

CONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 7/2018

HELD ON

FRIDAY 9 NOVEMBER 2018

AT 10.00AM

IN THE COUNCIL BOARDROOM
90 WELSFORD STREET

CHAIR

Councillor Dennis Patterson

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 7 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
- Sally Edmunds

I would also like to acknowledge all other parties present today. We will get you to introduce yourself when your turn comes to present.

APOLOGIES

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of DHP meeting No. 05/2018 held on Friday 17 August 2018. Minutes have been circulated.

Moved by Colin Kalms and seconded by Jonathan Griffin that the minutes of the meeting held on 17 August 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 four items listed for consideration in this session of the DHP:

1. Planning Permit application 2018-151 seeking permission for a milk tanker parking area on the land at 160 Doyles Road, Shepparton.
 2. Planning Permit application 2018-249 seeking permission for a liquor licence for an indoor play centre on the land at 7959 Goulburn Valley Highway, Kialla.
 3. Planning Permit application 2018-194 seeking permission for the erection and display of an electronic promotion sign on the land at 212-226 High Street, Shepparton.
 4. Planning Permit application 2015-470/A seeking permission for the erection and display of an externally illuminated and electronic major promotion sign on the land at 195 Numurkah Road, Shepparton.
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10. LATE REPORTS

None

11. NEXT MEETING

To be advised

Meeting concluded at 11.21 am

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Application Details:

Responsible Officer:	Andrew Dainton (report prepared by Alex Winfield)
Application Number:	2018-151
Applicants Name:	CAF Consulting Services
Date Application Received:	01-Jun-2018
Statutory Days:	133
Land/Address:	160 Doyles Road, SHEPPARTON
Zoning and Overlays:	Industrial 1 Zone Design and Development Overlay, Schedule 1 (<i>East Shepparton Industrial Area (Florence Street)</i>) Land Subject to Inundation Overlay Abuts Road Zone Category 1 and Road Zone (Doyles Road) and Road Zone Category 2 (Old Dookie Road)
Why is a permit required (include Permit Triggers):	Clause 33.01-4 – Buildings and works in the Industrial 1 Zone Clause 43.02-2 – Building and works in the Design and Development Overlay, Schedule 1 Clause 44.04-2 – Buildings and works in the Land Subject to Inundation Overlay
Are there any Restrictive Covenants on the title?	No.

Proposal

The application seeks permission to develop the land at 160 Doyles Road, Shepparton for a milk tanker parking area.

The land is within the Industrial 1 Zone and is affected by the Land Subject to Inundation Overlay and the Design and Development Overlay (DDO1 – *East Shepparton Industrial Area (Florence Street)*).

A planning permit is required pursuant to the provisions of the Industrial 1 Zone, Design and Development Overlay Schedule 1 and the Land Subject to Inundation Overlay.

The development comprises the development of a gravel hard stand area of approximately 5,000 square metres for the parking of milk tankers. The tankers are used in association with a milk producer on land adjoining the site to the west known as Freedom Foods which is the largest producer of UHT milk in the southern hemisphere.

In addition to providing a designated area for the parking of milk tankers, the space will also be utilised for overflow car parking and will be developed with a portable office.

Thirty car parking spaces are nominated on the plans.

No elevation or floor plans of the relocatable building have been provided. The site plan indicates that the building will have dimensions of approximately 5 metres by 10 metres. The building is proposed as a site office for records keeping.

A landscape strip of approximately 5 metres width was shown along the Old Dookie Road and Doyles Road frontages. Updated plans were submitted during the application process that identified a landscape strip width of 10 metres to the street frontages.

The existing entrance / exit to Old Dookie Road for the existing milk processing plant on the adjoining land will be used to provide access to the land. No new access to the site from Old Dookie Road or Doyles Road will be required.

The use of land for a milk tanker parking area is associated with the established milk processing plant (industry) on the adjoining land. The use of land for Industry is a Section 1 Use (permit not required) in the Industrial 1 Zone if the following conditions are met:

- The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:
 - The threshold distance, for a purpose listed in the table to Clause 53.10.
 - 30 metres for a purpose not listed at Clause 53.10.
- Must not adversely affect the amenity of the neighbourhood through the transport of materials, goods or commodities to or from the land, appearance of any stored goods or materials, emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

The site is over 300 m from the nearest residential zone as required by Clause 53.10. As a result, no permit is required for the use of the land.

Summary of Key Issues

The application proposes to develop a milk tanker parking area at 160 Doyles Road, Shepparton.

The site is located within an area zoned Industrial 1 and is identified as being outside the settlement boundary where residential growth is not generally supported.

The land is also located within the Land Subject to Inundation Overlay. The application was referred to the GBCMA, who offered no objection to the proposal with respect to flood plain management issues. The CMA has nominated a finished floor level for the portable office.

The key considerations for this application are:

- Whether the proposal is consistent with the purposes of the Industrial 1 Zone.
- Whether the proposal is consistent with the provisions of the Land Subject to Inundation Overlay and flood risk is able to be appropriately mitigated.
- Whether the proposal appropriately implements the objectives of the Design and Development Overlay Schedule 1 (*East Shepparton Industrial Area (Florence Street)*).

- Whether the proposal will result in any adverse amenity outcomes, particularly for the sensitive receptors (dwellings) in the Farming Zone opposite the site in Doyles Road.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2018-151** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clauses 33.01-4, 43.02-2 and 44.04-4 of the Greater Shepparton Planning Scheme in respect of the land known and described as **160 Doyles Road, Shepparton**, for **Buildings and works for a milk tanker parking area** in accordance with the Notice of Decision and the endorsed plans.

Standard conditions are recommended, along with the following specific conditions to address key considerations for the application.

- 1) Amended plans to show:
 - (a) Scaled and dimensioned site plan showing the internal access to the site from the adjoining land at 102 Old Dookie Road, Shepparton.
 - (b) Scaled and dimensioned elevation and floor plans of the proposed building.
 - (c) Schedule of all material, colours and finishes of the proposed building.
 - (d) Floor levels of the proposed building in accordance with the Goulburn Broken Catchment Management Authority conditions.
 - (e) Details of all proposed fencing.
 - (f) Landscaping plan in accordance with Condition 2 of the permit.
 - (g) Engineering plans in accordance with the relevant Conditions of the permit.

Moved by Colin Kalms

Seconded by Joel Ingham

That Council having caused notice of Planning Application No. **2018-151** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clauses 33.01-4, 43.02-2 and 44.04-4 of the Greater Shepparton Planning Scheme in respect of the land known and described as **160 Doyles Road, Shepparton**, for **Buildings and works for a milk tanker parking area** in accordance with the Notice of Decision and the endorsed plans.

CARRIED

Subject Site & Locality

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

Date: **9 October 2018**

Time: **11.00** am

The site has a total area of approximately 7.7 hectares and is described as follows:

- The site is generally rectangular in shape save for an angled splay in the north east corner at the intersection of Doyles and Old Dookie Roads and a kink in the boundary at the south east corner of the site.
- The site has a frontage to Doyles Road at the north of 170 metres and to Doyles Road at the east of approximately 285 metres. The boundary splay at the intersection has a length of approximately 60 metres.
- The lot is oriented generally north to south along its longest axis.
- The site contains a former (vacant) dwelling sited generally midway along the lots frontage to Doyles Road, and setback approximately 60 metres from the Doyles Road boundary.
- A single vehicle access to the site is located in front of the dwelling providing access to the site from Doyles Road.
- Some small, informal plantings are located in front of the dwelling.
- The balance of the land is vacant, and is occasionally used by the owner for planting winter crops.
- The site boundaries are fenced with traditional post and wire fencing (rural profile) fencing.

The main site/locality characteristics are:

- The site forms part of the East Shepparton industrial precinct bound by Doyles Road at the east, properties fronting Benalla Road to the south and generally the railway line to the east that fall within the Industrial 1 Zone. The East Shepparton industrial precinct is a key industrial precinct for the City, that has been identified as having potential for expansion to the east (City of Greater Shepparton Industrial Land Review, June 2011).
- The land immediately abutting the site to the west at 102 Old Dookie Road, Shepparton. This land forms part of the Freedom Foods Group milk processing site. The development is proposed to be used in conjunction with this adjoining site. The milk processing site presents to and is accessed via Old Dookie Road at the north east corner of the site. Car parking is provided at the front of the site, with some landscaping provided at the street boundary. The site is developed with large scale commercial buildings running generally along the length of the lot.
- Further west of the site in Old Dookie Road are a variety of industrial sites, including undeveloped Industrial 1 Zoned land, warehouse and industrial developments.
- Opposite the site to the north in Old Dookie Road is additional land broadly zoned Industrial 1. Immediately opposite the site an industrial subdivision has occurred (Future Court) with lots predominantly vacant.

- The land to the south at 180 Doyles Road, Shepparton is developed with a large industrial building used as part of a prefabricated concrete pipe construction company. This site is accessed via Provincial court to the west (i.e. no direct access to Doyles Road).
- Land to the east and north east of the site, on the opposite side of Doyles Road is broadly zoned Farming 1 Zone. Two dwellings (165 Doyles Road and 171 Doyles Road) are located immediately east of the site, and an additional dwelling (135 Doyles Road) is located diagonally opposite the site to the north east. These dwellings are the nearest sensitive receptors to the proposed development site. The dwellings are on sites that also include some agricultural uses (cropping).
- Old Dookie Road is a sealed, Category 2 Road. The road is sealed with three lanes, one in each direction and a central land used as a designated turning lane for vehicles travelling in each direction. Concrete kerb and channel is located on both sides of the street in front of the site.
- Doyles Road is a sealed, Category 1 Road. The road in front of the site contains a single lane in each direction. Gravel shoulders are present with no concrete kerb or channel.
- The intersection of Doyles Road with Goulburn Valley Highway is controlled by a roundabout.

The Photos below show the existing site, and the immediately adjoining site it the development is associated with:





Permit/Site History

The history of the site includes:

- Various permits have been issued in association with the existing milk producer

Further Information

Is further information required for the application? No.

Additional application was provided by the applicant after the application was initially received. This additional information comprised:

- An acoustic report
- A revised site layout plan indicating increased provision of landscaping to the property boundaries.

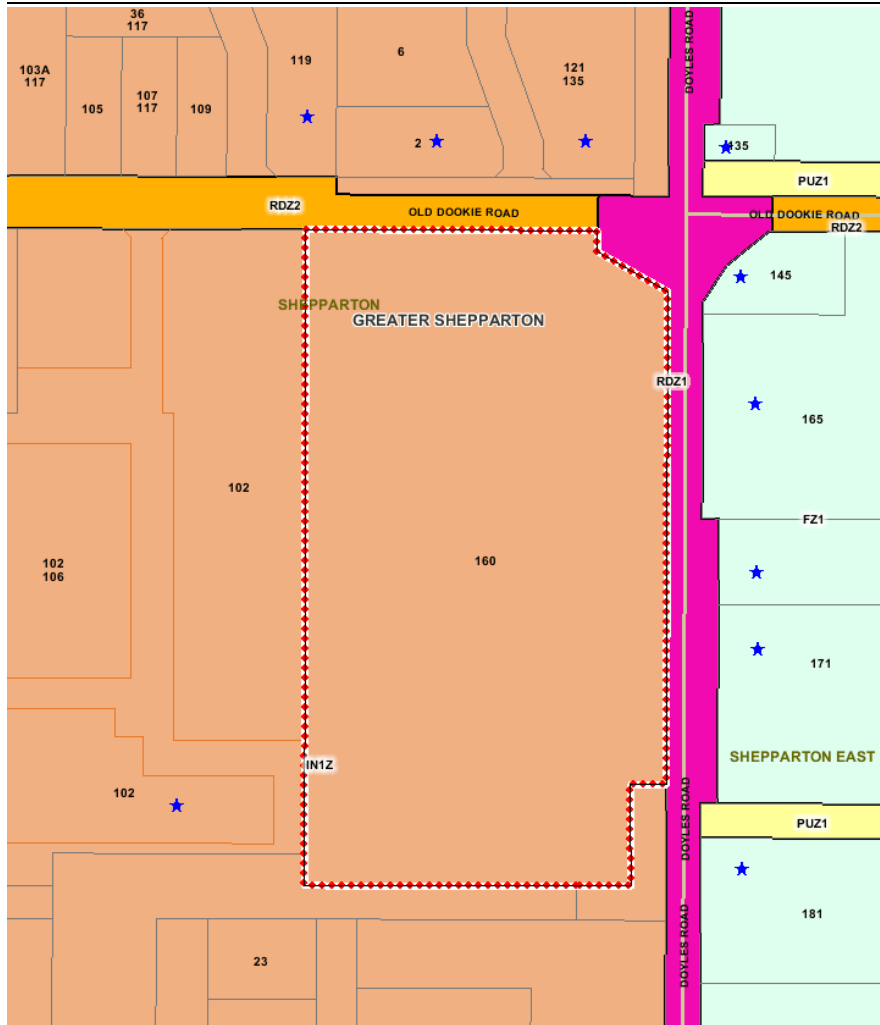
Public Notification

The application was exempt from being advertised in accordance with Clauses 33.01-4 (Industrial 1 Zone) and 44.04-4 (Land Subject to Inundation Overlay) of the planning scheme.

The application is not however exempt from notice under the provision of the Design and Development Overlay.

The application will be advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Buildings and works in the Design and Development Overlay for a milk tanker parking area**, by:

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



Following this process, one (1) objection to the proposal was received.

Objections

One objection to the proposal was received. The reasons for objection are addressed and considered as follows.

