decision and the endorsed plans.

Moved by Colin Kalms

Seconded by Ian Boyle

That Council having caused notice of Planning Application No. **2014-174** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **34.01-1, 34.01-4 and 44.04-1** of the Greater Shepparton Planning Scheme in respect of the land known and described as **68 Casey Street TATURA VIC 3616**, for the **use and development of the land for self-storage units in the Commercial 1 Zone and Land Subject to Inundation Overlay and the reduction in car parking requirements** in accordance with the amended Notice of Decision and the endorsed plans.

Amendments to the Notice of Decision are as follows:

Condition 2. Amended Plans Required

a) The sealing and landscaping of all access ways from the front of the property through to the northern end of car park B, inclusive of the area surrounding the designated accessible parking bay.

Condition 4. Car Park Construction Requirements

Before the use or occupation of the self-storage shed commences, the area set aside for access ways must be a sealed surface in accordance with the endorsed plans.

Before the use or occupation of the self-storage shed commences, the area set aside for car parking must be;

- a) line-marked to indicate each car space and all access lanes;
- b) treated with measures to prevent damage to fences or landscaped areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing;
- c) treated with traffic control, direction and identification signage and/or structures as required;
- d) clearly identified with signage at the front of signage directing that users of the site use the parking at the rear.

to the satisfaction of the responsibility authority.

Condition 6. Boundary Fencing

Before the use begins, side and rear boundary fencing abutting a residential zone for the area of land associated with the storage shed must be constructed to a height of 2m (from finished ground level) consisting of a colourbond fence. The height, material, type and extent of fencing is to be mutually agreed by all parties and must be erected prior to use of the development. The cost of such fencing shall be borne by the developer unless otherwise agreed by the parties to the satisfaction of the responsible authority.

Condition 7. Hours of Operation

The storage sheds must not be accessible between the hours of 7:00 pm and 6:00 am unless otherwise agreed to in writing with the responsible authority.

Condition 11. Security Alarms

Any security alarm installed on the premises must be 'silently wired' to a security firm or monitoring system.

CARRIED

Subject Site & Locality

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

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

Date: **10/7/14**

The site has a total area of **approximately 1810** square metres and currently contains:

- An existing building with two tenancies.
- The building frontage has a zero setback to the footpath, with both tenancies having access from the frontage.
- Only one of the tenancies is occupied with a gym operating from the east portion of the building.
- Car parking is provided at the rear of the buildings, with a vacant area to the rear of the car park, where the storage units are proposed.

The main site/locality characteristics are:

- The land to the north adjacent the site from the rear car park of the Tatura pub.
- The land to the west is used for the CFA, with the area abutting the subject land's boundary used for their car park.
- The eastern boundary abuts an electrical contractor's site and residential building towards the rear.
- The rear of the site is zoned General Residential and used accordingly.

The Photos below show the existing site:







Permit/Site History

The history of the site includes:

- Planning permit 2007-306 issued for use and development of the land for a gym and dance studio.

Further Information

Was further information requested for this application? **Yes**

What date was the further information requested? **21 July 2014**

- The further information request was made for a written Car Parking Demand Assessment after it was decided between the applicant and Council officer that the application needed to include a reduction in car parking as identified within the consultation section of this report.
- After the notification period which was undertaken during the further information period, an objection to the reduction in car parking was lodged.
- The applicant subsequently lodged plans which showed a level of car parking considered to the satisfaction of the responsible authority.
- This resulted in the further information request being abandoned.

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **use and development of the land for self-storage units in the Commercial 1 Zone and the reduction in car parking requirements**, by:

- Sending notices to the owners and occupiers of adjoining land.

The application Land Subject to Inundation Component of the application was exempt from being advertised in accordance with Clause **44.04-4** of the planning scheme.

Objections

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

- The owner and occupier of 14 Albert street Tatura, A residentially zoned property has raised visual, security noise and loss of amenity if units are accessible after hours as their concerns.
- The abutting property to the east has raised the reduction in car parking as a concern, with the existing uses of the land already putting a stain on street parking, causing a detriment to his electrical business.

Point of objection	Planning Officer's Response
Visual	A condition will be included on the permit, should one issue requiring that a 2.2 metre high (as identified by objector) fence being constructed along the sections of the boundary which abut residential zoned land. Furthermore the sheds will be required to be coloured in a muted tone to the satisfaction of the responsible authority.
Security	The proposed storage shed area will be required to be gated with access prevent between the hours of 7:00pm and 6:00am.
Noise	The restriction of hours in which units can be accessed by way of permit condition should one issue and the requirement of a sealed access-ways and car parking areas to the satisfaction of the responsible authority, should ensure that noise is kept to a minimum.
Loss of residential amenity if storage units are accessible after hours	The restriction on the hours of operation by way of permit condition should a permit issue should ensure that the loss of amenity is kept to a minimum.
Car parking	Should a permit issue the applicant will be required by conditions to provide a car parking to the satisfaction of the responsible authority. The application will also be required to upgrade the car park by providing a sealed surface, clearly identifying with signage to users of the gym that parking is at the rear and upgrade the entrance.

