

CONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 5/2018

HELD ON

FRIDAY 17 AUGUST 2018

AT 10.00AM

IN THE COUNCIL BOARDROOM
90 WELSFORD STREET

CHAIR

Councillor Dennis Patterson

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 5 for 2018.

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

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

RECORDING OF PROCEEDINGS

I would like to advise all present today that:

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

COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Dennis Patterson (Chair),
- Colin Kalms – Manager Building and Planning, Greater Shepparton City Council
- Jonathan Griffin – Team Leader Development, Greater Shepparton City Council
- Joel Ingham –Planning Coordinator, Benalla Rural City Council
- Emma Kubeil –Manager Sustainable Development, Strathbogie Shire Council

OFFICERS AND OTHERS PRESENT

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

- Andrew Dainton

APOLOGIES

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of DHP meeting No. 04/2018 held on Friday 4 May 2018. Minutes have been circulated.

Moved by Emma Kubeil and seconded by Jonathan Griffin that the minutes of the meeting held on 4 May 2018 be adopted.

Carried

DECLARATIONS OF CONFLICTS OF INTEREST

No conflicts of interest declared

ORDER OF PROCEEDINGS

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

- The DHP operates under Local Law No 2, with such modifications and adaptations as the DHP deems necessary for the orderly conduct of meetings.
- All DHP panel members have 1 vote at a meeting.
- Decisions of the DHP are by ordinary majority resolution. If a vote is tied the Chair of the DHP has the casting vote.
- The process for submitters to be heard by the Panel shall be:
 - The planning officer to present the planning report recommendation
 - Any objectors or representatives on behalf of the objectors present to make a submissions in support of their objection (should they wish to)
 - The applicant or representatives on behalf of the applicant to present in support of the application
- For the purpose of today's hearing the officer, objectors and applicant will be limited to a maximum of 6 minutes per person with no extensions.

MATTERS FOR CONSIDERATION

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

1. Planning permit application 2018-81 seeking permission to build a second dwelling on the lot (existing dwelling to be retained) on the land at 252 Archer Street, Shepparton.
2. Planning permit application 2018-44 seeking permission to erect two 12.2 metre by 2.4 metre by 2.9 metre Shipping Containers on the land at 170 Prentice Road, Orrvale.

10. LATE REPORTS

None

11. NEXT MEETING

To be advised

Meeting concluded at 10.59 am

INDEX

<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2018-81	252 Archer Street, Shepparton	Seeking permission for a second dwelling on a lot	3
2018-44	170 Prentice Road, Orrvale	Seeking permission for a store	33

Application Details:

Responsible Officer:	Grace Docker (report prepared by Alex Winfield)
Application Number:	2018-81
Applicants Name:	Bruce Mactier Building Design
Date Application Received:	23 March 2018
Statutory Days:	125
Land/Address:	252 Archer Street SHEPPARTON VIC 3630
Zoning and Overlays:	General Residential Zone, Schedule 1 – (GRZ1) No Overlays Adjacent to a Road Zone, Category 2
Why is a permit required (include Permit Triggers):	Clause 32.08-6 – a permit is required to construct a second dwelling on a lot in the General Residential Zone
Are there any Restrictive Covenants on the title?	Lot 203 on Plan of Subdivision 011868. There are no covenants or other restrictions registered on the Title to the land. There are no easements shown on the Title Plan to the land.

Proposal

The application is for the development of a second dwelling on a residential lot at 252 Archer Street, Shepparton, to the rear of the existing dwelling.

The land is within the General Residential Zone 1 and is not affected by any overlays. The site abuts Archer Street, which is within the Road Zone Category 2. A planning permit is required pursuant to the provisions of the General Residential Zone to construct a second dwelling on a lot.

The existing dwelling, containing four bedrooms, is to be retained. A new car port will be constructed to the northern elevation of the existing dwelling to provide an under-cover parking space for the existing dwelling. The plans identify a second, uncovered parking space in the driveway in front of the car port. A new verandah is proposed at the rear of the dwelling within the area of secluded private open space.

The new dwelling is to be developed to the rear of the existing dwelling. The new dwelling is proposed to contain:

- 3 bedrooms
- Kitchen and dining room
- Lounge room opening out to west facing open space with verandah.
- Bathroom, laundry and toilet
- Single car port with second parking space to the rear of the car port.

The new dwelling will have a generally rectangular footprint, running north south across the width of the lot. The dwelling will be single storey and provided with a pitched, gable ended roof form clad with tiles, and weatherboard clad walls.

All walls of the dwelling are to be sited off existing property boundaries. Only the car port to the new dwelling will be sited on the (southern) boundary.

The existing crossover is proposed to provide access to both dwellings.

Summary of Key Issues

The application proposes the development of a second dwelling on the lot at 252 Archer Street, Shepparton, to the rear of the existing dwelling.

The site is located within an area zoned General Residential and within an identified "Incremental Change Area" where there is capacity to accommodate substantial residential development, including low rise medium density housing.

The application was notified to adjoining properties and one objection was received.

The application was notified to Goulburn Valley Water, APA Group and Powercor. No objections were received, subject to conditions.

The application was internally referred to Council's Development Engineering Team, who did not object and provided standard engineering conditions.

The key considerations for this application are:

- Whether the proposal is consistent with the purposes of the General Residential Zone.
- Whether the proposal is consistent with the relevant objectives of Clause 55 (ResCode – Two or more dwellings on a lot) of the Greater Shepparton Planning Scheme. In particular:
 - Whether the proposal will result in any off site amenity impacts through overlooking or overshadowing.
 - Whether the proposal provides adequate provision of open space for the each of the dwellings.
 - Whether the access and car parking arrangements are satisfactory.
- Whether the proposal will result in any adverse amenity outcomes for the adjoining properties, particularly with respect to impact on privacy to the adjoining property to the west (rear).

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2018-81** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered

the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clause 32.08-6 of the General Residential Zone of the Greater Shepparton Planning Scheme in respect of the land known and described as **252 Archer Street SHEPPARTON VIC 3630, to build a second dwelling on the lot (existing dwelling to be retained) on the land at 252 Archer Street, Shepparton.**

Key Conditions:

Standard servicing conditions to be applied in accordance with referral authority conditions.

Recommended that a Condition 1 requirement for amended plans be imposed on the permit to address the following:

- (a) Proposed car ports to satisfy the minimum dimensions of Clause 52.06 of the Planning Scheme. The length of the car port to the existing dwelling may include the existing eaves of the dwelling.
- (b) Uncovered car parking space to the existing dwelling satisfying the minimum dimensions of Clause 52.06 of the Planning Scheme and demonstrating that the parking space will not conflict with the minimum 3 metre accessway width required to service the proposed new dwelling at the rear of the site.
- (c) Existing boundary fences increased to 1.8 metres in accordance with the planning submission submitted with the application.
- (d) The location and height of all internal fences.

Standard condition to require site management to Council's satisfaction (e.g. dust, mud on roads, erosion and sediment control).

Standard condition relating to preparation of a detailed landscaping and maintenance schedule.

Moved by Emma Kubeil

Seconded by Colin Kalms

That Council having caused notice of Planning Application No. **2018-81** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered

the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clause 32.08-6 of the General Residential Zone of the Greater Shepparton Planning Scheme in respect of the land known and described as **252 Archer Street SHEPPARTON VIC 3630**, to **build a second dwelling on the lot (existing dwelling to be retained) on the land at 252 Archer Street, Shepparton.**

Key Conditions:

Standard servicing conditions to be applied in accordance with referral authority conditions.

Recommended that a Condition 1 requirement for amended plans be imposed on the permit to address the following:

- (a) Proposed car ports to satisfy the minimum dimensions of Clause 52.06 of the Planning Scheme. The length of the car port to the existing dwelling may include the existing eaves of the dwelling.
- (b) Uncovered car parking space to the existing dwelling satisfying the minimum dimensions of Clause 52.06 of the Planning Scheme and demonstrating that the parking space will not conflict with the minimum 3 metre accessway width required to service the proposed new dwelling at the rear of the site.
- (c) Existing boundary fences increased to 1.8 metres in accordance with the planning submission submitted with the application.
- (d) The location and height of all internal fences.

Standard condition to require site management to Council's satisfaction (e.g. dust, mud on roads, erosion and sediment control).

Standard condition relating to preparation of a detailed landscaping and maintenance schedule.