Reason for objection	Planning Response
<p>Impact of additional noise levels as the site is directly opposite the residences in Doyles Road, Shepparton as the proposal is a 24 hour a day, 7 day a week operation.</p>	<p>An acoustic report was commissioned in support of the application.</p> <p>The report considered the potential noise impacts associated within the proposed truck and overflow park area to be located at the 160 Doyles Road.</p> <p>The objectors' property at 171 Doyles Road, along with dwellings at 135 and 165 Doyles Road were identified as sensitive noise</p>

receptors.

Given that the site will operate 24 hours per day, the most critical operating time will be during the EPA-defined night period.

Noise impacts were considered in accordance with the *Noise from Industry in Regional Victoria – Recommended Maximum Noise Levels from Commerce, Industry and Trade Premises in Regional Victoria (NIRV)* and *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade No. N-1 (SEPP N-1))*.

The report identified that that some limitations will be required in order to ensure that potential noise emissions associated with the proposal comply with the relevant NIRV / SEPP N-1 design objectives for off-site noise sensitive receptors, including the objector’s residence.

Requirements are identified as:

- The maximum number of trucks and private vehicles to use the proposed vehicle access route and associated vehicle parking in any 30-minute period will be as shown in Table 13, reproduced below. The report identifies that the maximum allowable movements are greater than have been indicated as ‘typical’ by the proponent.

Table 13: Recommended Maximum Number of Trucks and Personal Vehicles

Time Period	Maximum number of vehicle movements in any 30-minute period
EPA-Defined Day Period	Unlimited
EPA-Defined Evening Period	3 tanker truck 3 personal vehicles
Night Period – Excluding Early Morning Peak (10:00pm to 5:30am)	1 tanker truck 3 personal vehicles
Early Morning Peak (Peak occurring between 5:30am and 6:30am)	3 tanker trucks 10 personal vehicles

- Truck engines and associated motors (including truck refrigeration units) must be turned off whilst parked at the subject site.

	<ul style="list-style-type: none"> • Trucks must not use engine breaks at any stage whilst on the subject site. • All trucks utilising the subject site must be fitted with the ‘new generation’ broadband reverse alarms, which vary their noise output according to the ambient noise level. These reversing alarms should be selected for the lowest noise level consistent with safe operation. • The access route must enable trucks to access and leave the site practically to ensure that reversing is not a necessity as part of the general vehicle movements on the subject site. <p>It was also recommended that once operational, an assessment is carried out by an acoustic consultant to ensure that compliance with the relevant design objectives and SEPP N-1/NIRV noise limits has been achieved.</p> <p>The identified management practices outlined in the acoustic report are recommended to form conditions of planning approval for the proposed use.</p> <p>It is considered that implementation of the management requirements through permit conditions will appropriately ensure that the amenity of residences in the vicinity of the site is appropriately protected.</p>
<p>A 10 metre setback along Doyles Road should be put in place.</p>	<p>Plans initially submitted with the application identified the provision of a landscaping strip to Doyles and Old Dookie Roads with a width of approximately 5 metres.</p> <p>Plans submitted during the application process identified an increased landscaping strip width to 10 metres.</p> <p>Conditions are recommended to be imposed</p>

	<p>requiring the 10 metre landscape strip to be implemented.</p> <p>A note on the site plan indicates that the proposed landscape buffer zone is to be planted in accordance with “Landscape Plan Guide for Developments, City of Greater Shepparton”. A condition is also recommended to require a detailed landscaping plan to be submitted and endorsed, detailing planting quantities, species, sizes at planting and maturity and maintenance schedule.</p>
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Title Details

The land is known as 160 Doyles Road, Shepparton.

The Title description is Lot 1 on Plan of Subdivision 343451B.

There are no restrictive covenants or other agreements registered on the Title to the land.

The Title Plan to the land reveals an easement for “Way and Drainage” across the northern frontage of the site (20.12 metres wide). The easement is in favour of the Rural Water Corporation.

Consultation

The applicant undertook pre-application discussions with Andrew Dainton and Colin Kalms. The pre-application advice confirmed that a permit was required for the proposal.

Following receipt of the objection to the application, a meeting was held with the objector. Following the meeting, additional information (acoustic report and revised landscape proposal) were submitted to Council by the proponent, and provided to the objector for consideration.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
GBCMA	44.04-7	Recommending referral authority	<p>GBCMA consented to the application, subject to the following condition:</p> <ol style="list-style-type: none"> The finished floor level of the proposed portable office must be constructed at least 300 millimetres above the 100-year AHD, i.e. 114.7 metres AHD, or higher

			level deemed necessary by the responsible authority.
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Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	No objections to the proposal were received.

Assessment

The zoning of the land

The land falls within the **Industrial 1 Zone**.

The purposes of the Industrial 1 Zone are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

The use of land for a milk tanker parking area forms part of the use of the land for Industry that is currently being undertaken on the adjoining land to the west (102 Old Dookie Road, Shepparton). The use of land for Industry is a Section 1 Use in the Industrial 1 Zone if the following conditions are met:

- Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.
- The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:
 - The threshold distance, for a purpose listed in the table to Clause 53.10.
 - 30 metres for a purpose not listed at Clause 53.10.
- Must not adversely affect the amenity of the neighbourhood through the transport of materials, goods or commodities to or from the land, appearance of any stored goods or materials, emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Under clause 52.10, the manufacture of milk products is not shown with a note 1 or note 2. An acoustic report has also been provided demonstrating that noise levels are able to be appropriately managed. As a result, no permit is required for the use of the land associated with Industry.

A permit is required for buildings and works pursuant to Clause 33.01-4 of the Industrial 1 Zone.

The Zone identifies a number of decision guidelines for applications for the development of land, which are identified and responded to as follows.

- *The Municipal Planning Strategy and the Planning Policy Framework.*

The use and development of industrially zoned land within a key industrial precinct for the City is consistent with the Municipal Planning Strategy and Planning Policy Framework as detailed later in this report.

- *Any natural or cultural values on or near the land.*

The site is located within an established industrial precinct and is not identified as having any natural or cultural significance.

- *Streetscape character.*

The proposal will have limited impact on streetscape character. The 10 metre wide landscape strip will serve to enhance the presentation of the site.

- *Built form.*

Only a small site building is proposed. Details are to be required as a condition of permit, however the small scale and siting of the building substantially away from property boundaries (other than the boundary shared with the associated milk processing facility to the west) ensure that the built form will have no adverse impact on the precinct.

- *Landscape treatment.*

A landscape buffer is proposed. Conditions of permit are recommended to ensure that an appropriate level of detail is provided with respect to landscape treatment.

- *Interface with non-industrial areas.*

The land is in a broadly industrial zoned precinct. The land opposite the site to the east (on the opposite side of Doyles Road) falls within the Farming Zone. The development area is sited substantially away from the Doyles Road properties, some of which contain dwellings associated with agricultural pursuits. The Doyles Road property boundary will also be planted out with a 10 metre landscape strip to enhance the interface of the property with land to the east.

- *Parking and site access.*

The site is to be accessed via the adjoining property to the west (102 Old Dookie Road). No new access to the external road network is proposed. Development Engineers have recommended standard conditions with respect to the layout and design of parking and access areas.

- *Loading and service areas.*

Not applicable. The land is to be used for the parking of vehicles only.

- *Outdoor storage.*

No outdoor storage is proposed. The land is to be used for the parking of vehicles only.

- *Lighting.*

No details of any lighting have been included in the application. A condition of permit is recommended that should any lighting be proposed, it is appropriately designed, sited and baffled to avoid off site amenity impacts.

- *Stormwater discharge.*

Standard conditions are recommended by Council's Development Engineers to ensure that stormwater treatment and management is appropriately designed and implemented.

Relevant overlay provisions

The land falls within the **Design and Development Overlay**.

Clause 43.02-2 of the Design and Development Overlay identifies that a permit is required for buildings and works.

The land is within the DDO Schedule 1 – East Shepparton Industrial Area (Florence Street).

Design objectives include:

- *To ensure that the standard of development and infrastructure design (including urban stormwater management to encourage drainage permeability) in the East Shepparton Industrial Area is of a high quality given its strategic location and high exposure in relation to the Shepparton Alternative Route (Doyles Road).*
- *To ensure development acknowledges the role of Doyles Road as the Shepparton Alternative Route by avoiding the construction of buildings and ancillary facilities within the designated future alignment of Doyles Road.*
- *To provide a high standard of road design and construction for transport vehicles to up to B-Double size.*
- *To provide for a range of lot sizes, including industrial lots exceeding 4,000m².*

Clause 2.0 of the DDO1 includes the following buildings and works requirements, of which a response is prepared to each requirement:

The following buildings and works requirements apply to an application to construct a building or construct or carry out works, unless it can be demonstrated that an alternative approach achieves the design objectives of this overlay control:

- *That all buildings and ancillary facilities be set back a minimum of 40 metres from the alignment of Doyle's Road at 1 October 2001. Applications for the location of*

buildings and ancillary facilities within the setback shall only be considered where consent of the Road Corporation is granted.

New development is setback over 100 metres from Doyles Road.

- *The facade of all buildings facing Doyles Road must be constructed of brick or concrete. All other facades must be constructed with brick or concrete to a minimum height of 2 metres above ground level. The facades of concrete tilt slab buildings must be painted or treated to the satisfaction of the responsible authority.*

A small site office building is proposed. No elevations of the building have been provided. A condition of permit is recommended requiring elevation and floor plans of the building, including detailing all materials, colours and finishes. As the building is small relative to the overall site and potential future use of the land, and will substantially be screened by a proposed landscaping strip, it is not considered necessary to require the identified construction materials for the new building.

- *Open storage areas and garbage receptacles must not be visible from any road, reserve or other public land.*

No open storage areas are proposed.

- *All other buildings (that is those not adjacent to Doyles Road) must be set back at least 12 metres from the frontage. For corner lots, buildings must be set back at least 6 metres from the side street boundary.*

The development exceeds these setback requirements.

- *A landscaping strip of at least 6 metres wide must be provided along and within the frontage of all lots in areas not occupied by sealed driveways. For all corner lots, a landscaping strip of at least 3 metres wide must be provided along the side boundary facing a road.*

Landscaping strip exceeds these requirements.

- *A landscaping strip of at least 1.5 metres width from the front of the property to the building line shall be provided along side boundaries that abut a road.*

Landscaping strip exceeds these requirements.

- *All driveways and car parking in the setback area between a road frontage and the building line must be constructed of an impervious all-weather seal coat such as concrete or bitumen. Pervious surfaces that reduce the rate of rainfall run-off and have a structural standard comparable to concrete or bitumen will be accepted for all other driveway, parking and loading areas.*

Crushed rock is considered acceptable in this instance. The surface will be constructed and drained to the requirements and standards of Council's Development Engineers as identified through permit conditions.

Site coverage should not exceed 50% of the overall site area.

The proposal occupies only a small proportion of the site.

- *All internal roads must be constructed to the following standards:*
 - *Minimum road reserve width of 23 metres.*
 - *Minimum seal pavement width of 13.8 metres and minimum shoulder width of 4.5 metres.*
 - *Minimum pavement depth of 400mm or to an approved pavement design.*

- *Reduction in sealed pavement width and depth may be possible depending on traffic volumes.*
- *Internal road cross sections shall be generally in accordance with Figure 1 (Doyles Road and Figure 2 (Florence Street).*
- *All development must be designed and sited to the satisfaction of the responsible authority and in accordance with the industrial development objective to “improve the design and appearance of new industrial areas and buildings.” (Greater Shepparton Planning Scheme, Clause 21.05-3).*

The application does not involve the subdivision of the land and no new internal roads are proposed. The proposed development is a low intensity development, particularly in relation to the overall land holding. The provision of a 10 metre wide landscape strip to the street boundaries of the site will enhance the appearance of the site and the industrial precinct within which it is sited.

Clause 43.02-6 identifies Decision guidelines for applications under the Design and Development Overlay as follows:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework as detailed in this report.

- *The design objectives of the relevant schedule to this overlay.*

The proposal is consistent with the relevant design objectives. The proposal is a low intensity development that will result in a positive landscape treatment to two property boundaries. Stormwater management will be to the requirements and standards of Council. The proposal does not involve subdivision therefore will have no impact on lot sizes or the connectedness of the street network.

- *The provisions of any relevant policies and urban design guidelines.*

The proposal is consistent with the objectives for industry and the objectives of the Design and Development Overlay.

- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*

The proposal is a relatively low scale project on a large industrial site. The proposal is for the use of the space in association with the large scale milk production factory on the adjoining land. The proposed landscaping will enhance the presentation of the site.

- *Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.*

Not applicable as there are no identified heritage places in the vicinity of the site.

- *Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*

A detailed landscaping plan is to be required as a condition of permit. A 10 metre wide landscaping strip to the road boundaries has been committed to.

- *The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.*

The proposed 10 metre landscaping strip will soften the impact of the car parking and truck parking areas.

- *Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*

Not applicable as no subdivision of the land is proposed.

- *Any other matters specified in a schedule to this overlay:*
- *The Greater Shepparton Planning Scheme Municipal Strategic Statement.*

The proposal is consistent with the MSS as detailed later in this report.

- *The City of Greater Shepparton Industrial Development Guidelines, included as a reference document in the Greater Shepparton Planning Scheme.*

The proposal is generally consistent with the objectives of the Industrial Development Guidelines which seek to encourage high standards of development, enable Council to quickly assess developments consistent with the policy and provide examples of development that meet Council and servicing authority requirements.