Title Details

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

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Discussions with the consultant acting for the applicant and objectors.

Applicant

- The applicant was initially informed that the proposal would need to include in the application the reduction in car parking with car parks being reduced for the existing gym on the land to create access for the storage units.
- The responsible authority informed that the parking rate for a gym was drawn from the NSW RTA Parking Guide, with no set rate provided within the Greater Shepparton Planning Scheme. The applicant was informed that based on this rate 13 spaces would be required. Upon agreement between the applicant and Planning Officer the application was amended under section 50A to include a reduction in car parking. As a result of this a further information letter was sent requesting that the applicant provide a written assessment (car parking demand assessment) as per the requirements of 52.06-6.
- Upon receivership of the objections, one of which identified car parking as their main concern, the applicant amended the plans to show the appropriate level of car parking for both the existing and proposed uses of the land.

Objectors

- The Council's Planning Officer discussed the application with both objector's one prior to and one after their objections were made.
- The Council Planning Officer met with the objector from the abutting land to the east who operates an electrical business from the same street. The objector was informed that the applicant had provided amended plans to the Council which showed an appropriate level of car parking for both the existing and proposed uses on the land.
- The objector informed that the concern was that the car parking at the rear of the gym was not being used and most customers were parking on the street (sometimes across his driveway) and that there was nowhere for his customers to park.
- The Council Planning Officer informed that should a permit issue, the applicant would be required to seal the car park at the rear of their site to a satisfactory level and provide signage directing customers to use the parking at the rear.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Goulburn Broken Catchment Management Authority	44.04-5	Recommending	The application for a planning permit was referred to the GBCMA, who do not object to the issue of a permit, subject to the following condition: a) The finished floor level of the proposed self-storage units must be constructed at least 300 millimetres above the 100-year ARI flood level of 112.65 metres AHD, i.e. 112.95 metres AHD, or higher level deemed

			necessary by the responsible authority.
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Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
Goulburn Valley Water	The application for a planning permit was notified to the Goulburn Valley Regional Water Authority, who do not object to the issue of a permit.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>The application was referred internally to the Council's Development Engineers, who provided the following to be included as a condition on the permit:</p> <p>Drainage Discharge Plan Before any of the development starts a properly prepared drainage discharge plan (by a suitably qualified person or organisation) with computations to the satisfaction of the responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. <i>The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.</i></p> <p>The information and plan must include:</p> <ul style="list-style-type: none"> • details of how the works on the land are to be drained <i>and/or</i> retarded. • computations <i>including total energy line and hydraulic grade line</i> for the existing and proposed drainage as directed by Responsible Authority • underground pipe drains conveying stormwater to the legal point of discharge • 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; <u><i>(existing STORM report will need to be updated to show additional works)</i></u> • maximum discharge rate shall not be more than (64) lit/sec/ha with (9) litres of storage for every square meter of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority).

Assessment

The zoning of the land

Commercial 1 Zone - 34.01

The purpose of the zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses and to provide for residential uses at densities complementary to the role and scale of the commercial centre.

A permit was required pursuant to clause 34.01-4 for buildings and works and 34.01-2 for re-subdivision in the Commercial 1 Zone.

The use of land for a Medical centre is an as of right use in the Commercial 1 Zone.

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 State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and Local Planning Policies.
- The interference with adjoining zones, especially the relationship with residential areas.

Use

- The effect that existing use may have on the proposed use.
- The drainage of the land.
- The availability of services.
- The effect of traffic to be generated on roads.
- The Interim use of those parts of the land not required for the proposed use.

Building and works

- The State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and Local Planning Policies.
- The interference with adjoining zones, especially the relationship with residential areas.
- The movement of pedestrians and cyclists, and vehicles for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, design of verandahs access from the street front, protecting active street frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.

- Consideration of the Overlooking and Overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

Response

The State and local planning policy will be addressed under the individual subsections of this report.

The design of the proposed sheds will be controlled through the use of conditions, should one issue. Conditions would require that materials be coloured in muted tones and that any concrete panel walls also be treated with a painted finish. The building itself is not envisaged to result in any detrimental impact on the visual character of the surrounding street, with the shed to be located at the rear of the allotment, behind the existing building.