CARRIED

Subject Site & Locality

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

Date: 19 May 2018 Time: 12 pm

The site is described as follows:

- Rectangular shaped allotment with a total area of approximately **780** square metres.
- Lot runs generally east-west with a frontage to Archer Street of 18.75 metres and a depth of approximately 42 metres.
- The site is relatively flat with minimal fall.
- Contains a dwelling presenting to Archer Street. The dwelling is a triple fronted weatherboard dwelling, with a pitched, hipped roof. The dwelling is setback approximately 10 metres from Archer Street, approximately 5 metres from the side (northern) property boundary and 1.85 metres from the other (southern) side boundary.
- Outbuildings associated with the dwelling are located to the side (north) and rear (west) of the dwelling. Outbuildings at the rear of the site include a 3.1 metre by 3.1 metre

storage shed on the boundary in the south west corner, and a larger outbuilding setback off the rear boundary.

- The area surrounding the dwelling is landscaped with well established planted vegetation / trees, centred around the front of the property and the northern boundary.
- Vehicle access to the site is established from Archer Street at the north east corner of the site. Crossover is concrete, connecting to a driveway of concrete with grass median.
- Front fencing comprising a 1.5 metre high Colorbond fence, open at the vehicle crossover to the site.
- Side boundary fences are denoted by 1.5 metre high Colorbond fencing, while the rear boundary is denoted by an existing 1.8 metre high Colorbond fence.

The main locality characteristics are:

- The predominant housing type in the area is made up of single, detached dwellings on similar sized allotments.
- There are several unit developments in the neighbourhood, particularly along Wilmot Road and Archer Street.
- The land is within close proximity to several existing services and facilities, including small activity centres, bus stops, schools and parks.

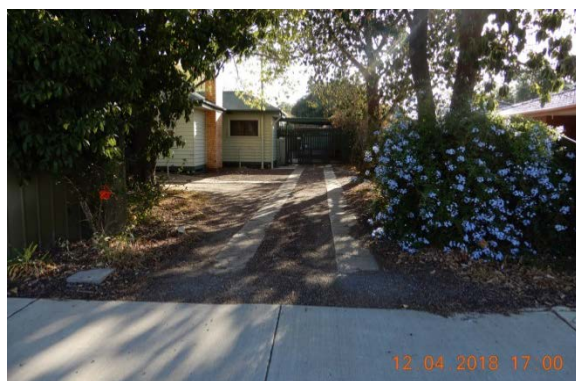
The immediate site context is described as follows:

- The adjoining property to the north (250 Archer Street) has been subdivided and developed with two dwellings, one presenting to the street and a second to the rear. The dwellings are both brick homes with pitched, hipped roofs. The dwellings are sited to present north towards their common property access (rather than Archer Street).

- The adjoining dwelling to the south at 254 Archer Street is a similarly proportioned residential lot containing a single, double fronted weatherboard dwelling presenting to Archer Street. Access to the site is at the north east corner of the site and the front boundary is denoted by a high Colorbond style fence.
 - Properties in Hamilton Street abut the site to the rear (west). Number 89 Hamilton Street shares the length of its rear boundary and is developed with a single dwelling fronting Hamilton Street. The dwelling is setback approximately 20 metres from its rear property boundary.
 - Number 91 Hamilton Street abuts the site at its north east corner only. This property is developed with a single, brick dwelling that presents to Hamilton Street. The dwelling is setback approximately 14 metres from its rear boundary. Outbuildings are located along the southern boundary for this site, and its area of secluded private open space (over 130 square metres) is generally located in the north east.
 - Number 87 Hamilton Street abuts the site at its south east corner only. This property is also developed with a single dwelling. This dwelling is sited on an angle across the block, which is quite unique in the streetscape. The dwelling is setback a minimum of approximately 10 metres from the boundary of the application site.
 - Archer Street is a sealed, local (Category 2) road with single lane vehicle traffic in each direction, with dedicated bike lanes and on street parking.
-
- Concrete footpaths are located in the road reserve on both sides of the street.
- The Photos below show the existing site:



Existing site presentation to Archer Street.



Existing dwelling and access.



View north along Archer Street in front of the site.

Permit/Site History

The history of the site includes:

- No planning history.

Further Information

Was further information requested for this application?

No.

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description development of a second dwelling on the lot in the General Residential Zone 1 (existing dwelling to be retained), by sending notices to the owners and occupiers of adjoining land and displaying a sign on the site.

The applicant provided a signed declaration stating that the sign on site was displayed on the land between 27 April and 11 May 2018.

Following this process, one objection to the proposal was received.

Objections

One objection to the proposal was received.

The objection was received from the adjoining property owner to the rear at 91 Hamilton Street, Shepparton.

The grounds of objection are identified and responded to as follows:

Ground of Objection	Officer's Response
Impact on private open space.	ResCode is the primary tool for considering the potential amenity impacts resulting from new residential developments. The proposed new dwelling will be offset from all property

	<p>boundaries, replacing outbuildings on, or closer to these boundaries. The dwelling is to be offset a minimum of 1.6 m from the southern boundary, 3.27 m from the northern boundary and approximately 1.8 m from the rear, western boundary.</p> <p>Floor levels of the proposed dwelling are less than 0.8 metres above ground level. A 1.8 m fence exists on the rear, western boundary and the applicant submission (to be reinforced by permit conditions) identifies that side (north and south) boundary fences will be increased to 1.8 m in height. The proposal will comply with the overlooking objective of ResCode as the standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p> <p>Overshadowing plans submitted with the application demonstrate that shadows will generally be no greater than cast by the existing fences as measured by the Standard.</p> <p>As the proposal complies with the relevant amenity considerations of ResCode, it is not considered that the proposal could be refused on the basis of any potential impacts on the private open space of any existing dwelling.</p>
Impact from potential tenants on neighbours.	Whether the properties are owner occupied or rented is not a planning consideration.
Loss of property value.	VCAT has consistently held that property de-valuation as a result of planning applications is not a relevant planning consideration.

Title Details

The land is known as 252 Archer Street, Shepparton.

The Title description is Lot 203 on Plan of Subdivision 011868.

There are no covenants or other restrictions registered on the Title Search to the land.

There are no easements or other restrictions shown on the Title Plan to the land.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals	List Planning clause	Determining or Recommending	Advice/Response/Conditions
------------------------	----------------------	-----------------------------	----------------------------

Authority	triggering referral		
Nil - Clause 66 of the Planning Scheme did not require referral	Not applicable.	Not applicable.	Not applicable.

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
Goulburn Valley Water	<p>GVW has advised that they offer no objections to the proposal. The Corporation also considers the proposed development should be connected to both water supply and waste water facilities. Goulburn Valley Water recommends that Council consider the inclusion of the following conditions in the Permit, or Notice of Decision to Grant a Permit, for the proposed development:</p> <p>(a) <i>Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;</i></p> <p>(b) <i>Provision of individual water supply meters to each tenement within the development;</i></p> <p>(c) <i>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.</i></p> <p><i>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.</i></p> <p>Please note: <i>should the applicant wish to subdivide each tenement onto separate titles in the future, provision of appropriate servicing arrangements to facilitate a future subdivision proposal should be investigated as part of this development.</i></p> <p><i>The applicant should contact the Corporation to discuss current and future proposals for this development.</i></p>
Powercor	<p>Powercor offered no objections to the proposal. Conditions required by Powercor: The applicant shall:</p> <ul style="list-style-type: none"> • Provide as electricity supply to the development in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor. • Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations. • Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
APA Group	<p>APA did not object to the proposal, and did not require any conditions to be imposed on any permit / Notice of Decision.</p>

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>The referral response identified that the existing access will be utilised for the existing and proposed dwellings, and that the existing dwelling drains to the kerb. There are kerb connections on both sides of the property, and it is currently unclear which (or whether both) is active in Archer Street.</p>

	<p>No objection to the proposal was received, subject to the following conditions:</p> <p><u>Drainage Discharge Plan</u></p> <p><i>Before any of the development starts, a drainage plan with computations prepared by a suitably qualified person or organisation, to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and submitted in an electronic format. The plans must be in accordance with council's Infrastructure Design Manual and include:</i></p> <ul style="list-style-type: none">a) <i>how the land will be drained;</i>b) <i>underground pipe drains conveying stormwater to the legal point of discharge which is the kerb connection in Archer Street;</i>c) <i>measures to enhance stormwater discharge quality from the site and protect downstream waterways;</i>d) <i>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).;</i>e) <i>Incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the Responsible Authority; and</i>f) <i>Provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal; to the satisfaction of the Responsible Authority.</i> <p><i>Prior to occupation, all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority.</i></p> <p><u>Construction of Works</u></p> <p><i>Before the dwellings are occupied/prior to occupation is issued under the Subdivision Act 1988, the owner must construct and complete road works, drainage and other civil works, in accordance with endorsed plans and specifications approved by the</i></p> <p><i>Responsible Authority and in accordance with the Infrastructure Design Manual. Road works, drainage and other civil works to be constructed must include:-</i></p> <ul style="list-style-type: none">a) <i>drainage works shown on the endorsed Drainage Discharge Plan(s) have been constructed to the satisfaction of the responsible authority;</i>b) <i>stormwater treatment measures have been constructed or as otherwise agreed to in writing by the Responsible Authority.</i>
--	---

Assessment

The zoning of the land

The land falls within the **General Residential Zone, Schedule 1**.