- *The appearance of the proposed development and the impact on surrounding land.*

The proposal is to be used in conjunction with the large scale mild processing facility abutting the site to the west. New development will be screened through a 10 metre wide landscape strip and will have a relatively minor impact on the precinct in terms of site presentation.

- *The provision for a range of lot sizes, including large industrial lots greater than 4,000 square metres.*

Not applicable as no subdivision of the land is proposed.

- *The impact of the development on the amenity and streetscape of the area particularly having regard to the rural land east of Doyles Road and the function of Old Dookie Road and Florence Street as significant industrial access roads.*

No new access to Old Dookie Road is proposed. New development is proposed substantially away from the rural properties on the eastern side of Doyles Road to reduce potential for amenity impacts. The provision of landscaping to street boundaries will also enhance the presentation of the site.

- *The Road Corporation's comments on the impact of buildings and works within 40 metres of the alignment of Doyles Road at 1 October 2001 on:*
 - *their ability to undertake a widening of Doyles Road in a timely and cost efficient manner,*
 - *future road safety, amenity and visibility,*
 - *functioning of any internal roads, access/egress points, loading facilities and parking bays.*

Not applicable as no works are proposed within 40 metres of the Doyles Road alignment.

- *The effective incorporation of waterwise urban design elements into site development, buildings and works.*

The proposal is a low scale development with only one small site office building proposed. Drainage of the building, along with the parking areas, will be to Council standards and requirements.

- *The design and layout of the proposed development including setbacks from property boundaries.*

The proposed development is setback from all street boundaries, and landscape treatments provided to these boundaries. The development is sited on the western boundary where it abuts the associated land use next door at 102 Old Dookie Road.

Land Subject to Inundation Overlay

The land falls within the Land Subject to Inundation Overlay. The purposes of the Overlay are:

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

Clause 44.04-2 identifies that a permit is required to construct a building or to construct or carry out works.

The Overlay identifies a number of Decision Guidelines at Clause 44.04-8, identified and responded to as follows:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

The Municipal Planning Strategy and the Planning Policy Framework are identified and responded to later on in this report.

- *Any local floodplain development plan*

The Greater Shepparton Floodplain Development Plan Precinct of Goulburn River applies to the site. The plan identifies significant flood impacts in the area. Application requirements (proposal details) are required by the plan, which have been provided where relevant.

- *Any comments from the relevant floodplain management authority.*

The application was referred to the Goulburn Broken Catchment Management Authority, who consented to the proposal. A summary of the GBCMA's comments is discussed earlier in the report in the referrals section.

- *The existing use and development of the land.*

The site is currently under-utilised given its Industrial 1 zoning within a key industrial precinct, containing only a former (vacant) dwelling and land that is used occasionally for agriculture / cropping.

- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.*

Only a small portion of the site at the south east corner (presenting to Doyles Road) is not affected by the Land Subject to Inundation Overlay. This part of the site is not suitable for the proposed development due to its proximity to sensitive receptors (dwellings) on the opposite side of Doyles Road, and the practical operation requirements for the space to be located as close to the existing milk processing facility at Old Dookie Road as possible.

- *The susceptibility of the development to flooding and flood damage.*

The GBCMA responded to the application and estimated that the 100-year ARI flood level for the site is 114.4 metres AHD. The CMA has identified that a finished floor level of 300 mm above the identified 100—year ARI level would appropriately address the flood risk associated with the site.

- *The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:*

- *The frequency, duration, extent, depth and velocity of flooding of the site and accessway.*
- *The flood warning time available.*
- *The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.*

The GBCMA referral response identifies that there the risk level associated with the site is acceptable for the proposed development.

- *The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.*

The proposal is for a low intensity development with limited buildings. The GBCMA referral response does not identify any risk associated with impacting flood storage or flow velocities.

- *The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.*

The GBCMA referral response does not identify any risk associated with any wetlands, natural habitat, stream stability, or other environmental risk.

- *Any other matters specified in a schedule to this overlay.*
-

- *In addition to the Decision Guidelines in Clause 44.03-5, before deciding on an application, the responsible authority must consider the following relevant local floodplain development plans, which have been incorporated at Clause 81 of this scheme.*

The site is identified on the Greater Shepparton Local Floodplain Development Plan Map as being within Precinct 2: Precinct of Goulburn River (2006) as identified previously in this report.

The Planning Policy Framework (PPF)

Clause 11.01-1S 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 11.01-1R Settlement – Hume aims to facilitate growth and development specifically in the regional cities including Shepparton.

Clause 13.03-1S – Floodplain management – aims to assist the protection of human life and properties / infrastructure from flood hazard, whilst protecting the capacity and functioning of waterways.

Clause 13.07-1S – Land use compatibility – aims to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 14.02-2S – Water quality – seeks to protect water quality.

Clause 15.01-2S – Building design – aims to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 17.03-2S – Industrial development siting – aims to facilitate sustainable development and operation of industry.

Clause 19.03-3S – Water supply, sewerage and drainage – aims to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet state and community needs and protect the environment.

Clause 19.03-4S – Stormwater – aims to reduce the impact of stormwater on bays, water bodies and catchments.

Response: The site is located within a key industrial precinct for the City that is fully serviced. The proposal will support a key industry for the City by providing for additional facilities on a site immediately adjacent an established milk processing plant. The development is able to be appropriately serviced including through stormwater design to the satisfaction of Council, and flood risk is able to be appropriately mitigated to the satisfaction of the floodplain management authority.

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

Clause 21.05-2 – Floodplain and Drainage Management – seeks to recognise the constraints of the floodplain on the use and development of land. All new development is to maintain the free passage and temporary storage of floodwater and minimise flood damage. Sound floodplain management is the means by which the economic, social and environmental risks associated with floodplain use and development can be minimised ... and this level of management is provided by six “local floodplain development plans (LFDP)” incorporated into the scheme at Clause 81.

Clause 21.06-4 – Industry – seeks to sustain a growing and diverse industrial base, to require all future industrial development and subdivisions to be of a high quality in terms of urban design, environmental standards and amenity and to minimise land use conflicts.

Clause 21.07-1 – Transport – aims to ensure the safety and efficient functioning of the roads for a variety of users and ensure adequate parking is provided for all uses and developments.

Clause 21.07-3 – Urban Stormwater Management – seeks to enhance stormwater quality throughout the municipality and ensure that new development complies with the Infrastructure Design Manual.

Clause 21.07-4 – Infrastructure Planning, Design and Construction – aims to provide clear and consistent guidelines for the planning, design and construction of infrastructure.

Response

The site is located within a key industrial precinct for the city, that has been identified as having potential for future expansion to the east (on the opposite side of Doyles Road).

The proposal is considered to be generally consistent with local policy objectives that relate to the promotion and expansion of the Shire’s industrial base. The development will support an established industrial activity within a key industrial precinct for the city.

The site is located within an industrial precinct that is separated from any residential zone. There are some established dwellings within the Farming Zone to the east of the site. These sensitive receptors may have potential to be impacted by the noise resulted from activities carried out from the site. Appropriate conditions in accordance with the acoustic report prepared for the site are recommended to ensure that amenity is protected in accordance with the objectives of the local policy objectives for industry.

The proposal is consistent with policy objectives that aim to protect development and infrastructure from identified flood hazards, and the proposal has been considered acceptable to the floodplain management authority subject to appropriate conditions with respect to the finished floor level of the proposed building.

Relevant Particular Provisions

Clause 52.06 - Car Parking

A milk depot requires 10 per cent of the site area to be set aside for car parking.

The new development area (milk truck parking and car parking) has an area of approximately 5,000 square metres. Approximately 500 square metres is required for car parking.

Thirty car parking spaces (4.9 m by 2.6 m) plus a nominal access width of 6.4 m will have an area of over 800 m², satisfying the requirement.

Car parking design will be to the requirements and standards of Councils design engineers.

Clause 52.29 - Land adjacent to a Road Zone, Category 1

The Clause applies to land adjacent to a Road Zone, Category 1 and aims to ensure appropriate access to identified roads.

No new access to a Category 1 Road (Doyles Road) is proposed and therefore a permit is not required for the proposal under these provisions.

The decision guidelines of Clause 65

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

65.01 Approval of an application or plan

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

- The matters set out in Section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the 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 is considered to be generally consistent with the Municipal Planning Strategy and the Planning Policy Framework, and the objectives of the zones and overlays applying to the land.

The land is appropriately serviced.

Flood risk is able to be appropriately addressed.

There are no other environmental risks associated with the site.

Clause 53.10 – Uses with adverse amenity potential

The manufacture of milk products is identified as having a threshold distance of 300 m from the nearest residential zone. There are no residential zones within 300 m of the site. The nearest dwellings in Doyles Road are located within the Farming Zone. There is no Note 1 or Note 2 associated with the use therefore the use does not require a planning permit under the zone.

Relevant incorporated or reference documents

The Greater Shepparton Floodplain Development Plan has been referred to in this report.

The Industrial Development Guidelines have also been addressed in this report.

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 Planning Scheme amendments applicable to this application.

Are there any significant social & economic effects?

The proposal is considered to support the industrial development and therefore local economy of Greater Shepparton.

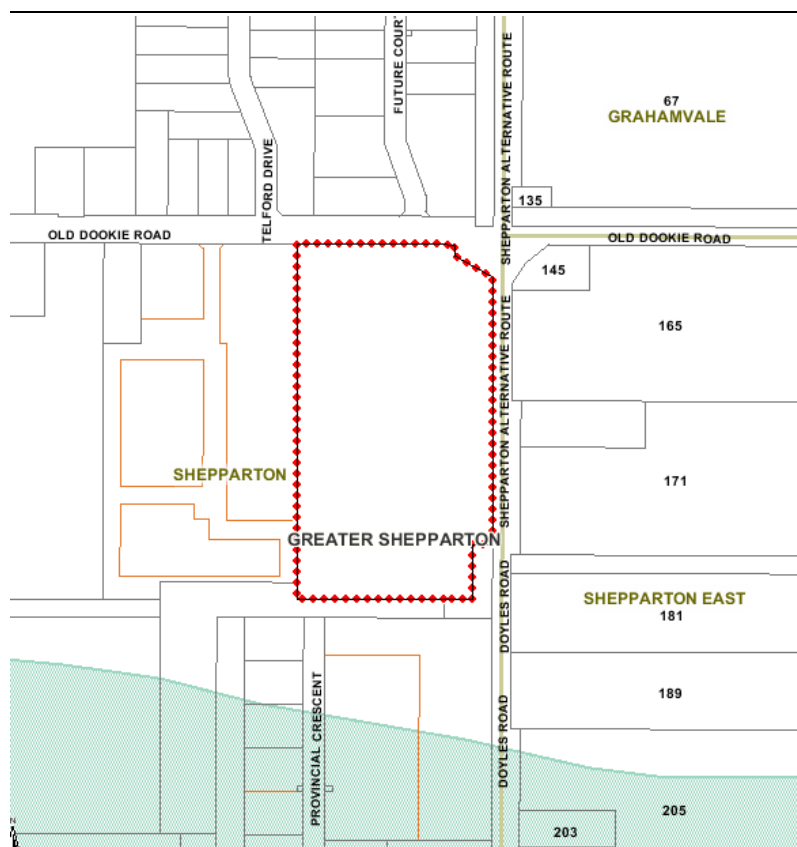
Discuss any other relevant Acts that relate to the application?

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

The site is located within the Industrial 1 Zone, and is affected by the Land Subject to Inundation Overlay and the Design and Development Overlay. The proposed development requires a permit under the Zone and both of the Overlays applying to the site.

Greater Shepparton Planning Scheme generally aims to support industrial use and development of land whilst ensuring that new development is of a high standard, appropriately mitigates flood risks and protects the amenity of residential communities.

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

- The proposal will support the existing milk processing plant on the adjoining land at 102 Old Dookie Road, Shepparton.
- The proposed development is consistent with the objectives of the Industrial 1 Zone.

- Flood risk is able to be appropriately managed.
- An appropriate design outcome is able to be achieved as a result of the proposal being of a low intensity nature and through the provision of substantial landscaping to street boundaries.
- The amenity of residences in the Farming Zone to the east of Doyles Road is able to be appropriately protected through conditions with respect to managing noise emissions.

Draft Notice Of Decision

APPLICATION NO: 2018-151

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: 160 DOYLES ROAD SHEPPARTON VIC 3630

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND WORKS IN THE INDUSTRIAL 1 ZONE, LAND SUBJECT TO INUNDATION OVERLAY AND DESIGN AND DEVELOPMENT OVERLAY 1 FOR A MILK TANKER PARKING AREA

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) Scaled and dimensioned site plan showing the internal access to the site from the adjoining land at 102 Old Dookie Road, Shepparton.
- b) Scaled and dimensioned elevation and floor plans of the proposed building.
- c) Schedule of all material, colours and finishes of the proposed building.
- d) Floor levels of the proposed building in accordance with the Goulburn Broken Catchment Management Authority conditions.
- e) Details of all proposed fencing.

2. Drainage Discharge Plan

Before any of the development starts a properly prepared drainage discharge plan (by a suitably qualified person or organisation) with computations to the satisfaction of the

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

The information and plan must include:

- details of how the works on the land are to be drained / retarded to the pre development conditions.
- computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority
- underground pipe drains conveying stormwater to the legal point of discharge
- measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- documentation demonstrating approval from the relevant authority for the legal point of discharge;
- the provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system;
- the details of the incorporation of water sensitive urban design, designed in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- maintenance schedules for treatment elements.