In considering the interface issues of the proposed development it is worth referencing Member Keaney in *Buckerfield Architects v Boroondara CC* [2004] VCAT 659 which addressed the interface issues of a three storey office development in the Business 2 Zone abutting a residential zone:

[20] I approach the task therefore of the interface issue not with a view to achieving a perfect residential amenity outcome; nor a perfect commercial outcome. If it were that simple I could favour one over the other and (say) allow a box like office building on the boundary with extensive windows as might be found in a wholly commercial area. Or I could favour a one storey commercial building well offset from the boundary with a "forest" as a buffer in deference to residential amenity. Rather, I must look for a balance which satisfies the "reasonable expectations" of all parties.

When considering the above, it is observed that the low scale of the shed and the use of fencing as a screen will minimise any undesirable visual impacts. Given the nature of the use for self-storage sheds, the amenity impacts likely to arise are considered acceptable. The concerns raised through the objection from the residential property can be addressed through conditions on a planning permit ensuring a suitable compromise is achieved between the two uses and zone interfaces.

The drainage of the land and connection to services are to be addressed through permit conditions, should a permit issue. It is not envisaged that proposed use will generate significant traffic movements given the nature of the proposed use. The use and development will create a situation where no part of the land is not used and developed.

The development is unlikely to impact the movement of pedestrians within the locality with no works on or over public land. The provision of car parking for the development is addressed under the particular provision section of this report.

The proposed building will not result in any overshadowing, or solar access concerns for surrounding properties.

Relevant overlay provisions

Land Subject to Inundation Overlay 44.04-4

The Overlay identifies land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority. The Overlay's purpose is to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

A planning permit was required pursuant to clause 44.04-1 for buildings and works in the Land Subject to Inundation Overlay.

The application was referred to the GBCMA pursuant to clause 44.04-5 of the Planning Scheme, who do not object subject to a condition be included on a permit, should one issue.

The State Planning Policy Framework (SPPF)

Business – 17.01-1

The objective of this clause is to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Response

The proposed use and development will allow for the land to be used for commercial purposes in the Commercial 1 Zone. The use of a vacant land at the rear of the existing premise ensures that the whole of the land is used for commercial purposes, maximising the use of commercial zoned land within the township of Tatura and subsequently having economic benefits.

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

Commercial/Activity Centres – 21.06-5

The Tatura Township is identified within the Activity Centre Hierarchy.

The policy directs that the centres identified within the Greater Shepparton Municipality should be strengthened by directing commercial growth to the centres and towns.

Relevant Particular Provisions

Car Parking – 52.06

Before a new use commences the number of car parking spaces required under clause 52.06-5 or in a schedule to the parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- One the land; or
- In accordance with a permit issued under Clause 52.06-3; or
- In accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.

Response

Store

Pursuant to the table at clause 52.06-5, 10 per cent of the site area used for a store must be provided for car parking. The applicant in an amended plan submitted has illustrated that 10 per cent (4 car parks) of the area of the site to be used in association with the storage sheds will be provided as car parks. This requirement satisfies the requirement under clause 52.06.

Existing gym

As noted above the initial plans submitted with the application illustrated that two car parks associated with the gym would be removed to provide access along the western boundary for the proposed store.

There is no specified rate of car parks which need to be provided for a gym in the clause 52.06-5. Pursuant to clause 52.06-5A, where a use of land is not specified in the Table or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences of the floor area or site area of an existing use is increase, car parking spaces must be provided to the satisfaction of the responsible authority.

Given the absence of a set rate of car parks for the use of the land for a gym, the Council' Planning Department has regularly sought guidance from the NSW RTA Parking guide, with sets a rate of 4.5 spaces per 100 square metres for sub regional centres. Using the NSW RTA parking guide approximately 13 spaces would be required for the gym with the disused building not provided with any spaces. As only 11 spaces were to be provided as part of the initial proposal, it was mutually agreed between the applicant and Council officer that the application would be amended under section 50A of the *Planning and Environment Act* 1987.

After the submission of an objection relating to car parking the plans were amended to show 13 spaces for the gym, satisfying the council's requirement for car parking spaces under the clause.

The decision guidelines of Clause 65

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

The proposed use and development is considered an appropriate use at the rear of an existing commercial premise with an interface with a residential zone. Given the nature of the proposed use and that is unlikely to result in any significant adverse amenity impacts on the residential zoned land the site is considered appropriate. Through conditions which require the upgrading of a car parking it is envisaged that the proposed development will have sufficient parking spaces, but also assist in alleviating the existing car parking concerns raised by an objector associated with the gym.