The purposes of the zone include to encourage development that respects the neighbourhood character of the area, encourage a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.

Clause 32.07-6 of the Zone identifies that a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55 (ResCode – Two or more dwellings on a lot).

Schedule 1 to the General Residential Zone does not specify any variations to the requirements of Clause 55.

The Zone identifies a number of Decision Guidelines, identified and responded to as follows:

General

- *The State and Local Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

The relevant provisions of the Scheme are addressed later in this report. The proposal is considered to be consistent with the relevant State and Local Planning Policy frameworks.

- *The purpose of this zone.*

The proposed development of three dwellings is consistent with the purposes of the zone that seek to encourage development that respects the neighbourhood character of the area and encourage a diversity of housing types and housing growth particularly in locations of offering good access to services and transport.

- *The objectives set out in a schedule to this zone.*

Not applicable as no objectives are specified in Schedule 1 to the General Residential Zone.

- *Any other decision guideline set out in a schedule to the zone.*

Not applicable as no decision guidelines are set out in Schedule 1 to the General Residential Zone.

Dwellings and residential buildings

- *For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.*

Not applicable as the proposal is not for a single dwelling.

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

The application has been considered against the relevant objectives, standards and decision guidelines of Clause 55 of the Scheme (see later discussion for details). The proposal is considered to comply with Clause 55 of ResCode, or be able to comply subject to appropriate planning permit conditions.

- *For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.*

Not applicable as the proposal is not for an apartment development of five or more storeys.

Non-residential use and development

As the proposal is for residential development only, these considerations are not applicable to this development.

Clause 32.08-3 of the Zone also addresses Minimum garden area requirements for new development. The minimum garden area requirement is 35% as the lot is greater than 650 square metres in size. The applicant has identified that 35% garden area equates to 275.80 square metres. The application plans demonstrate 276.28 square metres have been provided.

Relevant overlay provisions

The land is **not affected by any Overlays.**

The State Planning Policy Framework (SPPF)

Clause 11.01-1 aims to promote the sustainable growth of Victoria. The major regional areas, including Shepparton, are to be the focus of investment and growth as it is a place of State significance.

Clause 16 – Housing seeks to provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Clause 16.01-2 seeks to locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport. The proportion of new dwellings in designated locations within established urban areas should be increased, along with encouraging higher density housing development on sites that are well located in relation to jobs, services and public transport.

Clause 16.01-4 aims to provide for a range of housing types to meet increasingly diverse needs. Well-designed medium density housing which respected neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficient housing is expressly encouraged.

The proposal is consistent with the State Planning Policy objectives to encourage increased housing density in identified locations that are fully serviced with both physical and social infrastructure (i.e. urban consolidation).

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

Clause 21.04-1 – Urban Consolidation and Growth identifies that population forecasts predict that the population of the City will grow from 59,502 persons in 2006 to 71,509 by 2026. It is expected that to accommodate this additional population, there will need to be a corresponding growth in the number of dwellings.

The *Greater Shepparton Housing Strategy 2011* (GSHS) outlines Council's approach to housing delivery and growth in the municipality. A significant portion of the residential growth in the short-medium term will be met by the identified growth corridors, along with the urban areas of Shepparton and Mooroopna.

The proposed development of a second dwelling on a lot in an area that is well serviced and within an established General Residential Zone will contribute to achieving the aim of the Urban Consolidation and Growth Policy, and in particular is consistent with the following identified objectives of Clause 21.04-1:

- *To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.*

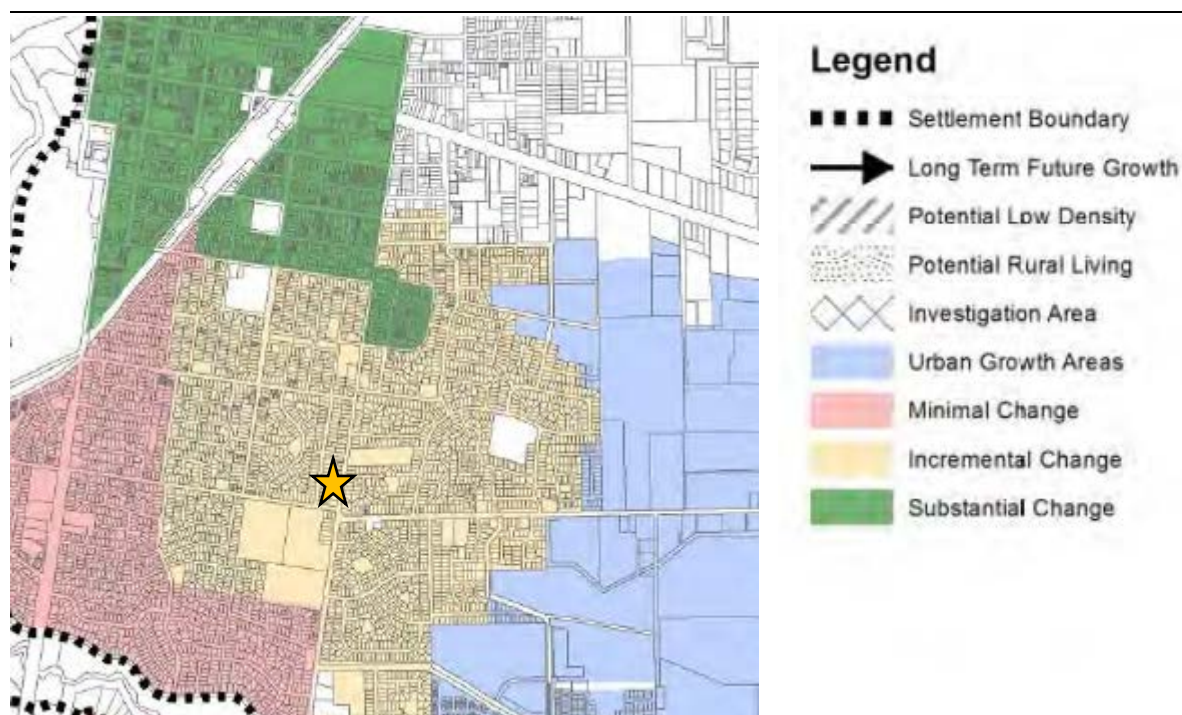
- *To provide a greater range of housing choices to attract more people to live in the Shepparton CBD which will support the vibrancy and economy of the CBD.*
- *To make better use of available land by allowing higher scale built form in appropriate locations within the CBD.*
- *To increase the supply of medium density housing in appropriate locations.*
- *To balance the need to achieve urban consolidation with the need to respect and retain the valued characteristics of existing neighbourhoods*

The *Greater Shepparton Housing Strategy 2011* (GSHS) is a reference document listed at Clause 21.10 of the Scheme. The GSHS identifies the site is within an identified “Incremental Change Area”, as shown on the map on the following page. These areas are established residential areas that over time have the capacity to accommodate a moderate level of residential development. This will mostly include extensions to existing dwellings, new single or double storey dwellings on existing lots and low rise medium density housing. It is expected that the general character of Incremental Change Areas will evolve over time as new types and more intense development is accommodated.

Incremental Change Areas are generally in locations that:

- *Are unaffected by significant development constraints.*
- *Have lot layouts which may potentially constrain substantial development.*
- *Have reasonable access to a range of local shops, facilities, services and amenities.*
- *Provide residential uses in conjunction with other uses in small town settings.*
- *Greenfield residential development sites.*

The proposal is consistent with the objectives of the GSHS as it will result in a low rise medium density development in an area that has the capacity to accommodate new residential development that is well serviced.



Clause 21.07 – Infrastructure seeks to provide for the appropriate design, management and delivery of infrastructure in the Shire. The *Infrastructure Design Manual* prepared by the Local Government Infrastructure Design Association is a Reference document in the Planning Scheme. The proposed development, along with standard planning permit conditions, will be consistent with the requirements of the IDM.

Relevant Particular Provisions

Clause 52.06 (Car parking) applies to a development to develop two or more dwellings on a lot.

As both dwellings comprise three or more bedrooms, they each require two parking spaces, one of which must be under cover.

Car ports are required to be 6 metres long and 3.5 metres wide. Uncovered spaces are required to be 4.9 metres long with 0.5 metre space between any other parking space where provided in tandem.

Design standards for car parking are identified. Plans must meet the requirements unless the responsible authority agrees otherwise. Accessways are required to be a minimum of 3 metres wide. Where the accessway serves four or more cars or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forwards direction.