Before the use begins all works constructed or carried out must be in accordance with those plans to the satisfaction of the responsible authority.

3. Landscape Plan

Prior to the commencement of development, a landscape plan must be submitted to and approved by the Responsible Authority. The plan must identify a minimum 10 m wide landscape strip to the Doyles and Old Dookie Road site frontages. The landscape plan must be consistent with the Landscape Plan Guide for Developments, City of Greater Shepparton and identify the planting quantities, species, sizes at planting and maturity and maintenance schedule.

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

4. Amenity

The use and development of the land must not adversely affect the amenity of the area, by way of:

- a) processes carried on the land;
- b) the transportation of materials, goods or commodities to or from the land;
- c) the appearance of any buildings, works or materials;
- d) the emission of noise, vibration, smell, fumes, smoke, vapor, steam, soot, ash, dust, waste water, waste products, grit, or oil;
- e) the presence of vermin

to the satisfaction of the responsible authority.

Vehicle Movements

- f) The maximum number of trucks and private vehicles to use the proposed vehicle access route and associated vehicle parking in any 30-minute period will be as follows:

<i>EPA-defined Day Period</i>	<i>Unlimited</i>
<i>EPA-defined Evening Period</i>	<i>3 tanker trucks</i>
	<i>3 personal vehicles</i>
<i>Night period (10pm to 5:30am)</i>	<i>1 tanker truck</i>
	<i>3 personal vehicles</i>
<i>Early Morning Peak (5:30 am to 6:30 am)</i>	<i>3 tanker trucks</i>
	<i>10 personal vehicles</i>

- g) Truck engines and associated motors (including truck refrigeration units) must be turned off whilst parked at the subject site.
- h) Trucks must not use engine breaks at any stage whilst on the subject site.
- i) All trucks utilising the subject site must be fitted with the 'new generation' broadband reverse alarms, which vary their noise output according to the ambient noise level. These reversing alarms should be selected for the lowest noise level consistent with safe operation.
- j) The access route must enable trucks to access and leave the site practically to ensure that reversing is not a necessity as part of the general vehicle movements on the subject site.

Light Spill

Before occupation of the development all lighting must be appropriately designed, sited and baffled to ensure that no direct light spill will occur beyond the boundaries of the property to the satisfaction of the responsible authority.

Noise Test

Within six months of the development coming into use, a further acoustic report to the satisfaction of the responsible authority is to be submitted for approval. The report is to be carried out by an acoustic consultant to ensure that compliance with the relevant design objectives and SEPP N-1/NIRV noise limits has been achieved. Should compliance not be achieved, the report must document methods by which compliance will be achieved.

5. Goulburn Broken Catchment Management Authority Requirements

The finished floor level of the proposed portable office must be constructed at least 300 millimetres above the 100-year ARI flood level of 114.4metres AHD, i.e. 114.7 metres AHD, or higher level deemed necessary by the responsible authority.

6. 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:	Sally Edmunds
Application Number:	2018-249
Applicants Name:	7959 Melbourne Road Pty Ltd
Date Application Received:	11 September 2018
Statutory Days:	36
Land/Address:	7959 Goulburn Valley Highway KIALLA VIC 3631
Zoning and Overlays:	Commercial 2 Zone Design and Development Overlay 7 Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	52.27 Supply and consumption of Liquor
Are there any Restrictive Covenants on the title?	No

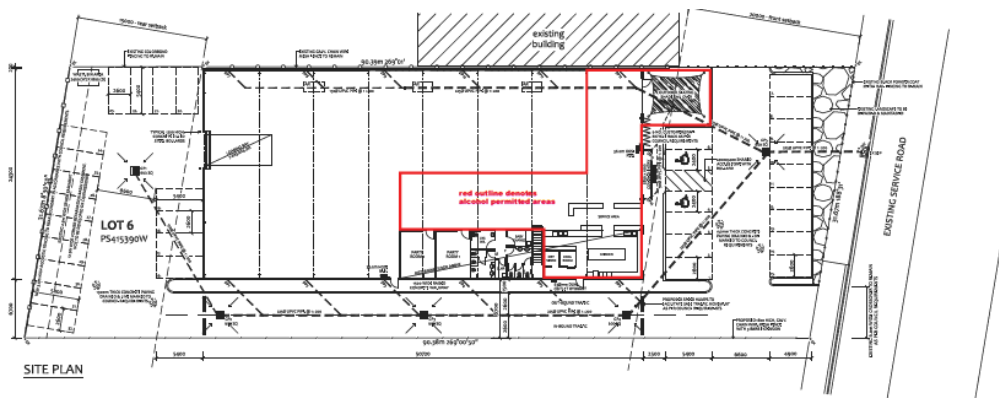
Proposal

The application is for a liquor licence at iPlay children's indoor play centre at 7959 Goulburn Valley Highway, Kialla.

The land is within the Commercial 2 Zone, Design and Development Overlay 7 and Land Subject to Inundation Overlay.

A planning permit is required pursuant to Clause 52.27 Licensed Premises.

The application proposes that liquor be served during opening hours including private functions. It is proposed that the service of liquor will continue until 11pm. The service and consumption of alcohol is limited to area within the red line plan.



The application was advertised and one objection was received. The main ground of objection was that a children's play centre which is aimed at under 18's is not an appropriate venue to serve alcohol.

Officers are required to consider the application against the decision guidelines of 52.27 which relates to licensed premises. The purposes of this provision are:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

Officers have notified the application to Victoria Police. Victoria Police provided the following written response:

Victoria Police do not object to this application, however consideration for any proposed liquor licence in the future will be assessed for suitability at that time.

Officers have completed an assessment of the application including the objection. Officers based on the narrow planning considerations which do not include whether a licence should be issued for a children's play centre are satisfied that a liquor licence at the land will not result in unacceptable amenity outcomes.

On this basis it is recommended that a NOD to grant a permit issue.

Officers do note that this approval does not authorise the service of liquor. Before service occurs the VCGLR will need to consider the application including whether a licence should issue at a children's venue.

Summary of Key Issues

The application proposes a liquor license for iPlay children's indoor play centre at 7959 Goulburn Valley Highway. Permissions is required under the Particular Provision 52.27 Licensed Premises.

The subject site is within the Commercial 2 Zone, Design and Development Overlay 7 and Land Subject to Inundation Overlay.

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

The application was notified to Victoria Police who consented to the application without conditions.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2018-249** 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 **52.27** of the Greater Shepparton Planning Scheme in respect of the land known and described as **7959 Goulburn Valley Highway KIALLA VIC 3631**, for the

Liquor Licence for indoor play centre in accordance with the Notice of Decision and the endorsed plans.

Moved by Colin Kalms

Seconded by Jonathan Griffin

That Council having caused notice of Planning Application No. **2018-249** 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 **52.27** of the Greater Shepparton Planning Scheme in respect of the land known and described as **7959 Goulburn Valley Highway KIALLA VIC 3631**, for the **Liquor Licence for indoor play centre** in accordance with the Notice of Decision and the endorsed plans.

LOST

Amended motion

Moved by Joel Ingham

Seconded by Colin Kalms

That Council having caused notice of Planning Application No. **2018-249** 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 **52.27** of the Greater Shepparton Planning Scheme in respect of the land known and described as **7959 Goulburn Valley Highway KIALLA VIC 3631**, for the **Liquor Licence for indoor play centre** in accordance with the Notice of Decision and the endorsed plans and amended condition 2.

Condition 2. Hours of Operation

The serving of liquor may only occur between the hours of:

- a) Monday to Thursday – 11.00am to 5.00pm
- b) Friday – 11.00am to 11.00pm
- c) Saturday and Sunday – 11.00am to 11.00pm

CARRIED

Subject Site & Locality

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

Date: **20/9/18**

Time: **2:14pm**

The site has a total area of **2,826** square metres and currently contains:

- Children's indoor play centre

The main site/locality characteristics are:

- Access to a service road adjacent to Goulburn Valley Highway
- Within a commercial area with dwellings adjacent at the rear
- Adjacent businesses are:
 - Cavalier Homes
 - Bee-Jay Machinery

The Photos below show the existing site:



Permit/Site History

The history of the site includes:

- 2016-348 Buildings and works for a Trade Supplies Building and Variation of requirements of the Design and Development Overlay (Schedule 7)
- 2016-348/A Buildings and works for a Trade Supplies Building and Variation of requirements of the Design and Development Overlay (Schedule 7)

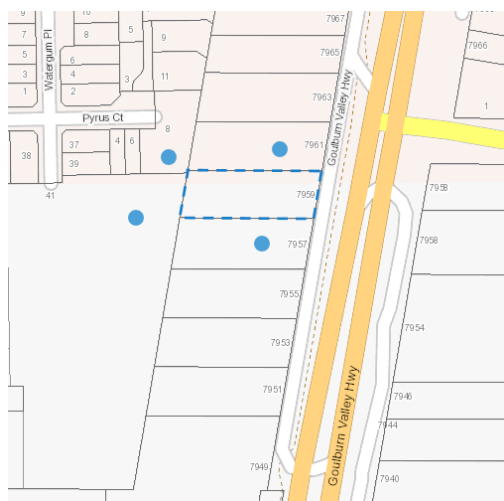
Further Information

Was further information requested for this application? No

Public Notification

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

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



Objections

The Council has received one objection to date.

The objection was received from the adjoining property Cavalier Homes at 7961 Goulburn Valley Highway, Kialla.

The key issues that were raised in the objections are:

Ground of Objection	Officer's Response
That a children's play centre should not serve alcohol	<p>Planning officers are required to consider the application in accordance with the relevant decision guidelines. In this application the decision guidelines of 52.27 mainly relate to amenity considerations i.e. hours of operation, number of patrons, impact of the premise on the surrounding area.</p> <p>Officers consider that the service and consumption of liquor will not result in unacceptable amenity outcomes as:</p> <ul style="list-style-type: none"> • The service of alcohol at a children's play centre is a low intensity licence in terms of number of patrons,

	<p>hours of operation and given that the events are organised i.e. birthday or the like</p> <p>Officers in researching the objection did find the following provision in the Liquor Control Reform Act, 1998.</p> <p><i>The Commission must not grant a licence or BYO permit in respect of—</i></p> <p><i>premises that, in the opinion of the Commission, are intended by the occupier of the premises to be primarily used by people under the age of 18 years, unless the Commission is satisfied that the grant of a licence or permit would not present a specific risk of supply of liquor to a person under the age of 18 years;</i></p> <p>Whilst this is not a consideration for the DHP, the VCGLR will need to deal with this matter when deciding if a liquor licence issues.</p> <p>Officers also note that VCAT refused to grant a licence for Fun City (Sunshine) in Danz Management Pty Ltd v Director of Liquor Licensing as the premises was mainly aimed at under 18's.</p>
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Title Details

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

Consultation

Consultation was not undertaken.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 52 Notices	Victoria Police consented to the application without conditions.

Assessment

COMMERCIAL 2 ZONE

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Response: Planning permit permission is not required under the Commercial 2 Zone for a liquor licence; therefore the requirements do not apply. The provisions for the liquor licence are under 52.27 Licensed Premises.

Relevant overlay provisions

LAND SUBJECT TO INUNDATION OVERLAY

Purpose

- 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.

Response: Planning permit permission is not required under the Land Subject to Inundation Overlay for a liquor licence.

The State Planning Policy Framework (SPPF)

17.02 COMMERCIAL

17.02-1S Business

Objective

- To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.

Strategies

- Plan for an adequate supply of commercial land in appropriate locations.
- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
- Locate commercial facilities in existing or planned activity centres.
- Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
- Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

- Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.
- Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.
- Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.

Response: Clause 17.02-1S relating to business seeks to encourage development that meets community needs for retail entertainment and other services and provide net community benefit in relation to accessibility, efficient use and the aggregation and sustainability of commercial facilities. The proposed liquor licence within a commercial area of Kialla is consistent with the requirement of concentrating commercial uses in designated areas.

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

21.06-5 Commercial/Activity Centres

The city's commercial and retailing centres fulfil both local shopping and discretionary shopping needs, and provide services at the regional level. The Greater Shepparton 2030 Economic Development Report noted that no foreseeable demand exists in the long term for new major freestanding centres, other than in the north and south growth corridors, and for suitably accommodating bulky goods activities. The *Commercial Activity Centres Strategy, November 2015* identified that retail floorspace in Greater Shepparton is forecast to increase by between 35,000 and 55,000 square metres between 2015 and 2036.

Objectives - Commercial/Activity Centres

- To support the hierarchy of viable activity centres.
- To reinforce the Shepparton CBD as the principal retail centre in the region, in accordance with the provisions of Schedule 1 to the Activity Centre Zone, the Shepparton CBD Strategy October 2008 and Commercial Activity Centres Strategy November 2015.
- To strengthen the Shepparton CBD's role as an office and commercial location, and provide appropriate retail opportunities in supporting locations.
- To consolidate the traditional retail core (Precinct 1) including a continued focus of providing specialty retailing and entertainment, particularly cinema based facilities and department stores.
- To maximise the regional service role of Shepparton through the provision of a dynamic and efficient activity centre hierarchy.
- To ensure the provision of adequate subregional retail facilities to serve local communities.
- To strengthen the image of Shepparton CBD as a regional community and cultural hub, and as a 'university city'.
- To attract more people to live in the Shepparton CBD as a means of providing a greater range of housing choices and supporting the vibrancy and economy of the CBD.
- To continue the revitalisation and activation of the Maude Street Mall.
- To create a movement network that is convenient, connects key destinations and precincts, and prioritises walkability, cycling and public transport use.