The proposed use and development is considered to achieve an acceptable planning outcome.

Relevant incorporated or reference documents

Greater Shepparton Local Floodplain Development Plan – Precinct of Mosquito Creek (2003)

Other relevant adopted State policies or strategies policies

There are no other relevant State or strategic policies that relate to this application for a planning permit.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments that relate to this application for a planning permit.

Are there any significant social & economic effects?

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

Discuss any other relevant Acts that relate to the application?

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

Conclusion

The proposed use and development is considered an appropriate use at the rear of an existing commercial premise with an interface with a residential zone. Given the nature of the proposed use and that is unlikely to result in any significant adverse amenity impacts on the residential zoned land the site is considered appropriate. Through conditions which require the upgrading of a car parking it is envisaged that the proposed development will have sufficient parking spaces, but also assist in alleviating the existing car parking concerns raised by an objector associated with the gym.

The proposed use and development is considered to achieve an acceptable planning outcome and it is therefore recommended that the application for a planning permit be approved.

Draft Notice Of Decision

APPLICATION NO: 2014-174
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: 68 CASEY STREET TATURA VIC 3616

WHAT THE PERMIT WILL ALLOW: USE AND DEVELOPMENT OF THE LAND FOR SELF-STORAGE UNITS IN THE COMMERCIAL 1 ZONE AND LAND SUBJECT TO INUNDATION OVERLAY

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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.

Prior to the commencement of the use all works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.

2. Amended Plans Required

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

- a) The sealing and landscaping of all access ways and areas to be used for car parking;
- b) The designated accessible parking bay to be in accordance with Australian Standard AS2890.6-2009.

3. Drainage Discharge Plan

Before any of the development starts a properly prepared drainage discharge plan (by a suitably qualified person or organisation) with computations to the satisfaction of the responsible Authority must be submitted to and approved by the Responsible

Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. ***The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.***

The information and plan must include:

- a) details of how the works on the land are to be drained **and/or** retarded.
- b) computations **including total energy line and hydraulic grade line** for the existing and proposed drainage as directed by Responsible Authority
- c) underground pipe drains conveying stormwater to the legal point of discharge
- d) measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- e) maximum discharge rate shall not be more than **(64)** lit/sec/ha with **(9)** litres of storage for every square meter of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority)..

Before the building is occupied all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority

4. Car Park Construction Requirements

Before the use or occupation of the self-storage shed commences, the area set aside for car parking and access ways must be:

- a) surfaced with an all-weather spray seal to prevent dust;
- b) line-marked to indicate each car space and all access lanes;
- c) treated with measures to prevent damage to fences or landscaped areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing;
- d) treated with traffic control, direction and identification signage and/or structures as required;
- e) clearly identified with signage at the front of signage directing that users of the site use the parking at the rear.

to the satisfaction of the responsibility authority.

5. Construction Phase

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality,

including:

- a) Avoiding the transport of mud onto roads;
- b) Minimising the generation of dust during earthworks or vehicles accessing site;
- c) The retention of all silt and sediment on the site during the construction phase, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991)'; and
- d) Maintaining a neat and tidy site.

6. Boundary fencing

Before the use begins side and rear boundary fencing abutting the properties in the General Residential Zone must be constructed to a height of 2.2m (from finished ground level) consisting of a colourbond fence. The height, material, type and extent of fencing is to be mutually agreed by all parties and must be erected prior to use of the development. The cost of such fencing shall be borne by the developer unless otherwise agreed by the parties to the satisfaction of the responsible authority.

7. Hours of Operation

The storage sheds must not be accessible between the hours of 10:00pm and 6:00am unless otherwise agreed to in writing with the responsible authority.

8. Control of Lightspill

External lighting must be designed, baffled and located so as to prevent any unreasonable adverse effect on adjoining land to the satisfaction of the responsible authority.

9. Building Finishes

Before the use begins all external surfaces of the building must be painted, treated, textured in muted tones and maintained thereafter to the satisfaction of the responsible authority.

10. Underground Electricity Connection

The electrical connection to the development must be underground connection to the satisfaction of the responsible authority.

11. Security Alarms

Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm or the Victoria Police.

12. Goulburn Broken Catchment Management Authority Requirements

The finished floor level of the proposed self-storage units must be constructed at least 300 millimetres above the 100-year ARI flood level of 112.65 metres AHD, i.e. 112.95 metres AHD, or higher level deemed necessary by the responsible authority.

13. Time for Starting and Completion

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

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

Meeting closed at 3.03 PM