Response:

Both dwellings are provided with a carport, and opportunity for a second vehicle to park in the respective driveway in front of the covered spaces. Insufficient detail is included on the site layout plan to appropriately demonstrate that the second, uncovered car parking space

for the existing dwelling can be used without impacting on the minimum 3 metre wide driveway to service the proposed new dwelling. Amended plans are required to clearly illustrate that the uncovered parking space to the existing dwelling will not conflict with the driveway access to the rear dwelling.

Carports are currently only shown as 5.5 metres long. Width is correctly shown as 3.5 metres. Uncovered spaces are incorrectly shown as 5.4 metres however this accounts for the space between other spaces as they are provided as tandem spaces. A condition of permit is required to ensure car ports are provided as they correct dimensions. In the case of the existing dwelling, the car port may include the existing eave of the dwelling, which the car port abuts.

Where the accessway serves four or more cars or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forwards direction. In this case however, there is an existing dwelling on the site that contains two of the car parking spaces. The dwelling requires two parking spaces, and these vehicles do not currently exit the site in a forwards direction. The proposal represents to change to this existing situation.

The new dwelling is provided with two parking spaces. The accessway and parking spaces for this dwelling have been designed and sited to ensure that these vehicles are able to enter and exit the site in a forwards direction.

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

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>Clause 55.02-1 Neighbourhood character objectives To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>Standard B1 The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Complies Comments: There is no relevant neighbourhood character objective, policy or statement set out in this scheme.</p> <p>The wider area generally comprises of rectangular lots of approximately 700m² to 1,000m² occupied by single, detached dwellings and associated landscaping and outbuildings. This includes a variety of architectural styles from the 1950s to 1970s.</p> <p>There are also several unit developments in the neighbourhood, particularly along Wilmot Road and Archer Street, including on the adjoining site to the north in Archer Street.</p> <p>The application is for the construction of one additional</p>

		<p>dwelling at the rear of the site.</p> <p>The proposed dwelling is modest in scale, is appropriately sited to the rear of the dwelling and off side property boundaries, and the design respects the neighbourhood character and is appropriate for the site.</p>
<p>Clause 55.02-2 1) Residential policy objectives To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Standard B2 An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the SPPF and the LPPF, including the MSS and local planning policies.</p>	<p>Complies Comments: The SPPF promotes housing diversity and affordable housing opportunities in existing urban areas.</p> <p>The site is identified for incremental change in the <i>Greater Shepparton Housing Strategy 2011</i>. Incremental Change Areas include established residential areas that have the capacity to accommodate a moderate level of residential development.</p> <p>The application provides additional housing in an established urban area earmarked for incremental change.</p>
<p>Clause 55.02-3 Dwelling diversity objective To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> ▪ Dwellings with a different number of bedrooms. ▪ At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>N/A Not applicable as the development is for less than 10 dwellings.</p>
<p>Clause 55.02-3 Infrastructure objectives To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Standard B4 Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>Complies Comments: The application is for the construction of one additional dwelling on the site, which will be connected to reticulated services to the requirements of the relevant authorities. The proposal will not unreasonably exceed the capacity of these services.</p>
<p>Clause 55.02-5 Integration with the street objective</p>	<p>Standard B5 Developments should provide</p>	<p>Complies Comments:</p>

<p>To integrate the layout of development with the street.</p>	<p>adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>Archer Street is easily accessed by pedestrians with footpaths on both sides.</p> <p>The proposal is for a new dwelling at the rear of the site, which will not be easily visible from the street. However, the proposed dwelling is oriented towards Archer Street, in keeping with the orientation of adjoining properties.</p> <p>There is an existing high front fence, which will be retained.</p>
<p>Clause 55-03-1 Street setback objective To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Standard B6 Walls of buildings should be set back from streets the distance specified in Table B1.</p> <p>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p>	<p>Complies Comments: The front setback will not be altered as part of this application, as the proposed new dwelling is to be constructed at the rear.</p>
<p>Clause 55.03-2 Building height objective To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Standard B7 The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated.</p>	<p>Complies Comments: The application is for the construction of a single storey dwelling, which will not exceed the maximum building height of 9 metres.</p> <p>The proposed dwelling is modest in height and scale, and is consistent with existing buildings in the area.</p>
<p>Clause 55.03-3 Site coverage objective To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>	<p>Standard B8 The site area covered by buildings should not exceed 60%.</p>	<p>Complies Comments: The land is approximately 788m² in size, and the proposed total building area will be approximately 294m².</p> <p>The proposed site coverage is approximately 37%, which complies with the standard and in turn satisfies the objective.</p>
<p>55.03-4 Permeability objectives To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p>	<p>Standard B9 At least 20% of the site should not be covered by impervious surfaces.</p>	<p>Complies Comments: The land is approximately 788m² in size, and the proposed impermeable coverage will be approximately 469m².</p> <p>The proposal will result in approximately 40% impermeable surfaces, which complies with the standard and in turn satisfies the objective.</p>
<p>55.03-5</p>	<p>Standard B10</p>	<p>Complies</p>

<p>Energy efficiency objectives To achieve and protect energy efficient dwellings and residential buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p>Buildings should be:</p> <ul style="list-style-type: none"> ▪ Oriented to make appropriate use of solar energy. ▪ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p>Comments: The proposed dwelling will not cast shadows that affect the energy efficiency of the existing dwelling on the land, nor any existing dwellings on neighbouring lots.</p> <p>The proposed dwelling will have north facing living areas.</p> <p>The proposed dwelling has been designed to maximise north-facing windows where practicable for an infill residential development.</p>
<p>55.03-6 Open space objective To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>Standard B11 If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> ▪ Be substantially fronted by dwellings, where appropriate. ▪ Provide outlook for as many dwellings as practicable. ▪ Be designed to protect any natural features on the site. ▪ Be accessible and useable. 	<p>Complies Comments: The application does not involve the subdivision of the land. As a result, some of the open spaces on the site may be considered as communal. These spaces will be largely fronted by the dwellings where possible, and overlooked by windows from both the existing and proposed dwellings.</p> <p>There are no significant natural features on the land to be protected.</p> <p>The proposed open space will be accessible and useable.</p> <p>Both dwellings will also be provided Secluded Private Open Space as required by ResCode.</p>
<p>55.03-7 Safety objective To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Standard B12 Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies Comments: The entrance to the existing dwelling will not be altered.</p> <p>The entrance to the proposed dwelling will not be obscured or isolated from internal accessways.</p> <p>Planting will not create unsafe spaces along accessways.</p> <p>The driveway is visible from the dwellings, which will enable occupants to provide surveillance of spaces.</p> <p>The design will not result in the inappropriate use of private spaces as thoroughfares.</p>
<p>55.03-8 Landscaping objectives To encourage development that respects the landscape character of the</p>	<p>Standard B13 The landscape layout and design should:</p> <ul style="list-style-type: none"> ▪ Protect any predominant 	<p>Complies Comments: The existing large tree in the front of the existing dwelling will</p>

<p>neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping. To encourage the retention of mature vegetation on the site.</p>	<p>landscape features of the neighbourhood.</p> <ul style="list-style-type: none"> ▪ Take into account the soil type and drainage patterns of the site. ▪ Allow for intended vegetation growth and structural protection of buildings. ▪ In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. ▪ Provide a safe, attractive and functional environment for residents. <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p> <p>Development should meet any additional landscape requirements specified in a schedule to the zone.</p>	<p>be retained.</p> <p>A landscape plan will be required for the application.</p>
<p>Clause 52.03-9 Access objective To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>Standard B14 The width of accessways or car spaces should not exceed 40% of the street frontage, as the width of the street frontage is less than 20 metres.</p> <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>Complies Comments: The accessway does not exceed 40% of the street frontage.</p> <p>The existing single crossover will be utilised for the proposed second dwelling. This location maximises the retention of on-street car parking.</p> <p>The accessway is appropriate to provide access for service, emergency and delivery vehicles.</p>
<p>Clause 55.03-10 Parking location objectives To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>Standard B15 Car parking facilities should:</p> <ul style="list-style-type: none"> ▪ Be reasonably close and convenient to dwellings and residential buildings. ▪ Be secure. ▪ Be well ventilated if enclosed. 	<p>Complies Comments: The proposed dwelling includes a covered car port and an uncovered space in the driveway (tandem). A car port is proposed for the existing dwelling, again with a second space provided in</p>

	<p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p>the driveway in front of the car port.</p> <p>Car parking for the existing and proposed dwellings provides convenient and secure car parking for the each dwelling.</p> <p>The location of the accessway complies with the minimum requirement of 1.5 metres from windows of habitable rooms.</p>
<p>Clause 55.04-1 Side and rear setbacks objective To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> ▪ At least the distance specified in a schedule to the zone, or ▪ If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	<p>Complies Comments: No new walls of the proposed dwelling are to be sited on an existing property boundary.</p> <p>The proposed dwelling meets (exceeds) all minimum setbacks.</p>
<p>Clause 55.04-2 Walls on boundaries objective To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>Standard B18 A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> ▪ For a length of more than the distance specified in a schedule to the zone; or ▪ If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the 	<p>Complies Comments: The proposed dwelling complies with the standard as no new walls are proposed on existing property boundaries.</p> <p>The proposed car port to the new dwelling is sited on the southern boundary of the site. The length of the car port on the boundary (3.5 metres) is well within the allowable limits of 10 metres plus 25% of the remainder of the length of the boundary.</p>