- To enhance the role of the Shepparton CBD as a 'university city' by creating an attractive CBD in which to study and live.

Strategies - Commercial/Activity Centres

- Support a hierarchy of retail centres that promotes the primacy of the Shepparton CBD as a multi-function centre complemented by local centres for convenience shopping, as identified in the *Commercial Activity Centres Strategy November 2015*.
- Provide for the continued growth of the Shepparton CBD as a multi-purpose retail, business, commercial, community, entertainment and tourism centre, as identified in the *Shepparton CBD Strategy October 2008* and *Commercial Activity Centres Strategy November 2015*.
- Encourage national brand retailers and specialty retail to locate in the CBD core area (Precinct 1).
- Encourage boutique and specialty retailing, and the range and mix of retail offer, including fresh food stores, specialty and convenience food, in the CBD.
- Focus attractions that generate pedestrian movement (such as shops, cafes, banks and other financial institutions, travel agents and take-away food outlets) and create active street frontages in the retail core (Precinct 1).
- Encourage the redevelopment of peripheral areas of the Shepparton CBD including expansion to Sobraon Street.
- Encourage the implementation of a best practice model for the activation of the Maude Street Mall.
- Encourage cafes, restaurants and alfresco dining in a dining and entertainment precinct in Fryers St.
- Provide for quality commercial development within the CBD, particularly properties with river frontage along Welsford Street.
- Allow higher scale buildings in appropriate locations and encourage site consolidation where necessary to support large-scale commercial development.
- Encourage smaller offices to locate in the office precincts and at upper levels of retail uses in the CBD.
- Facilitate the further expansion of the Shepparton Marketplace beyond 22,500 square metres, subject to a policy framework that ensures any expansion is complementary to the role and function of the Shepparton retail core (Precinct 1), including an economic impact assessment detailing the impact on the relative role of this centre and the Shepparton CBD.
- Support the growth of existing centres and the development of new centres to meet urban growth in line the *Commercial Activity Centres Strategy November 2015*.
- Facilitate and support the expansion and concentration of additional retail and commercial facilities for the Shepparton North activity centre, between Ford Road and Hawkins Street on the eastern side of Numurkah Road, to reflect the designated sub-regional role and function of the centre.
- Provide neighbourhood commercial and retail centres that are accessible to the local community, especially by public transport and bicycle, and that also have adequate car parking provisions.
- Encourage and promote the location of peripheral sales, bulky goods and restricted retail as shown on the Framework Plan.
- In the event of the re-location of the aerodrome within the next 20 years, and subject to an economic impact assessment, identify a potential neighbourhood centre in the southern growth corridors on the site of the existing aerodrome.
- Encourage shops to front the road, be built in line with other buildings, and have regard to the location of car parking, landscaping and pedestrian areas.

- Discourage uses such as display yards or service stations which disrupt pedestrian connections in shopping streets.
- Ensure residential uses do not occupy ground floor retail street frontages in commercial core areas, to prevent disruption to commercial activity.
- Consider the potential for a rezoning land in McLennan Street, Mooroopna, adjacent to the former Mooroopna Hospital to provide for development/uses which complement the proposed retirement complex.

Response: The proposal satisfies the requirements as the location is within a node of commercial use which encourages development. The proposal satisfies the Local Planning Policy Framework in the following ways:

- Provide neighbourhood commercial and retail centres that are accessible to the local community, especially by public transport and bicycle, and that also have adequate car parking provisions.

The location on Goulburn Valley Highway is a suitable location as it is easily accessible by car and public transport.

Relevant Particular Provisions

52.27 LICENSED PREMISES

Purpose

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Permit required

- A permit is required to use land to sell or consume liquor if any of the following apply:
 - A licence is required under the Liquor Control Reform Act 1998.
 - A different licence or category of licence is required from that which is in force.
 - The hours of trading allowed under a licence are to be extended.
 - The number of patrons allowed under a licence is to be increased.
 - The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

The Department of Planning and Community Development produced Practice Note 61 in March 2010 entitled 'Licensed Premises: assessing cumulative impact' with the express purpose to explain the concept of cumulative impact in relation to licensed premises and provide guidelines to assist permit applicants when considering and responding to cumulative impact and support council in the assessment of such applications.

The guidelines may be used for any planning application that would benefit from their use; however they should be used for all applications a new or expanded licensed premise that:

- a. Will be licensed and open after 11pm; and
- b. Is in an area where there is a cluster of licensed premises.

The proposed venue will not be open after 11pm.

The guidelines consider a cluster to be three or more licensed premises including the proposed premises within a radius of 100 metres to the subject land; or 15 or more licensed premises including the proposed premises within a radius of 500 metres from the subject land.

There nearest licensed premises are at the Peppermill Hotel, Kialla sporting clubs precinct, Riverside Plaza and the Shepparton aerodrome. These venues are setback from the venue by a sufficient distance so as to not create a cluster of venues.

Therefore no cumulative impact assessment is required.

The application will not unreasonably impact the amenity of the area due to the low intensity of the premises in comparison to a club or hotel, the limited opening hours to 11pm and that the site is not within a cluster of premises.

Officers are satisfied that the activity generated by the number of licence will not unreasonably affect the amenity of the area due to the premises not being with a cluster of licenced venues and the low intensity of the venue compared to a club or hotel.

The red line plan is located towards the front of the building and away from the residential buildings adjacent to the rear of the property. Officers are satisfied that the liquor licence will not unreasonably affect the amenity of the neighbourhood.

The decision guidelines of Clause 65

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

65.01 Approval of an application or plan

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

- The matters set out in Section 60 of the Act.
- The 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.

Response: The proposal is for a liquor licence at iPlay, a children's indoor play centre at 7959 Goulburn Valley Highway KIALLA. The site is within the Commercial 2 Zone, Design and Development Overlay 7 and Land Subject to Inundation Overlay. Planning permit permission is required under 52.27 for the supply and consumption of liquor.

The proposal has been assessed against the Planning Policy Framework and Local Planning Policy Framework and is determined to be an acceptable planning outcome. The location of the site and license will not have a detrimental effect on neighbouring properties as officers consider that the license is a low impact licence based on the number of patrons and hours of operation.

Relevant incorporated or reference documents

There are no documents relating to the application.

Other relevant adopted State policies or strategies policies

There is no other relevant adopted state or strategic policies to the application.

Relevant Planning Scheme amendments

There are no relevant PSA's to the application.

Are there any significant social & economic effects?

Section 60(1)(f) of the Act states the following:

Before deciding on an application, the responsible authority, if the circumstances appear to so require, must consider—

- *Any significant social effects and the economic effects which the responsible authority considers the use or development may have.*
-

Member Dwyer in *The Hunt Club Commercial Pty Ltd v City of Casey CC* informed:

As a matter of general principle a broad concern about the social harm caused by alcohol, the accessibility of alcohol in the community generally, or the potential for the abuse or misuse of alcohol, will rarely (if any) be a relevant planning consideration in the exercise of discretion for a particular license premise under clause 52.27. Town planning is not a panacea for all perceived social ills, nor is planning decision making a forum for addressing all issues of social or community concern. At its heart planning is about the use, development and protection of land. It has a spatial context that is primarily concerned with the fair, orderly, economic and sustainable use and

development of land. Town planning does not involve itself in moral judgments nor, subject to this locational or spatial perspective in the operation of a competitive market economy in which certain goods and services are lawfully made, sold or consumed. While town planning seeks to secure a pleasant, efficient and safe working, living and recreational environment it is not the role of town planning to address all issues of public health, nor regulate the pricing or general availability of a product to manage the health and wellbeing of society.

Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts relating to the application.

The Aboriginal Heritage Act 2006

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

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

Charter of Human Rights and Responsibilities

The application has been considered in accordance with the P&E Act including the giving of notice, therefore the Charter has been complied with.

Conclusion

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

- Officers consider that the service and consumption of liquor will not result in unacceptable amenity outcomes as:
 - The service of alcohol at a children's play centre is a low intensity licence in terms of number of patrons, hours of operation and given that the events are organised i.e. birthday or the like.
 - The application appropriately addresses 52.27 Supply of Liquor as the red line plan is located away from residential areas, the hours of operation will extend to 11pm, which is an acceptable outcome. The premises is not within a cluster and is considered a low intensity outcome as it is not a club or hotel. Officers are satisfied that the liquor licence will not unreasonably affect the amenity of the neighbourhood.
- Victoria Police have consented to the application without condition

Draft Notice Of Decision

APPLICATION NO: 2018-249

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: 7959 GOULBURN VALLEY HIGHWAY
KIALLA VIC 3631

WHAT THE PERMIT WILL ALLOW: LIQUOR LICENCE FOR INDOOR PLAY CENTRE

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. **Layout Not Altered**

The area for the service and consumption of liquor as shown on the endorsed plans must not be altered without the written consent of the responsible authority

2. **Hours of Operation**

The serving of liquor may only occur between the hours of:

- a) Monday to Thursday – 9.00am to 5.00pm
- b) Friday 9.00am to 11.00pm
- c) Saturday and Sunday 8.00am to 11.00pm

3.

Liquor Licensing Victoria

This permit must be subject to the issue of an appropriate liquor license by Liquor Licensing Victoria, and adherence to any conditions imposed by that body.

Application Details:

Responsible Officer:	Andrew Dainton (report prepared by Natalie Taggart)
Application Number:	2018-194
Applicants Name:	Peps Plans P/L
Date Application Received:	19 July 2018
Statutory Days:	106
Land/Address:	212-226 High Street SHEPPARTON VIC 3630
Zoning and Overlays:	Activity Centre Zone, Schedule 1 – <i>Shepparton Central Business District</i> Heritage Overlay – Schedule 80 Parking Overlay, Schedule 1 – <i>Shepparton Central Business District</i> Abuts a Road Zone Category 1 and Road Zone Category 2
Why is a permit required (include Permit Triggers):	52.05-11 - the erection and display of an electronic promotion sign 43.01-1 – display of signage in the Heritage Overlay
Signage Category	Category 1 – Commercial areas Purpose To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.
Are there any Restrictive Covenants on the title?	Lot 1 of Plan of Subdivision 023149. There are no covenants or other restrictions registered on the Title to the land. There are no easements or other restrictions identified on the Title Plan.

Proposal

The application proposes the erection of an Electronic Promotion sign on the land.

A Promotion sign is defined as “A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.”

An Electronic sign is defined as “A sign that can be updated electronically. It includes screens broadcasting still or moving images.”

The sign is single sided, with a height of 2 metres and a width of 4 metres, total advertising area of 8 square metres.

The sign is an electronic LED glare resistant display, with auto brightness controls to adjust to weather conditions. The sign is proposed to operate 24 hours. Images to be displayed are subject to advertisers requirements and are proposed to have a dwell time of 9 second increments, although the Traffic Works report recommends a dwell time of 30 seconds.

The sign is proposed to be erected on the north eastern façade of the building, at 4.49 m above the pavement. The sign is proposed to align with the first floor windows.



Photo 1: Depiction of proposed sign on Terminus Hotel façade (red outline indicates proposed sign).



Summary of Key Issues

The application proposes the erection and display of an electronic promotional sign.

The site is located within the Heritage Overlay Schedule 80.

The site is located on the corner of High Street and North Street and is developed with an existing pub / hotel constructed to the boundaries and occupying the width of the site. The building presents to a main intersection. The site falls within an area of commercial sites falling within the Activity Centre Zone. High Street is a Category 1 Road (VicRoads managed road). North Street is within a Road Zone Category 2.

Electronic promotion signage requires planning approval under the provisions of Clause 52.05 – Signs.

The key considerations for this application are whether the form, scale, siting and purpose of the advertising sign are appropriate for the site and its context having regard to the pattern and character of established development and signage within the precinct and the objectives of the Activity Centre Zone 1.

A key consideration is also the heritage of the building and whether the proposed sign will impact the heritage character of the building, and whether it is appropriate within the Heritage Overlay.

Council's heritage advisor has undertaken an assessment of the application and found that the sign is not appropriately designed to integrate to the heritage building. The heritage advisor has recommended that no permit grant.

Recommendation

Refusal

That the Council having not caused notice of Planning Application No. 2018-194 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of the Greater Shepparton Planning Scheme in respect of the land known and described as 212-226 High Street SHEPPARTON VIC 3630, for the erection and display of an electronic promotion sign.

For the following reasons:

- The proposed signage is inconsistent with the objectives of Clause 21.04-4 of the Greater Shepparton Planning Scheme as:
 - a) The siting of the sign is inconsistent with the policy guidelines as the sign is an electronic promotion sign
- The proposed signage is inconsistent with the objectives of the Design and Development clause of Schedule 1 to the Activity Centre Zone as
 - a) The location and style of the sign is not consistent with the character of the area.
- The proposed electronic promotion sign results in unacceptable planning outcomes under the Heritage Overlay as the sign does not appropriately respond to the important heritage architecture of the building.

- The proposed signage results in an unacceptable outcome with respect to the decision guidelines of Clause 52.05 of the Scheme as:
 - a) The provision of an electronic sign is inconsistent with the character / theme of advertising signage within the precinct that typically comprises of Business identification signage, generally perpendicular or parallel to the street.

Moved by Joel Ingham

Seconded by Emma Kubeil

That the Council having not caused notice of Planning Application No. 2018-194 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of the Greater Shepparton Planning Scheme in respect of the land known and described as 212-226 High Street SHEPPARTON VIC 3630, for the erection and display of an electronic promotion sign.

CARRIED

Subject Site & Locality

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

Date: 9 October 2018

Time: 11.30 am

The site is known as 212-226 High Street, Shepparton and has a total area of approximately 2660 square metres.

The front half of the site (north) is developed with building known as the Terminus Hotel. The building is of art-deco style and is two storeys with a flat roof form. The building is developed to the High Street and North Street boundaries, as well as along the western boundary adjoining 210 High Street.

The rear half of the site is utilised as a car park for the hotel / restaurant. The area is paved with asphalt and contains line marked car parking spaces.

The main locality characteristics are:

- The site is located in an area broadly zoned Activity Centre 1, and most properties in the vicinity of the site are accordingly commercially used and developed.
- Adjoining the site to the west, and opposite the site to the north is the main strip shopping precinct of High Street. The street is characterised by small shopfronts. Commercial buildings are developed from side boundary to side boundary, with some lots containing small rear courtyards or car parking areas.
- Buildings along High Street are single storey and generally contain transparent front facades comprised by large shop front style windows and doors. Buildings are generally constructed with pitched roofs and contain front parapets creating the commercial style streetscape.
- Most of the buildings along High Street contain front verandas overhanging the footpath.
- Businesses generally contain business advertising signage on the verandas and / or on the front facades of the buildings.
- Opposite the site to the north, at the north western corner of the intersection with High Street and North Street is a single storey red brick building, containing three parcels of land. The building contains a front veranda overhanging the footpath. Business advertising signage is located on the veranda.
- Opposite the site at the north eastern corner of the intersection with High Street and North Street at 233-251 High Street is the Goulburn Valley Hotel. The hotel is a two storey building (with single storey elements) individually heritage listed under the provisions of the Greater Shepparton Planning Scheme (HO81).
- Opposite the site to the east at the south east corner of the intersection of High and North Streets is a single storey building occupying four allotments at 1-4 / 228 High Street. The building is occupied by four commercial businesses.
- The High Street / North Street intersection is within 10 metres to the east of the site. This intersection is controlled by traffic lights.

The Photos below show the existing site:



Further Information

Was further information requested for this application?

No.

Public Notification

The application was exempt from being advertised in accordance with Clause 43.01-4 of the Heritage Overlay and Section 10.0 of the Activity Centre Zone (52.05) of the Planning Scheme.

Objections

Not applicable as the application was exempt from notice and review.

Title Details

The land is known as 212-226 High Street, Shepparton.

The Title description is Lot 1 PS023149.

There are no covenants or other restrictions registered on the Title to the land. There are no easements or other restrictions identified on the Title Plan.

Consultation

Relevant aspects of consultation included:

- Pre-application advice was provided by Andrew Dainton to the permit applicant on 4 June 2018.
- Deborah Kemp commented that a sign being sited at the far edge of the Terminus façade (not part of the original building) was supported in principle on the grounds that this part of the building was not part of the original building, and furthermore, the site is not within a heritage precinct and therefore signage would potentially have minimal heritage impact.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 -Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
VicRoads	66.03	Determining	<p><i>"An application to display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004 must be referred in accordance with Section 55 of the Planning and Environment Act 1987 to the referral authority specified in Clause 66.03 or a schedule to that clause."</i></p> <p>The application was referred to VicRoads on 24 August 2018. A response dated 17 September 2018 was received advising Council that VicRoads offers no objection subject to conditions relating to:</p> <ol style="list-style-type: none"> 1. Display time 2. The luminance of the sign 3. Preparation of a lighting report 4. The transition between images 5. The advertising content of the sign 6. Dazzling impacts 7. Permitted advertising area 8. Sound and motion activation 9. Sound 10. Shutting down the sign in the event of attacks/malfunctions 11. Repairs

Section 52 -Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Nil	N/A	N/A	N/A

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council's development engineers offered no objection, subject to general conditions relating to the operation of the sign.
Heritage Advisor	Council's Heritage Advisor Deborah Kemp reviewed the submitted application and has concluded that no permit should issue.

Assessment

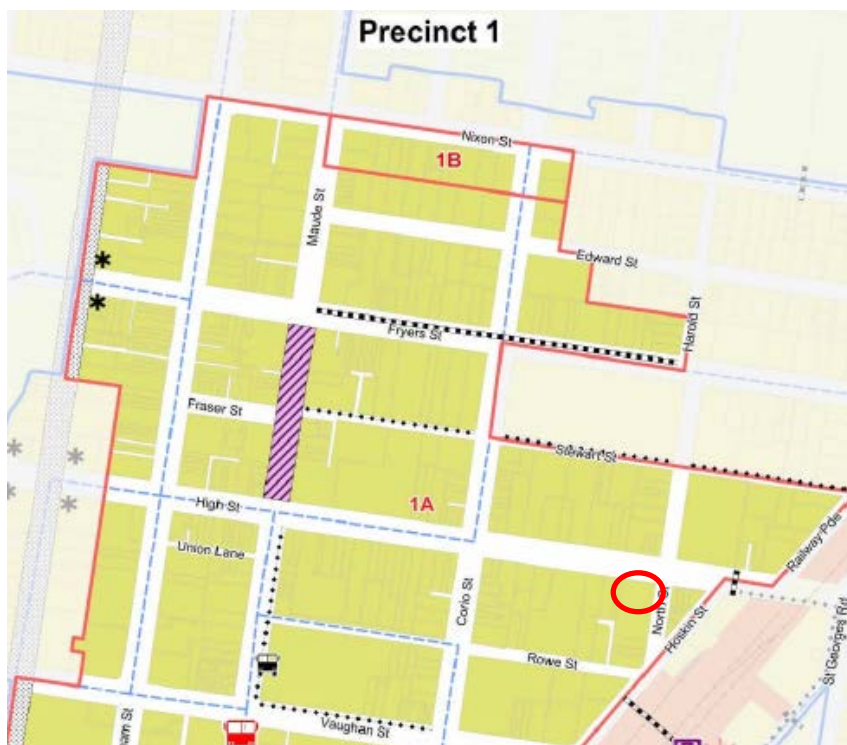
The zoning of the land

The land falls within the **Activity Centre Zone, Schedule 1 (Shepparton Central Business District Area)**.

Signage in the ACZ falls within Category 1 of the advertising requirements at Clause 52.05 of the Scheme, unless a Schedule to the Zone specifies a different Category.

Schedule 1 to the Overlay identifies that all land within Precincts 1, 7 and Sub-precincts 3B and 8A is in Category 1 of Clause 52.01, and all other land is in Category 3.

The land is located in Precinct 1 as illustrated on the map below, and therefore signage for this proposal falls within Category 1.



Clause 4.4 of Schedule 1 to the overlay – Design and Development, identifies that for the whole of the CBD, “Advertising signs should be integrated into building design and landscaping that contributes to a consistent and coordinated suite of signage for the CBD that is designed to serve a range of purposes, such as way finding, marking historical locations or announcing entry points.”

The proposed signage is inconsistent with this clause as it is an electronic promotion sign, which is not the dominant form of signage within the surrounding area or the High Street streetscape.

Relevant overlay provisions

Heritage Overlay

The land falls within the Heritage Overlay – Schedule 80 (Terminus Hotel, 221-226 High Street, Shepparton). The purposes of the overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Clause 43.01-1 identifies that a permit is required to construct or display a sign.

The overlay identifies a number of Decision Guidelines at Clause 43.01-8, identified and responded to as follows:

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

- *Whether the location, style, size, colour and materials of the proposed solar energy facility will adversely affect the significance, character or appearance of the heritage place.*

Assessment of the proposed signage on the cultural heritage significance of the Terminus Hotel

The Terminus Hotel has a substantially intact Interwar façade. This architectural expression is rare within Shepparton and region and its intactness adds to its value.

The style of this building depends on the lineal qualities with each wing emphasising a horizontality through the window locations and their scale. The horizontal lines found on the upper floor, rendered banding with its simple signage accentuate the lineal character of these façades. The strong vertical blades located in the recessed corner section provide a striking contrast to the sense of controlled horizontality.

Through the design of the building with its stripped aesthetics the signage for the hotel – the relief letters applied to the rendered banding give this hotel a strong presence in the commercial area.

Impact of the proposed signage

The proposed sign through its scale, location and through the capacity of this sign to obscure original architectural features will markedly diminish the significance of this building.

Good signage should not diminish the aesthetic values of a heritage building instead it can, and should, contribute to the architectural intent of the building.

It is on this basis that through the diminishment of the architectural values and the compromising of the cultural heritage significance of the place that a refusal of the application is recommended.

The land falls within the **Parking Overlay – Schedule 1 (Shepparton Central Business District)**.

The Parking Overlay and Schedule does not require planning approval for signage and does not identify any other requirements for signage.

The Planning Policy Framework (PPF)

Clause 15.01-1S aims to create safe, functional and enjoyable environments that have a sense of place and cultural identity. A strategy to achieve this is to ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Clause 15.03-1S aims to ensure places of heritage significance are conserved.

Response

The electronic promotion sign is considered to be in a location close to a main signalled intersection, that will also impact on the individually listed heritage site.

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

Clause 21.04-4 – Urban Design identifies with respect to signage that inappropriate design and placement of advertising signs can have a significant effect on the appearance and visual amenity of an area. Council wants to guide the location and display of signage within the municipality to ensure signage is compatible with the character and architecture of local streetscapes. The design, form, size and placement of advertising signs should be controlled so as to protect and enhance the appearance of rural and urban areas and to avoid signs that are excessive, confusing or incompatible with the character of the surrounding area.

The relevant Objective for Urban Design is to “*control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment the built form in the municipality*”.

The relevant strategies for Urban Design are to:

- *Protect vistas to historic or significant buildings forming part of the streetscape.*
- *Ensure that the location, form and size of signs complement the dominant character of any urban or rural landscape, building, site or area on which they are erected.*
- *Control the location, size and scale of advertising signage, especially in key precincts of the Shepparton CBD and town centres.*

When considering an application for an advertising sign, Council will be guided by the following principles:

- *Fewer signs displaying a simple clear message are encouraged.*
- *Advertising signage is encouraged to be primarily for business identification providing basic identification information of the business.*
- *Suspended under-verandah signs should be limited to one per shopfront, except on large premises where the limit should be one per ten metres of shop front.*
- *Above-verandah signs should be attached to the upper facade or parapet, parallel/horizontal to the road with minimal projection.*
- *Sky signs, high wall signs, projecting off-wall signs on upper facades and signs that project above parapets, wall, verandahs, roof lines or building fascias are discouraged in all areas.*
- *Freestanding signs should be limited to one sign per premises with multiple occupancies encouraged to share sign space.*
- *‘V’ board signs are discouraged in all areas.*
- *Where a building is set back from the street, signs are encouraged to be located within the boundary and should be orientated to be parallel or at right angles to the street.*
- *Where possible signs should be located on the building.*

- *Pole signs should be limited to one per frontage and should be no higher than the surrounding buildings.*
- *Internally illuminated promotional signs are discouraged.*
- *Permanent bunting, streamers, banner, balloons, animated, reflective signs or similar devices, are strongly discouraged in all zones due to the detriment to the amenity of the area and the high level of visual clutter and dominance. These signs may be considered for temporary (3 month maximum) promotions only.*
- *Major Promotional signs are discouraged, but if approved are to be confined to Regional & Sub-regional Centres attached to a building wall and should not be more than 3 metres above the ground or be internally or externally illuminated.*

Clause 21.05-4 – Cultural Heritage aims to ensure that places of pre settlement and post settlement cultural heritage significance within the municipality are preserved for future generations. Places of cultural heritage significance are highly valued by the community. The continued conservation, protection and maintenance of these places of cultural heritage significance are important to the Council.

Response

The proposed signage is considered to be inconsistent with the Urban Design objectives and Policy Guidelines for Advertising Signs at of Clause 21.04-4 because:

- The proposed electronic promotion sign would disrupt the visual amenity of the area through its illumination and movement of images, as well as its orientation towards the intersection rather than directly to (parallel with) the street.
- The proposed electronic promotion sign would disrupt the affect the ability to protect the characteristics of the historic building, and should be sited on part of the building that is a rear addition.
- The proposed sign (electronic promotion sign) is inconsistent with the dominant form of business advertising signage within the area.
- Internally illuminated promotional signs are discouraged.

Relevant Particular Provisions

Signs 52.05

The purpose of this provision is to:

- *Regulate the development of land for signs and associated structures;*
- *Ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *Ensure signs do not contribute to excessive visual clutter or visual disorder.*

- *Ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

The proposed sign is defined as an Electronic Promotion sign. In Category 1 of Clause 52.05, this signage falls within Section 2 (Permit Required)

Application Requirements 52.05-6

An application to display an advertising sign must be accompanied by specified information, as appropriate, including:

- *A site context report, using a site plan, photographs or other methods to accurately describe:*
 - The location of the proposed sign on the site or building and distance from property boundaries.
 - The location and size of existing signage on the site including details of any signs to be retained or removed.
 - The location and form of existing signage on abutting properties and in the locality.
 - The location of closest traffic control signs.
 - Identification of any view lines or vistas that could be affected by the proposed sign.
- *The location, dimensions, height above ground level and extent of projection of the proposed sign.*
- *The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.*
- *Details of associated on-site works.*
- *Details of any form of illumination, including details of baffles and the times at which the sign would be illuminated.*
- *The colour, lettering style and materials of the proposed sign.*
- *The size of the display (total display area, including all sides of a multi-sided sign).*
- *The location of any logo box and proportion of display area occupied by such a logo box.*
- *For animated or electronic signs, a report addressing the decision guidelines at Clause 52.05-8 relating to road safety.*
- *Any landscaping details.*

Details of the dimensions and height of the sign were provided.