	<p>existing or simultaneously constructed walls or carports, whichever is the greater.</p> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	
<p>Clause 55.04-3 Daylight to existing windows objective To allow adequate daylight into existing habitable room windows.</p>	<p>Standard B19 Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p>Complies Comments: The proposed dwelling will not impact on daylight to windows of habitable rooms in existing dwellings. There are no habitable room windows within 3 metres of the new dwelling or car port.</p>
<p>Clause 55.04-4 North-facing windows objective To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20 If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the</p>	<p>Complies Comments: The proposed dwelling will not impact on solar access to north-facing windows of habitable rooms in existing dwellings. There are no existing north facing windows within 3 metres of proposed new development.</p>

	<p>window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	
<p>Clause 55.04-5 Overshadowing open space objective To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Standard B21 Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies Comments: Shadow diagrams have been provided with the application demonstrating that the extent of shadow at 9am, 12pm and 3pm will typically be less than the extent of shadow currently cast by the existing boundary fences.</p> <p>Only very minor encroachments beyond the fence occur onto 254 Archer Street at 9am and 12 pm, and by 3pm any shadow beyond the fence is over the existing outbuilding only. The extent of shadow is well within allowable limits identified under the Standard as the adjoining site has a substantial area of Private Open Space that will not be overshadowed.</p>
<p>Clause 55.04-6 Overlooking objective To limit views into existing secluded private open space and habitable room windows.</p>	<p>Standard B22 A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> ▪ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. ▪ Have sill heights of at least 1.7 metres above floor level. ▪ Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. ▪ Have permanently fixed 	<p>Complies Comments: The applicant submission identifies that boundary fences are to be increased to 1.8 metres high that will prevent overlooking into existing secluded private open space and habitable room windows. The increase in fence height is not shown on the development plans. A condition of permit is recommended to require plans showing the increase side boundary fences to 1.8m high in accordance with the applicant submission.</p>

	<p>external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</p> <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> ▪ Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. ▪ Permanent, fixed and durable. ▪ Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>	
<p>Clause 55.04-7 Internal views objective To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p>Standard B23 Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>Complies Comments: The proposed dwelling will be single storey, with fences to prevent views into the secluded private open space and habitable room windows of the existing dwelling on the land. The planning submission refers to 2 m high fences, but 1.8 m high internal fences are shown. A condition of permit is recommended to require plans showing the extent and height of all proposed internal fencing.</p>
<p>Clause 55.04-8 Noise impacts objectives To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.</p>	<p>Standard B24 Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>Complies Comments: The proposal is for a single dwelling in an existing, established residential area. It is not expected that there will be any impact on residents from external noise.</p>

<p>Clause 55.05-1 Accessibility objective To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p>Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>Complies Comments: The proposed dwelling is single storey and will be able to be accessed by people with limited mobility.</p>
<p>Clause 55.05-2 Dwelling entry objective To provide each dwelling or residential building with its own sense of identity.</p>	<p>Standard B26 Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> ▪ Be visible and easily identifiable from streets and other public areas. ▪ Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>Complies Comments: The entrance to the existing dwelling will not be altered. The entrance to the proposed dwelling will not be obscured, will be sheltered by a portico and will be easily identifiable.</p>
<p>Clause 55.05-3 Daylight to new windows objective To allow adequate daylight into new habitable room windows.</p>	<p>Standard B27 A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> ▪ An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or ▪ A verandah provided it is open for at least one third of its perimeter, or ▪ A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>Complies Comments: Windows in habitable rooms of the proposed dwelling will allow adequate daylight and meet the minimum standard, as the new dwelling is offset from all property boundaries.</p>
<p>Clause 55.05-4 Private open space objective To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p>Standard B28 A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</p> <p>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> ▪ An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or ▪ A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or ▪ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. 	<p>Complies Comments: Both the proposed dwelling and existing dwelling will have minimum private open space of 40m².</p> <p>All proposed private secluded spaces will be able to be access from the living rooms, which a minimum of 25m², including minimum width of 3m².</p>
<p>Clause 55.05-5 Solar access to open space objective</p>	<p>Standard B29 The private open space should be</p>	<p>Complies Comments:</p>

<p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) metres, where 'h' is the height of the wall.</p>	<p>The secluded private open space is located on the northern and western sides of the dwellings, which have access to northern sunlight.</p>
<p>Clause 55.05-6 Storage objective To provide adequate storage facilities for each dwelling.</p>	<p>Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Complies Comments: Both the existing dwelling and proposed dwelling will have access to private, lockable sheds of 6m³.</p>
<p>Clause 55.06-1 Design detail objective To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Standard B31 The design of buildings, including:</p> <ul style="list-style-type: none"> ▪ Facade articulation and detailing, ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>Complies Comments: The design of the proposed dwelling will not detract from the character of the existing neighbourhood. The proposed dwelling will not be highly visible from the street.</p>
<p>Clause 55.06-2 Front fences objective To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Standard B32 The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> ▪ The maximum height specified in a schedule to the zone, or ▪ If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. <p>Table B3 Maximum front fence height for streets not in a Road Zone, Category 1 is 1.5 metres</p>	<p>Complies Comments: The existing front fence will be retained.</p>
<p>Clause 55.06-3 Common property objectives To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>Standard B33 Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>Complies Comments: The application includes proposal for a shared driveway, which will be managed by the owner of the property.</p>
<p>Clause 55.06-4 Site services objectives To ensure that site services can be</p>	<p>Standard B34 The design and layout of dwellings and residential buildings</p>	<p>Complies Comments: The proposed dwelling can be</p>

<p>installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p>should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>easily connected to all required services.</p> <p>Bins can be located in the private secluded open spaces.</p> <p>A mailbox will be installed adjacent to the accessway.</p>
--	---	---

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 adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Response – As identified in this report, the proposal is consistent with the objectives of the General Residential Zone. The proposal will also implement the objectives of the relevant state and local planning policy frameworks that seek to promote urban consolidation and the development of medium density housing in locations well serviced by physical and social infrastructure.

The proposed development is consistent with the relevant objectives of ResCode that seeks to protect residential amenity.

In addition, there is no native vegetation on the site and there are no identified hazards on the site being located in an established urban setting.

Relevant incorporated or reference documents

The *Greater Shepparton Housing Strategy 2011* (GSHS) is a Reference Document in the Greater Shepparton Planning Scheme. As previously discussed, the GSHS identifies the site is within an identified “Incremental Change Area” where there is capacity to accommodate substantial residential development, including low rise medium density housing. The proposal is consistent with the GSHS.

Other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

There are no Planning Scheme amendments applicable to this application. Confirm

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?

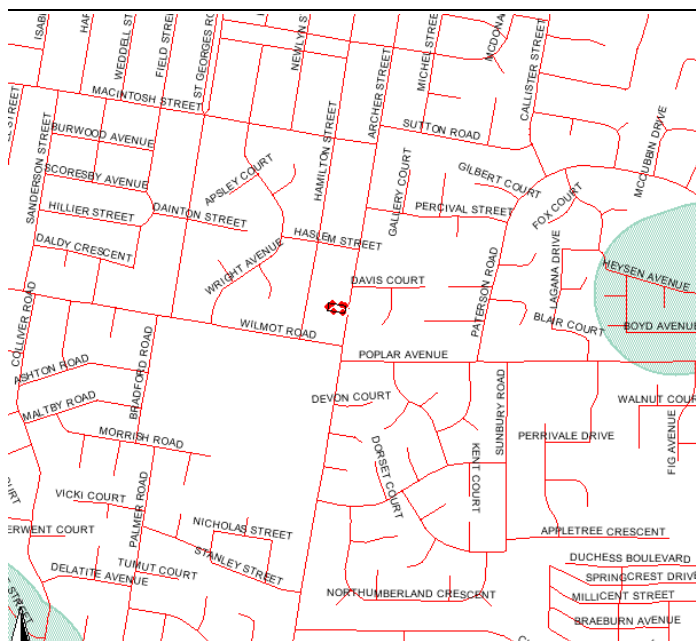
There are no other relevant Acts that relate to this application for a planning permit.

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.



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

It is considered that:

- The land is appropriately zoned for infill residential development.
- State and Local Planning Policies support residential infill development in this location.
- The proposal complies, or is able to comply (subject to planning permit conditions) with the relevant objectives and standards of Clause 55 (ResCode – Two or more dwellings on a lot) of the Greater Shepparton Planning Scheme.
- The proposal will not result in any adverse amenity impacts to the adjoining properties.