A report prepared by TrafficWorks was submitted with the application providing a Traffic Impact Assessment on the sign. The report sought to demonstrate compliance with VicRoads Advertising Policy and AS4282-1997 Control of Obtrusive Effects of Outdoor Advertising.

The report identifies compliance with the VicRoads Advertising Policy when operated in accordance with the recommendations of the report.

Decision Guidelines 52.05-8

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

The character of the area including:

- *The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.*
- *The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.*
- *The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.*
- *The consistency with any identifiable outdoor advertising theme in the area.*

Impacts on views and vistas:

- *The potential to obscure or compromise important views from the public realm.*
- *The potential to dominate the skyline.*
- *The potential to impact on the quality of significant public views.*
- *The potential to impede views to existing signs.*

The relationship to the streetscape, setting or landscape:

- *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*
- *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
- *The ability to screen unsightly built or other elements.*
- *The ability to reduce the number of signs by rationalising or simplifying signs.*
- *The ability to include landscaping to reduce the visual impact of parts of the sign structure.*

The relationship to the site and building:

- *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
- *The extent to which the sign displays innovation relative to the host site and host building.*
- *The extent to which the sign requires the removal of vegetation or includes new landscaping.*

The impact of structures associated with the sign:

- *The extent to which associated structures integrate with the sign.*

- *The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.*

The impact of any illumination:

- *The impact of glare and illumination on the safety of pedestrians and vehicles.*
- *The impact of illumination on the amenity of nearby residents and the amenity of the area.*
- *The potential to control illumination temporally or in terms of intensity.*

The impact of any logo box associated with the sign:

- *The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign*
- *The suitability of the size of the logo box in relation to its identification purpose and size of the sign.*

The need for identification and the opportunities for adequate identification on the site or locality.

The impact on road safety. A sign is a hazard if the sign:

- *Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.*
- *Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device.*
- *Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.*
- *Is at a location where particular concentration is required, such as a high pedestrian volume intersection.*
- *Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.*
- *Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.*
- *Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.*
- *Is within 100 metres of a rural railway crossing.*
- *Has insufficient clearance from vehicles on the carriageway.*
- *Could mislead drivers or be mistaken as an instruction to drivers.*

The proposal has been assessed against the relevant decision guidelines of this Clause and it is considered that:

- The proposed sign location and form has not considered the heritage values of the site.
- The proposed sign being electronic is inconsistent with the character / theme of advertising signage within the precinct that typically comprises of Business identification signage, generally sited on buildings / verandahs either perpendicular or parallel to the street.

The decision guidelines of Clause 65

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 decision guidelines and for the reasons previously identified it is considered that the proposal would not result in the orderly planning of the area and would have an unreasonable impact on the amenity of the area.

Relevant incorporated or reference documents

The Shepparton CBD Strategy, October 2008 is the strategic background document that underpinned the application of the Activity Centre Zone to the Shepparton CBD. The CBD Strategy includes design guidelines that address signage.

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 subject 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

The application is inconsistent with the objectives of Clause 21.04-4 and is inconsistent with the design objectives of Schedule 1 to the Activity Centre Zone as the sign constitutes an electronic promotion sign which is expressly discouraged in all areas of the CBD. The sign is inappropriate and out of character in terms of its style and siting. The sign also impacts on part of the original heritage building and was not located at the area recommended by the heritage advisor. The application should therefore be refused.

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2018-194

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 212-226 High Street SHEPPARTON VIC 3630

WHAT HAS BEEN REFUSED: Erection and display of an electronic promotion sign in the Activity Centre Zone and Heritage Overlay

WHAT ARE THE REASONS FOR THE REFUSAL?

- The proposed signage is inconsistent with the objectives of Clause 21.04-4 of the Greater Shepparton Planning Scheme as:
 - a) The siting of the sign is inconsistent with the policy guidelines as the sign is an electronic promotion sign
- The proposed signage is inconsistent with the objectives of the Design and Development clause of Schedule 1 to the Activity Centre Zone as
 - a) The location and style of the sign is not consistent with the character of the area.
- The proposed electronic promotion sign results in unacceptable planning outcomes under the Heritage Overlay as the sign does not appropriately respond to the heritage architecture of the building.
- The proposed signage results in an unacceptable outcome with respect to the decision guidelines of Clause 52.05 of the Scheme as:
 - a) The provision of an electronic sign is inconsistent with the character / theme of advertising signage within the precinct that typically comprises of Business identification signage, generally perpendicular or parallel to the street.

Amended Application Details:

Responsible Officer:	Andrew Dainton
Amended Permit Number:	2015-470/A
Applicants Name:	Total Outdoor Media Pty Ltd
Date Amendment Received:	25 September 2018
Statutory Days:	23
Land/Address:	195 Numurkah Road SHEPPARTON VIC 3630
Zoning and Overlays:	C2Z LSIO DDO9
Signage Category	Category 1 – Commercial areas Minimum limitation
Why was the amendment required?	To change the north face of the sign to an electronic major promotion sign
Are there any Restrictive Covenants on the title?	No

Proposal & Discussion

Planning permit 2015-470 was issued in accordance with a VCAT order on 11 October 2016. The permit allows the erection and display of an externally illuminated major promotion sign.

Since the grant of the permit the sign has been constructed as shown below.



This amended application seeks permission to upgrade the north facing advertising panel to an electronic sign containing static images which change each 30 seconds. This amended application does not propose to increase the size of the sign.

The application was advertised to neighbours and one objection was lodged.

Officers acknowledge that the sign exists and regardless of the outcome of this amended application will continue to display advertising material for years. It is also acknowledged that VCAT set aside Council's refusal of the sign to grant a permit. VCAT in their decision stated 'the nature of the subject site and surrounds make it suitable for the display of a major promotion sign'.

This VCAT decision highlighted to officers that it was necessary for additional policy for the Numurkah Road corridor. An urban design framework was prepared and C196 was included in the scheme in June 2018 to introduce DDO9 – Shepparton North Gateway Commercial Precinct. The DDO9 provides five design objectives including:

To ensure signage is appropriately designed, sited and scaled for the gateway corridor context and minimises visual clutter.

The DDO9 also includes the following design requirements in relation to signage:

Advertising signage

- Panel, Promotion and Major promotion signs will only be considered acceptable on a temporary basis (e.g. a maximum of 15 years from the date of permit issue).
- Free-standing signage (e.g. pole signs) must be set back a minimum distance of 1m from the front property boundary.
- Signage, including painted signs, located on a side wall should not occupy more than 50% of the area of the wall.
- Freestanding business identification signs are to fit in an envelope that is a maximum height of 2m and maximum width of 1.5m. This envelope includes the height of any supporting structure. See Diagram 1.
- Signs attached to a building are encouraged and should be a maximum height of 1m and a maximum width of 3m. Exemptions may be made for signs composed of individual letters that form an integral part of the building facade. See Diagram 2.

The DDO9 provides specific policy direction on electronic signs being:

Signs that are electronic, animated, contain moving parts or have flashing elements are not encouraged.

Officers acknowledge that the DDO9 does not prohibit the proposed electronic sign.

Permission is required for the electronic sign and when determining whether permission should be granted a range of considerations need to be taken into account.

In making this recommendation officers acknowledge the following:

- The land is within a category 1 signage area, which purpose is to provide for promotion signs that add vitality and colour to commercial areas
- Permission exists for an externally illuminated major promotion sign. This permission was issued by VCAT which set aside Council's refusal of the application
- Under the decision guidelines in 52.05 the electronic sign on the north facing panel is an acceptable planning outcome

Despite this, officers recommend that no amended permit should grant as an electronic sign is not encouraged by the DDO9.

Council has recently commissioned an urban design framework and implemented the recommendations of the UDF in the DDO9. In doing so the planning scheme amendment was exhibited to the community and then tested at a Planning Panel.

The scheme specifically discourages electronic signage on Numurkah Road and this is now the Council's and communities expectation. Officers recommend that the DHP refuse to grant an amended permit as the electronic sign results in unacceptable planning outcomes when considered in terms of the DDO9.

Recommendation

Refusal

That the Council having caused notice of Amended Planning Application No. 2015-470/A to be given under Section 52 of the *Planning and Environment Act 1987* and having considered

all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of the Greater Shepparton Planning Scheme in respect of the land known and described as 195 Numurkah Road Shepparton, for an electronic panel on the north facing major promotion sign.

For the following reason:

- The proposed upgrade to the north facing panel to an electronic major promotion sign produces an unacceptable planning outcome under the Design and Development Overlay 9 (DDO9) as the DDO9 discourages electronic signs.

Moved by Colin Kalms

Seconded by Joel Ingham

That the Council having caused notice of Amended Planning Application No. 2015-470/A to be given under Section 52 of the *Planning and Environment Act 1987* and having considered

all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of the Greater Shepparton Planning Scheme in respect of the land known and described as 195 Numurkah Road Shepparton, for an electronic panel on the north facing major promotion sign.

CARRIED

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Date: 29 October 2018

The site currently contains:

- A large warehouse type building which is used for the sale of boats and caravans
- An existing major promotion sign

The main site/locality characteristics are:

- The land is within a highway commercial area that is developed with a mix of uses including IGA supermarket to the south, tractor dealerships, CFA office, gym and various light industrial uses

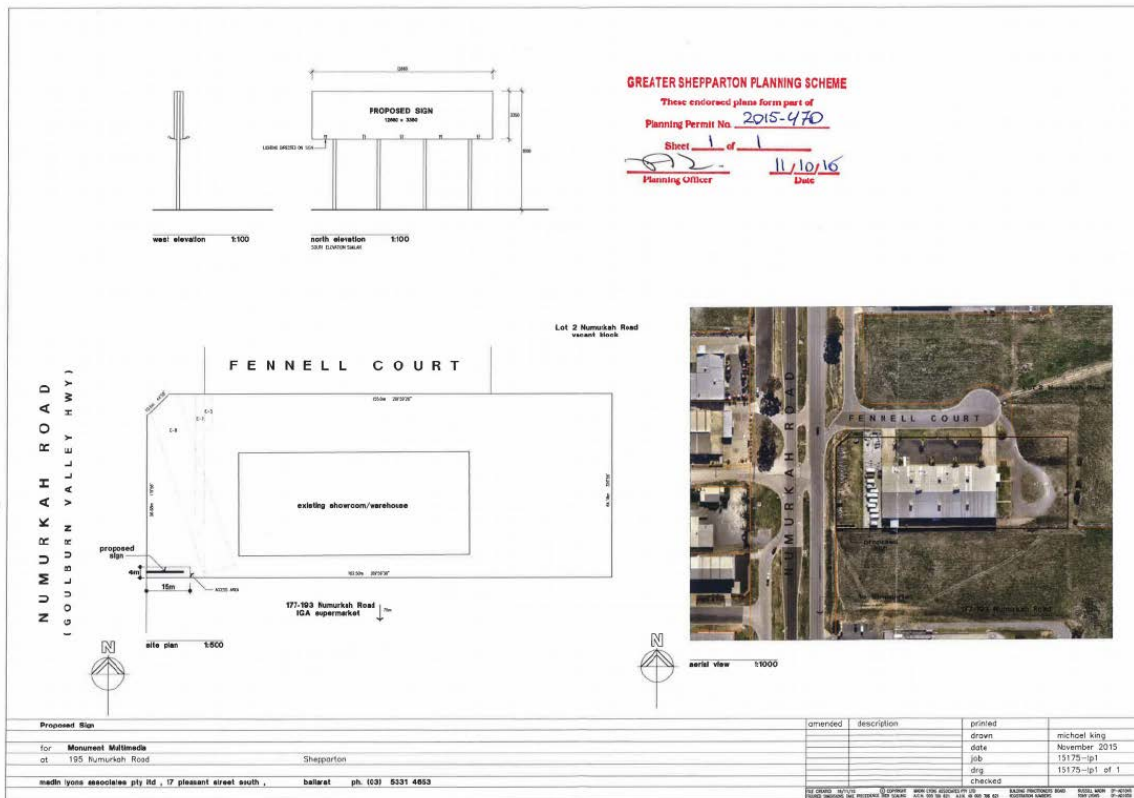
- Numurkah Road forms part of the Goulburn Valley Highway and is a four lane divided road. In a typical 24 hour period about 8000 vehicles travel south into Shepparton.

The Photos below show the existing site:

Permit/Site History

The history of the site includes:

- 2015-470 was issued on 11 October 2016 and allowed the erection and display of an externally illuminated major promotion sign. The sign has the dimensions of 12.6 metres by 3.35 metres.



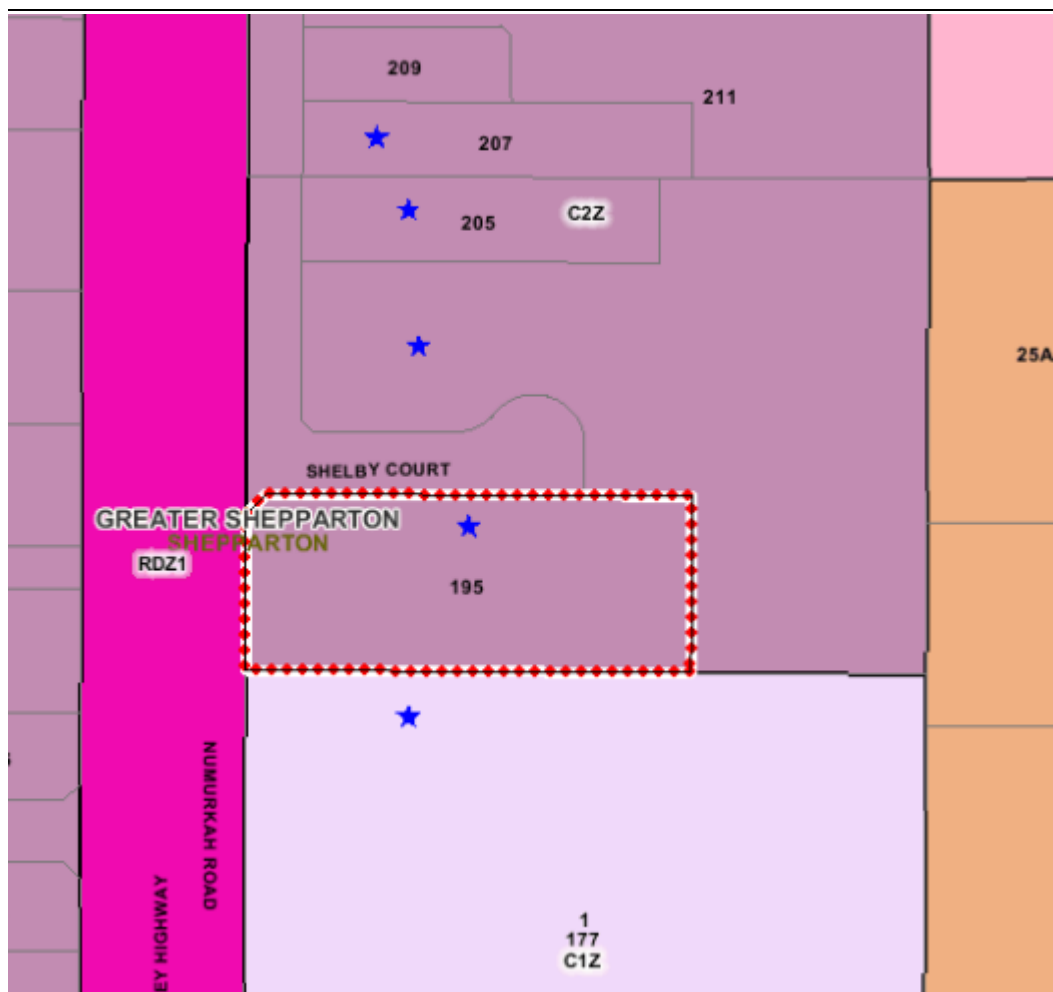
Further Information

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 display upgrade of north facing advertising panel to an electronic major promotion sign, by:

Sending notices to the owners and occupiers of adjoining land.



Objections

The Council has received one objection to date from Boats & More. The key issues that were raised in the objections is.

- The electronic sign would be in contravention of the DDO9
- The sign dominates the skyline and impacts on road safety
- The sign will unfairly detract from other businesses in the Shepparton North Commercial Gateway Precinct

Title Details

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

Consultation

Consultation was not undertaken.

Assessment

The zoning of the land
Commercial 2 Zone

Relevant overlay provisions

DDO9

SHEPPARTON NORTH GATEWAY COMMERCIAL PRECINCT

Design objectives

- To encourage a vibrant commercial area supporting large scale, regionally significant service and retail activities that reflect the strategic importance of the area as a gateway location in Shepparton's north.
- To ensure the design, quality and siting of buildings reflects and enhances the role of the area while making efficient use of the land. This includes at prominent corners and sites at the northern and southern extents of the precinct, where innovative, high quality design is particularly important to strengthen the gateway role of the area.
- To ensure signage is appropriately designed, sited and scaled for the gateway corridor context and minimises visual clutter.
- To maintain a sense of openness and views to the surrounding landscape corridor from the Goulburn Valley Highway, and integrate public realm planting and a high quality public that appropriately within the surrounding landscape.
- To implement the design and development guidelines for the Goulburn Valley Highway in accordance with the *Urban Design Framework – Shepparton North & South Business Areas 2006* and the *Addendum to the Urban Design Framework – Shepparton North & South Business Areas 2017*.

Design Requirements

The following buildings and works requirements apply to an application to construct a building or to construct or carry out works, to the satisfaction of the responsible authority:

Advertising signage

- Panel, Promotion and Major promotion signs will only be considered acceptable on a temporary basis (e.g. a maximum of 15 years from the date of permit issue).
- Free-standing signage (e.g. pole signs) must be set back a minimum distance of 1m from the front property boundary.
- Signage, including painted signs, located on a side wall should not occupy more than 50% of the area of the wall.
- Freestanding business identification signs are to fit in an envelope that is a maximum height of 2m and maximum width of 1.5m. This envelope includes the height of any supporting structure. See Diagram 1.
- Signs attached to a building are encouraged and should be a maximum height of 1m and a maximum width of 3m. Exemptions may be made for signs composed of individual letters that form an integral part of the building facade. See Diagram 2.

Advertising signs

Advertising sign requirements are at Clause 52.05. All land located within the Shepparton North Gateway Commercial Area Precinct is in Category 1 – Commercial Areas.

In addition to the relevant requirements at Clause 52.05, an application for advertising signage should meet the following requirements, to the satisfaction of the responsible authority:

- Business identification signage should form an integral part of the front building façade, be appropriately proportioned to sit within the parapet or gable end, and not protrude above or beyond the building façade.
- Business identification information can be incorporated into one way-finding oriented sign at the entrance to each section of service road to reduce visual clutter.

- Major promotion signs should be attached to and integrated into the front building facade.
- High wall and sky signs are discouraged.
- Panel and Promotion signs that project outside the perimeter of the building, or are free-standing, are discouraged.
- Internally illuminated signs should be located below the main roofline and integrated into the building form/facade.
- Where floodlit signs are proposed, consideration should be given to the impact of glare, light spill and shadow cast.
- Signs that are electronic, animated, contain moving parts or have flashing elements are not encouraged.
- Bunting, animated and reflective signs, including sandwich boards and inflatable and temporary signs, are discouraged.
- Colours, materials, animation and illumination that interfere with the safety or efficiency of traffic circulation, safety or function of the GVH as a major thoroughfare and Road Zone, Category 1 (RDZ1) must be avoided.
- The design of new buildings should take into account the likely need for signage by future occupants, and incorporate sign panels that meet these guidelines.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The design and development guidelines set out in the Addendum to the Urban Design Framework - Shepparton North & South Business Areas (Planisphere, 2017).

Advertising signage

- Whether the proposal is appropriately designed, sited and scaled for the Goulburn Valley Highway corridor without detracting from the public realm or competing with way-finding and road signage.
- Whether colours and materials proposed might interfere with the safety or efficiency of the Goulburn Valley Highway as a Road Zone, Category 1 (RDZ1).

The State Planning Policy Framework (SPPF)

15.01-1S

Urban design

Objective

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

Strategies

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

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

21.04-4 Urban Design

Advertising signage is a key and often highly visible component of the physical

environment of the municipality and the inappropriate design or placement of advertising signs can have a significant effect on the appearance and visual amenity of an area. Council wants to guide the location and display of signage within the municipality to ensure signage is compatible with the character and architecture of local streetscapes. The design, form, size and placement of advertising signs should be controlled so as to protect and enhance the appearance of rural and urban areas and to avoid signs that are excessive, confusing or incompatible with the character of the surrounding area.

Objectives - Urban design

To control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment or the built form in the municipality.

Policy Guidelines - Advertising Signs

When considering an application for an advertising sign, Council will be guided by the following provisions:

- Fewer signs displaying a simple clear message are encouraged.
- Advertising signage is encouraged to be primarily for business identification providing basic identification information of the business.
- Suspended under-verandah signs should be limited to one per shopfront, except on large premises where the limit should be one per ten metres of shop front.
- Above-verandah signs should be attached to the upper facade or parapet, parallel/horizontal to the road with minimal projection.
- Sky signs, high wall signs, projecting off-wall signs on upper facades and signs that project above parapets, wall, verandahs, roof lines or building fascias are discouraged in all areas.
- Freestanding signs should be limited to one sign per premises with multiple occupancies encouraged to share sign space.
- 'V' board signs are discouraged in all areas.
- Where a building is set back from the street, signs are encouraged to be located within the boundary and should be orientated to be parallel or at right angles to the street.
- Where possible signs should be located on the building.
- Pole signs should be limited to one per frontage and should be no higher than the surrounding buildings.
- Internally illuminated promotional signs are discouraged.
- Permanent bunting, streamers, banner, balloons, animated, reflective signs or similar devices, are strongly discouraged in all zones due to the detriment to the amenity of the area and the high level of visual clutter and dominance. These signs may be considered for temporary (3 month maximum) promotions only.
- Major Promotional signs are discouraged, but if approved are to be confined to Regional & Sub-regional Centres attached to a building wall and should not be more than 3 metres above the ground or be internally or externally illuminated.

Relevant Particular Provisions

52.05 Signs

Purpose

- To regulate the development of land for signs and associated structures.

- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

52.05-11

Category 1 - Commercial areas

Minimum limitation

Purpose

To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.

Decision guidelines are at 52.05-8.

All signs

The character of the area including:

- The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
- The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The consistency with any identifiable outdoor advertising theme in the area.

Response

The major promotion sign is existing. Changing the north facing panel to an electronic sign will not unacceptably impact on the character of the area, which is a highway commercial precinct.

Impacts on views and vistas:

- The potential to obscure or compromise important views from the public realm.
- The potential to dominate the skyline.
- The potential to impact on the quality of significant public views.
- The potential to impede views to existing signs.

Response

The introduction of an electronic sign has no further impact on views and vistas.

The relationship to the streetscape, setting or landscape:

- The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
- The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
- The ability to screen unsightly built or other elements.
- The ability to reduce the number of signs by rationalising or simplifying signs.
- The ability to include landscaping to reduce the visual impact of parts of the sign structure.

Response

The change to the electronic sign on the northern panel does not impact on the streetscape, setting or landscape.

The relationship to the site and building:

- The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
- The extent to which the sign displays innovation relative to the host site and host building.
- The extent to which the sign requires the removal of vegetation or includes new landscaping.

Response

The changed northern signage face will not impact on the relation to the site and building.

The impact of structures associated with the sign:

- The extent to which associated structures integrate with the sign.
- The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.

Response

The electronic sign does not result in the changes to the signage structures.

The impact of any illumination:

- The impact of glare and illumination on the safety of pedestrians and vehicles.
- The impact of illumination on the amenity of nearby residents and the amenity of the area.
- The potential to control illumination temporally or in terms of intensity.

Response

The application is accompanied by a lighting impact assessment report by Eletro Light. The report concludes that the electronic sign will comply with the maximum veiling luminance requirements of 0.25cd/m².

The impact of any logo box associated with the sign:

- The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
- The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.

The need for identification and the opportunities for adequate identification on the site or locality.

Response

The logo box will not change as a result of the electronic sign.

The impact on road safety. A sign is a safety hazard if the sign:

- Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.
- Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
- Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
- Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
- Is within 100 metres of a rural railway crossing.
- Has insufficient clearance from vehicles on the carriageway.
- Could mislead drivers or be mistaken as an instruction to drivers.

Response

The land sign is not located at an intersection. The sign will be visible from vehicles travelling south into Shepparton. The sign exists and since its construction has not resulted in vehicle accidents. The use of an electronic sign which provides a static message for 30 seconds is not expected to result in unacceptable road safety outcomes.

Major promotion signs

The effect of the proposed major promotion sign on:

- Significant streetscapes, buildings and skylines.
- The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
- Residential areas and heritage places.
- Open space and waterways.

When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:

- Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.
- Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
- Major promotion signs are discouraged within open space reserves or corridors and around waterways.
- Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.
- In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.

Response

The installation of an electronic sign on the northern face of the sign does not change the size of the sign.

The decision guidelines of Clause 65

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 Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the 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

Officers having considered the amended application against the relevant policy have found that the sign with the exception of the DDO9 is acceptable. Officers consider that the non-compliance with the DDO9 warrants the refusal of the application as the DDO9 does not encourage electronic signs.

Relevant incorporated or reference documents

Addendum to the Urban design Framework: Shepparton North and South Business Areas July 2017

Other relevant adopted State policies or strategies policies

There is no other relevant adopted state or strategic policies.

Relevant Planning Scheme amendments

There is no relevant PSA's.

Are there any significant social & economic effects?

The application raises no significant social or economic effects.

Conclusion

The application proposes to change the north facing sign from an externally illuminated major promotion sign to an electronic major promotion sign. Officers acknowledge that the size of the sign does not change and that the proposed produces acceptable outcomes when assessed against 52.05.

Despite this, the amended application should be refused as the DDO9 discourages electronic signs. Officers consider that the electronic sign does not achieve acceptable outcomes against the DDO9 and on this basis the amended application should be refused.

DRAFT

REFUSAL TO GRANT AN AMENDMENT TO A PERMIT

PERMIT NO: 2015-470/A (AMENDED)

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 195 Numurkah Road SHEPPARTON VIC
3630

PERMIT FOR WHICH AMENDMENT WAS SOUGHT: Permit No: 2015-470

WHAT HAS BEEN REFUSED?

The changes to the permit that have been refused are as follows:

Amending the north facing advertising panel to an electronic major promotion sign

WHAT ARE THE REASONS FOR REFUSAL?

The proposed upgrade to the north facing panel to an electronic major promotion sign produces an unacceptable planning outcome under the Design and Development Overlay 9 (DDO9) as the DDO9 discourages electronic signs.