Draft Notice Of Decision

APPLICATION NO: 2018-81

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: 252 ARCHER STREET SHEPPARTON VIC 3630

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND WORKS FOR A SECOND DWELLING IN THE GENERAL RESIDENTIAL ZONE 1

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Amended Plans Required

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

- a) Proposed car ports to satisfy the minimum dimensions of Clause 52.06 of the Planning Scheme. The length of the car port to the existing dwelling may include the existing eaves of the dwelling.
- b) Uncovered car parking space to the existing dwelling satisfying the minimum dimensions of Clause 52.06 of the Planning Scheme and demonstrating that the parking space will not conflict with the minimum 3 metre accessway width required to service the proposed new dwelling at the rear of the site.
- c) Existing boundary fences increased to 1.8 metres in accordance with the planning submission submitted with the application.
- d) The location and height of all internal fences.

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

2. Layout Not Altered

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

3. **Drainage Discharge Plan**

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

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

Prior to occupation of the development, all drainage works required by the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

4. **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) the method of preparing, draining, watering and maintaining the landscaped area

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 development 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.

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
- d) Techniques for Sediment Pollution Control (EPA, 1991) and;
- e) Maintaining a neat and tidy site.

6. 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 individual water supply meters to each tenement within the development;
- c) 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

7. Powercor Requirements

The applicant shall:-

- a) Provide an electricity supply to the development in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
- b) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- c) Any construction work must comply with Energy Safe Victoria's "No Go Zone"

rules.

8. Time for Starting and Completion

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

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

Application Details:

Responsible Officer:	Tim Watson (report prepared by Alex Winfield)
Application Number:	2018-44
Applicants Name:	All Sheds
Date Application Received:	13 February 2018
Statutory Days:	149
Land/Address:	170 Prentice Road, ORRVALE 3631
Zoning and Overlays:	Farming Zone, Schedule 1 – (FZ1) Floodway Overlay (part) Land Subject to Inundation Overlay (part)
Why is a permit required (include Permit Triggers):	Clause 35.07-4 – buildings and works in the Farming Zone Clause 44.04-2 – buildings and works in the Land Subject to Inundation Overlay.
Are there any Restrictive Covenants on the title?	Lot 2 on Plan of Subdivision 208948P. There are no covenants or other restrictions registered on the Title to the land. An easement (5 m wide for "Water supply purposes") runs along the east boundary of the site shared with Prentice Road.

Proposal

The application proposes the siting of two shipping containers on the land at 170 Prentice Road, Orrvale.

The application has been made retrospectively with both containers placed on the land without planning permission.

The containers have dimensions of 12.2 metres long by x 2.4 metres wide and 2.9 metres high. The applicant has advised that the shipping containers would have cool store capabilities.

The site plan provided by the applicant indicates that the containers would be sited adjacent each other (separated by 1 m) and located 50 metres from the southern property boundary and approximately 86 metres from the eastern (Prentice Road) property boundary.

The siting of shipping containers on the land for the purposes of storage is considered / defined as a building. A permit is required under the Farming Zone for buildings within 100 metres of a designated flood plain and a dwelling not in the same ownership.

A planning permit is required under the provisions of the Land Subject to Inundation Overlay for the buildings, as the following exemption in the Schedule to the overlay would not apply to the proposal buildings:

An agricultural shed (other than one used for industrial, retail or office purposes) for the storage of farm machinery, farm vehicles and workshop associated with a rural use in a farming zone with a floor area not more than 130 square metres.

Given the shipping containers will be used to chill fruit prior to collection, this exemption cannot be applied. The shipping containers will be used to store fruit picked on the land only

and, therefore, is ancillary to the use of the land for an orchard. It is now common and an accepted practice for orchards to be able to store fruit picked on their land.

As the LSIO triggers the need for permission the application cannot be processed under the Vic Smart provisions.

Summary of Key Issues

The application proposes the siting of two refrigerated storage containers on the land.

The site is located within an area of strategic agricultural importance, and is agriculturally used and developed. The key considerations for this application are:

- Whether the proposal is reasonably required to support the agricultural use of the land.
 - Whether the proposal meets the objectives and appropriately addresses the Decision guidelines of the Farming Zone.
 - Whether the proposal will result in a satisfactory outcome with respect to flood risk.
 - Whether the proposal will result in any unacceptable off site amenity impacts.
-

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2018-44** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-4 and 44.04-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as **170 Prentice Road ORRVALE VIC 3631**, to erect **two 12.2 metre by 2.4 metre by 2.9 metre Shipping Containers** in accordance with the Notice of Decision and the endorsed plans.

Moved by Colin Kalms

Seconded by Emma Kubeil

That Council having caused notice of Planning Application No. **2018-44** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-4 and 44.04-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as **170 Prentice Road ORRVALE VIC 3631**, to erect **two 12.2 metre by 2.4 metre by 2.9 metre Shipping Containers** in accordance with the amended Notice of Decision and the endorsed plans.

Amendment to the Notice of decision as follows:

THE PERMIT ALLOWS to read as follows:

Buildings and works (retrospective) in the Farming Zone for the placement of two shipping containers within 100 metres of a designated floodplain (Floodway Overlay) and dwelling not in the same ownership and in the Land Subject to Inundation Overlay in accordance with the endorsed Plans forming part of this Permit.

CARRIED

Subject Site & Locality

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

Date: 17 May 2018 Time: 12 pm

The site has a total area of approximately 8.4 hectares. Relevant features and characteristics of the site are described as follows:

- Used and developed with an orchard occupying most of the site.
- The south east corner of the site is cleared, having previously been planted out as an orchard.
- An existing farm building is located within the cleared area at the south east corner of the site.

- The storage containers have already been sited on the site, one on the eastern side of the existing storage shed, and the other on the western side of storage shed. The containers are sited close to and running parallel with the shed.
- Vehicle access is provided via a crossover to Prentice Road towards the south east corner of the site.

The main site/locality characteristics are:

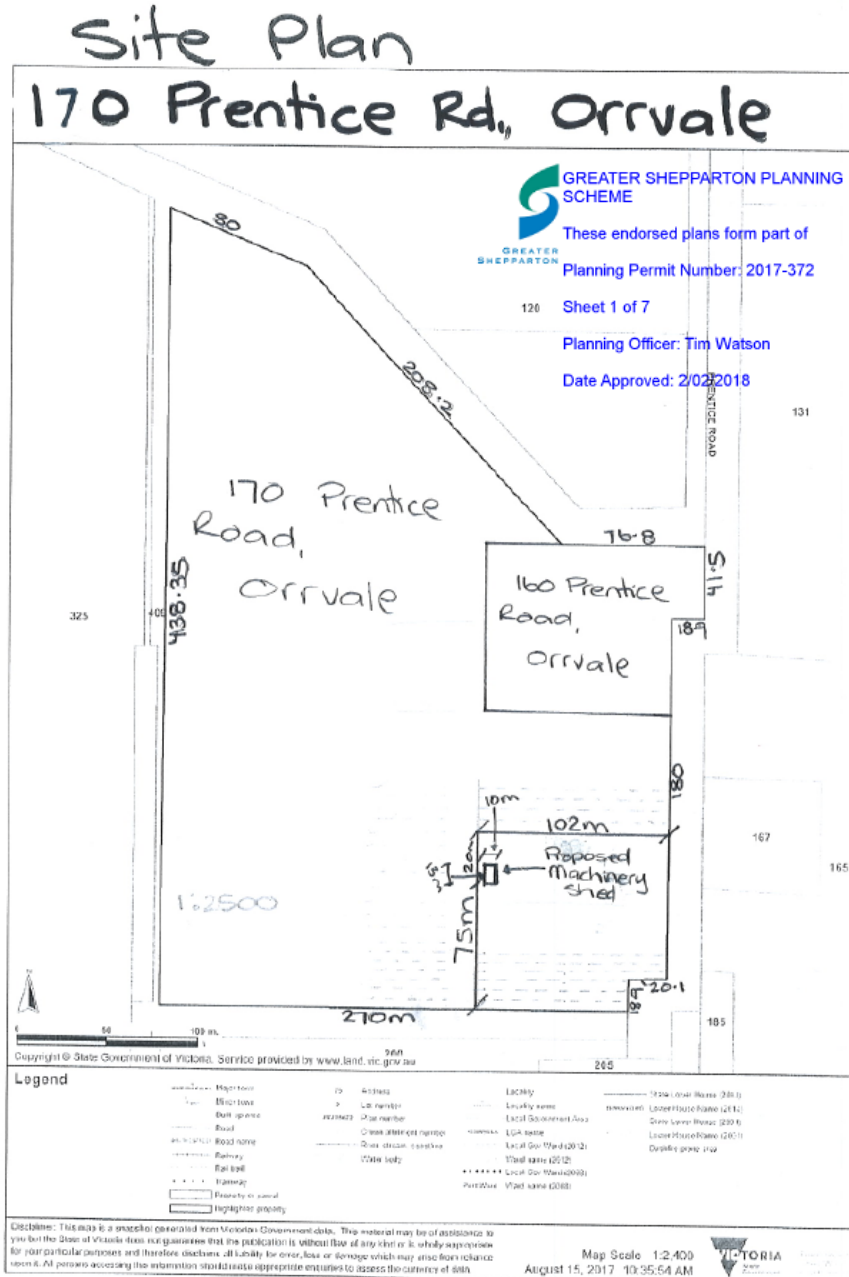
- The site is surrounded by orchard properties in most directions, with land to the west, north, north east and south east all used for this purpose.
- Land to the south of the site falls within the Public Use Zone Schedule 1 – *Service and Utility*.
- Land to the south of the Public Use Zone are properties within the Farming Zone (200 and 205 Prentice Road) that each contain dwellings sited at the northern end of the properties. These properties appear to be used as rural lifestyle properties.
- Opposite the site to the east at 165 Prentice Road is a dwelling on a small lot, used solely as a rural lifestyle dwelling with no agricultural use of the site.
- Also opposite the site to the east at 165 Prentice Road is a dwelling at the western end of the lot.

The Photos below show the existing site:



Permit/Site History

Planning permit 2017-372 was issued on 19 December 2017 and allowed a farm shed. The below endorsed site plan shows the location of the shed that is now constructed.



Further Information

Was further information requested for this application?

Yes. Further information was requested on 22 February, 2018. Details requested were:

- Plans showing the dimensions of the proposed shipping containers;
- A site plan showing the location of the shipping containers, including setbacks from the property boundaries; and
- Details of the purpose of the shipping containers.

A site plan with the location of the shipping containers drawn by hand was submitted to Council via email on 27 February 2018.

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description Buildings and works (retrospective) in the Farming Zone for the placement of two shipping containers within 100 metres of a designated floodplain (Floodway Overlay) and a dwelling not in the same ownership, by sending notices to the owners and occupiers of adjoining land.

It is noted that the Land Subject to Inundation component of the application was exempt from being advertised in accordance with Clause 44.04-6 of the planning scheme.

Notices were sent to a total of eight affected property owners / occupiers.

Following this process, three objections to the proposal were received.

Objections

Two objections to the proposal were received. The objections are addressed and considered as follows.

Reason for objection	Planning Response
Distance from cool stores to existing dwellings / Lack of buffer between cool stores and existing dwellings.	<p>The plans submitted with the application are of poor quality, and inconsistent in terms of the siting and orientation of the containers, and the presence of the existing storage building.</p> <p>Although not an ideal situation, the consideration of the application was aided by the application being retrospective and the siting of the containers able to be confirmed on the ground.</p>

	<p>The site plan submitted in response to the Council request for further information shows a minimum setback from the southern boundary where the objectors properties are sited as 50 m (although the existing shed is not shown and the containers are not oriented as constructed / placed).</p> <p>The minimum setback from a boundary (other than road boundaries) under the Zone is 5 metres, which is exceeded by the proposal.</p> <p>The objector has indicated that the containers are within 100 metres of their dwelling at 200 Prentice Road.</p> <p>The siting of the buildings approximately 50 metres from the southern boundary is considered appropriate. The siting allows for the containers to be adjacent the existing storage building, providing for consolidation of agricultural buildings on one part of the land.</p> <p>It is recommended that a condition be imposed requiring more accurate, detailed plans be provided.</p> <p>The 50 metre setback allows for future replanting of orchards within the setback to the southern boundary.</p>
<p>Noise from cool stores.</p>	<p>No information has been provided by the applicant in relation to noise levels generated by the refrigeration of the containers.</p> <p>The site has been inspected and at the time of inspection noise was audible but not disruptive from the Prentice Road property boundary.</p> <p>A condition of permit is recommended to ensure that noise does not exceed allowable limits for a rural activity in accordance with</p>

	the relevant EPA guidelines.
Noise from orchard activities – machinery, traffic and pickers	The use of land for agriculture is established. This application is unable to address existing issues associated with established use of the land.
Lack of information regard use of containers for cool storage.	It is understood that the containers are to be refrigerated. Conditions are recommended to formalise / confirm the siting of the containers, and noise resulting from their use.
Increased dust affecting water quality.	The use of land for agriculture is established. This application is unable to address existing issues associated with established use of the land.
Traffic and road safety concerns.	The use of land for agriculture is established. This application is unable to address existing issues associated with established use of the land.

Title Details

The land is known as 170 Prentice Road, Orrvale.

The Title description is Lot 2 on Plan of Subdivision 208948P.

There are no covenants or other restrictions registered on the Title Search to the land.

An easement (5 m wide for “Water supply purposes”) runs along the east boundary of the site shared with Prentice Road.

Referrals

External Referrals/Notices 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	44.04-7	Recommending	No objection and no conditions

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
Goulburn-Murray Water	No objection subject to the following conditions: <ol style="list-style-type: none"> 1. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991). 2. The outbuildings must not contain bedrooms (or rooms that could be used as bedrooms) or any facilities with the potential to produce wastewater, including toilets, kitchens or other food preparation facilities. 3. Drainage from the development must have an approved drainage point to the GMW drain. 4. The maximum allowable discharge rate from the development into any Goulburn Murray Water Drains is be 1.2 L/s/ha. 5. The water supply easement shown as E-1 on LP208948 must not be impeded by any of the works. 6. No buildings or works may be erected or carried out within 30 metres of any Goulburn Murray Water surface infrastructure (including open irrigation channels and drains).

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	No objection and no conditions

Assessment

The zoning of the land

The land falls within the **Farming Zone, Schedule 1**.

A permit is required under Clause 35.07 of the Farming Zone for buildings and works within 100 m of a designated floodplain (Floodway Overlay).

The purposes of the Farming Zone are identified as:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Key considerations for this application include whether the proposal provides for the use of land for agriculture and provides for the retention of productive agricultural land.

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines on Clause 65, the responsible authority must consider the decision guidelines at Clause 35.07-6 of the Scheme.

General issues

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.* See later discussion.
- *Any Regional Catchment Strategy and associated plan applying to the land.* The proposal is consistent with the relevant Regional Catchment Strategy and it is noted that the GBCMA has no objection to the proposal.
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.* The proposed development is required to support the established use of the land for an orchard. The proposal will not generate any wastewater.
- *How the use or development relates to sustainable land management.* The land is used as an established orchard. The containers are sited adjacent an existing storage shed. The containers will be used to support the existing agricultural use. The applicant has indicated that the areas around the containers and existing storage shed are to undergo further planting as part of the orchard.
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.* The land is currently used for agriculture. The containers are required to support the existing agricultural use of the land. Although objections have been received from neighbouring properties, the potential for amenity impacts need to be considered on balance having regard to the established use of the site and the primary purpose of the Farming Zone.
- *How the use and development makes use of existing infrastructure and services.* Limited new infrastructure is required for the ongoing agricultural use of the land. The new containers have been appropriately sited adjacent to the existing storage building on the site, to consolidate buildings on the site in one location and limit impact on the parts of the site available for planting as part of the established orchard.

Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production.* The proposed development is required to support the existing agricultural use of the land.
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.* The proposal will support agricultural production as the containers are to be used to store produce from the existing orchard. Buildings have been consolidated to one part of the site.
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.* The proposal will have no impact on the expansion of any adjoining or nearby agricultural pursuits.

- *The capacity of the site to sustain the agricultural use.* The land has a history of agricultural use, and is currently being used for agriculture (orchard). The buildings are consolidated in one part of the site, maximising the space available for the continued use of the land for this purpose, and to provide for additional future planting on the site as part of the business.
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.* The development is proposed to support the existing agricultural enterprise.
- *Any integrated land management plan prepared for the site.* No integrated land management plan has been prepared for the site.

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.* The proposal will result in an additional dwelling within an area identified as being of strategic agricultural importance.

The dwelling issues considerations are not applicable as no new dwelling is proposed under this application.

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.* The location of the containers is predominantly flat, cleared land adjacent an existing storage building.
- *The impact of the use or development on the flora and fauna on the site and its surrounds.* No native flora or fauna would be affected as the site is cleared and located in a productive agricultural area.
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.* No native vegetation would be affected by the proposal.
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.* The storage containers would not generate wastewater.

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 proposed containers are proposed to be sited adjacent the existing storage building to consolidate buildings on one part of the site.
- *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 site is located in a predominantly flat, agricultural area. There are no significant views or features that would be affected by the containers. The containers will have a smaller footprint and lower overall height than the existing, adjacent storage building on the land.
- *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.* There are no identified features that would be impacted by the proposal. Agricultural buildings / storage facilities are consistent with the rural character of the area.
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.* The site is suitably serviced. No new infrastructure is proposed or required to be provided to the site to facilitate the development.
- *Whether the use and development will require traffic management measures.* The agricultural use of the land is established. No traffic management measures would be required as a result of the storage containers.

When considering the proposal against the decision guidelines of the Farming Zone, the key considerations are:

- Whether the proposal will support or enhance the agricultural productivity of the site,
- Whether the proposal will result in the loss or fragmentation of productive agricultural land.
- Whether the proposal will impact on any nearby agricultural pursuit.
- Whether the siting of the proposed containers is appropriate with respect to loss of agricultural productive land and the impact on siting on the environment, views or vistas.

It is considered that the proposal will support and enhance an established agricultural use of the land. The containers are appropriately sited in a manner that reduces the impacts of new buildings on productive agricultural land by consolidating them on one part of the site. The containers support the purposes of the zone to provide for the use of land for agriculture and encourage the retention of productive agricultural land.

Relevant overlay provisions

The site is affected by a **Land Subject to Inundation Overlay**.

A permit is required under Clause 44.04-2 to construct a building or carry out works in the Land Subject to Inundation Overlay.

The purposes of the Overlay are identified as:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify 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.*
- *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.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Under Clause 44.04-7, an application must be referred to the Floodplain Management Authority. No objections to the proposal were received from the Goulburn Broken Catchment Management Authority.

Decision guidelines are at 44.04-8. The proposal is consistent with the objectives and decision guidelines of the Overlay as buildings have been sited outside the part of the land affected by the Flood Overlay (i.e. the part of the site with a lesser flood risk) and the Catchment Management Authority has consented to the proposal.

The site is also affected by the **Flood Overlay**.

The Overlay applies to the northern portion of the site. As no new buildings and works are proposed within the area affected by the Flood Overlay, no permit is required under this control.

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

Clause 21.06-1 – Agriculture identifies that Irrigated primary production and the processing of that product underpin the municipality and the Region's economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production. The policy notes that prospective agricultural investment is jeopardized, deterred, or completely lost by land uses and developments that have the potential to compromise the scale and location of such investment. In particular, agricultural investment is far less likely where land is already fragmented in ownership with housing dispersed throughout.

The *Regional Rural Land Use Strategy (RRLUS)* is a Reference Document in the Planning Scheme and applies to the proposal.

The relevant Objectives for Agriculture are to “ensure that agriculture is and remains the major economic driver in the region” and “facilitate growth of existing farm businesses”.

The relevant strategies for Agriculture are to:

- *Encourage growth and expansion of existing farm businesses and new investment in ‘growth’ and ‘consolidation’ areas.*
- *Encourage opportunities for smaller scale, specialized agriculture in ‘niche’ areas.*
- *Encourage value adding and new enterprises for agricultural production.*

It is considered that the proposal is consistent with the objectives for Agriculture as the proposal will support the continued growth of an existing small farm business.

Clause 21.05-2 (Floodplain and Drainage Management) seeks to recognise the constraints of the floodplain on the use and development of land. With respect to new development, the free passage and temporary storage of floodwater is to be maintained and the risk of flood damage minimised.

The site is affected by a Floodway Overlay and a Land Subject to Inundation Overlay. The proposal responds to the objectives of the policy through siting the development outside the part of the site affected by the Floodway Overlay. The Goulburn Broken Catchment Management Authority provided advice with respect to the proposal and no objections were received in relation to flood considerations.

Relevant Particular Provisions

Not applicable as no Particular provisions apply to the proposed development.

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 adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

The proposal has been considered with respect to the relevant purposes and decision guidelines of the Farming Zone and for the reasons previously identified it is considered that the proposal is consistent with the orderly planning of the area. The proposal will support an established agricultural pursuit in an area accordingly zoned. Potential amenity impacts are able to be appropriately addressed through generally standard permit conditions.

Relevant incorporated or reference documents

The *Regional Rural Land Use Strategy 2008* applies to the proposal and has been considered as part of the assessment of the application (see discussion in relation to the Local Planning Policy Framework).

Other relevant adopted State policies or strategies policies

There are no 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?

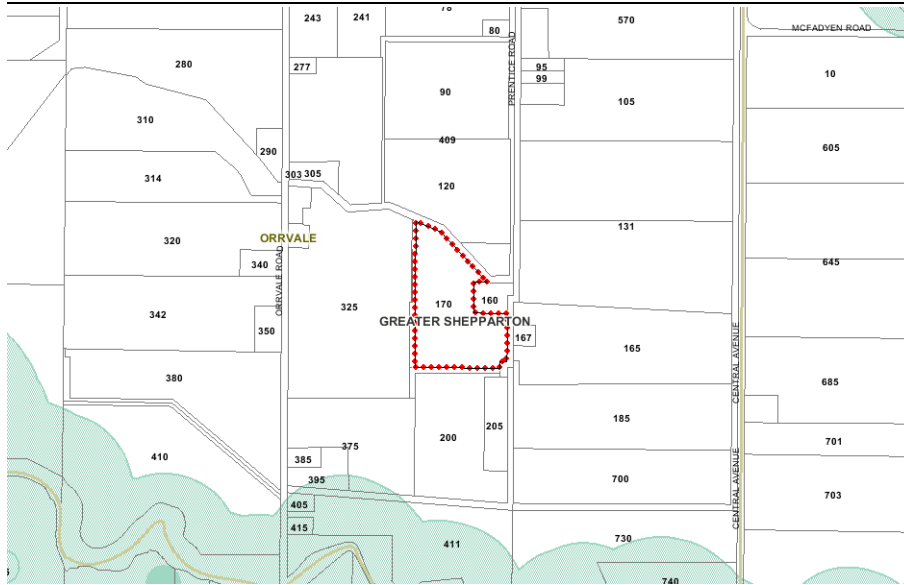
There are no other relevant Acts that relate to this application for a planning permit.

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.



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

It is considered that a Notice of Decision should issue on the basis that:

- The land is appropriately zoned for agricultural activities.
- The use of land for agriculture is established.
- The siting of the proposed containers is proximate to the existing storage shed on the land, consolidating buildings to one part of the site. A condition is recommended to require better quality site plans are provided confirming the location of all existing and proposed buildings.
- Potential noise impacts can be addressed through the imposition of a permit condition relating to noise levels from the containers complying with the recommended levels as set out in the EPA noise guidelines.

Draft Notice Of Decision

APPLICATION NO: 2018-44

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: 170 PRENTICE ROAD ORRVALE VIC 3631

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND WORKS (RETROSPECTIVE) IN THE FARMING ZONE FOR THE PLACEMENT OF TWO SHIPPING CONTAINERS WITHIN 100 METRES OF A DESIGNATED FLOODPLAIN (FLOODWAY OVERLAY) AND IN THE LAND SUBJECT TO INUNDATION OVERLAY

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Amended Plans Required

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

- a) Site plan drawn to scale and with dimensions, showing the existing conditions of the land including existing buildings and the location of existing orchards, internal fencing, vehicle access and other features of the site.
- b) Site plan drawn to scale and with dimensions showing the existing conditions and the location of the two proposed containers, including setbacks from property boundaries and the nearest dwellings on adjoining lots.

2. Noise Control

Within two months of the endorsement of the site plans noise measurements of actual in operation noise levels must be undertaken at the permit holders expense to determine if the use is achieving compliance with NIRV. If the monitoring finds compliance is not be achieved with NIRV additional noise mitigation measures must

be implemented without delay to the satisfaction of the responsible authority.

The use hereby permitted must be conducted such that noise levels generated do not exceed permissible noise levels established in accordance with *Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011)* or as amended.

- a) In the event of unreasonable noise being generated by activities conducted on from the subject land and being established by Council planning officers as likely to be causing a disturbance to nearby property, then further noise testing by a suitably qualified acoustic consultant must be undertaken to assess whether activities on the site are breaching the EPA permissible noise levels and to advise what measures must be implemented to minimise the problem to the satisfaction of the responsible authority.

3. Goulburn Murray Water Requirements

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) The outbuildings must not contain bedrooms (or rooms that could be used as bedrooms) or any facilities with the potential to produce wastewater, including toilets, kitchens or other food preparation facilities.
- c) Drainage from the development must have an approved drainage point to the GMW drain.
- d) The maximum allowable discharge rate from the development into any Goulburn Murray Water Drains is to be 1.2 L/s/ha.
- e) The water supply easement shown as E-1 on LP208948 must not be impeded by any of the works.
- f) No buildings or works may be erected or carried out within 30 metres of any Goulburn Murray Water surface infrastructure (including open irrigation channels and drains)

4. Time for Starting and Completion

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

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