

UNCONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 7/2019

HELD ON

THURSDAY 17 OCTOBER 2019

AT 9.30AM

IN THE COUNCIL BOARDROOM
90 WELSFORD STREET

CHAIR

Councillor Dennis Patterson

COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Dennis Patterson (Chair)
- Geraldine Christou – Director, Sustainable Development, Greater Shepparton City Council
- Colin Kalms – Manager, Building & Planning, Greater Shepparton City Council
- Melissa Crane – Acting Manager Planning & Investment – Strathbogie Shire Council
- Joel Ingham – Planning Coordinator, Benalla Rural City Council

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 7 for 2019.

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.

OFFICERS AND OTHERS PRESENT

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

- Andrew Dainton
- Abdullahi Jama
- Jonathan Griffin

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

APOLOGIES

Nil

DECLARATIONS OF CONFLICTS OF INTEREST

Are there any panel members who wish to declare a conflict of interest?

ORDER OF PROCEEDINGS

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

- The 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 5 items listed for consideration in this session of the DHP:

1. Planning Permit application 2018-201 - earthworks associated with a whole farm plan in the Farming Zone and Floodway Overlay and removal of native
2. Planning Permit application 2019-191 - buildings and associated works in the Farming Zone, Floodway Overlay and Land Subject to Inundation Overlay and removal of native vegetation for a dairy expansion to increase cow numbers to 4900.
3. Planning Permit Application 2017-88/C - Permission for the use of land for an additional 7 display homes and associated business identification signage.
4. Planning Permit Application 2019-202 - construction of two dwellings and a two lot subdivision in the General Residential Zone
5. Planning Permit application 2019-74 – use and development for a materials recycling and transfer station facility in the Industrial 1 Zone and reduction in car parking requirement

LATE REPORTS

None

NEXT MEETING

N/A

Application Details:

Responsible Officer:	Andrew Dainton (report prepared by Nick Butler / Alex Winfield)
Application Number:	2018-201
Applicants Name:	Robin Knaggs
Date Application Received:	31 July 2018
Statutory Days:	318
Land/Address:	700 Fidge Road & 815 Madill Road, Undera VIC 3629. The land is about 193ha in size.
Zoning and Overlays:	Farming Zone – Schedule 1 (FZ1) Floodway Overlay
Why is a permit required (include Permit Triggers):	Clause 35.07-4 - to carry out earthworks that change the rate of flow or the discharge point of water across a property boundary. Clause 44.03-2 – to carry out earthworks. Clause 52.17-1 – To remove, destroy or lop native vegetation.
Are there any Restrictive Covenants on the title?	No restrictive covenants registered on title.

Proposal

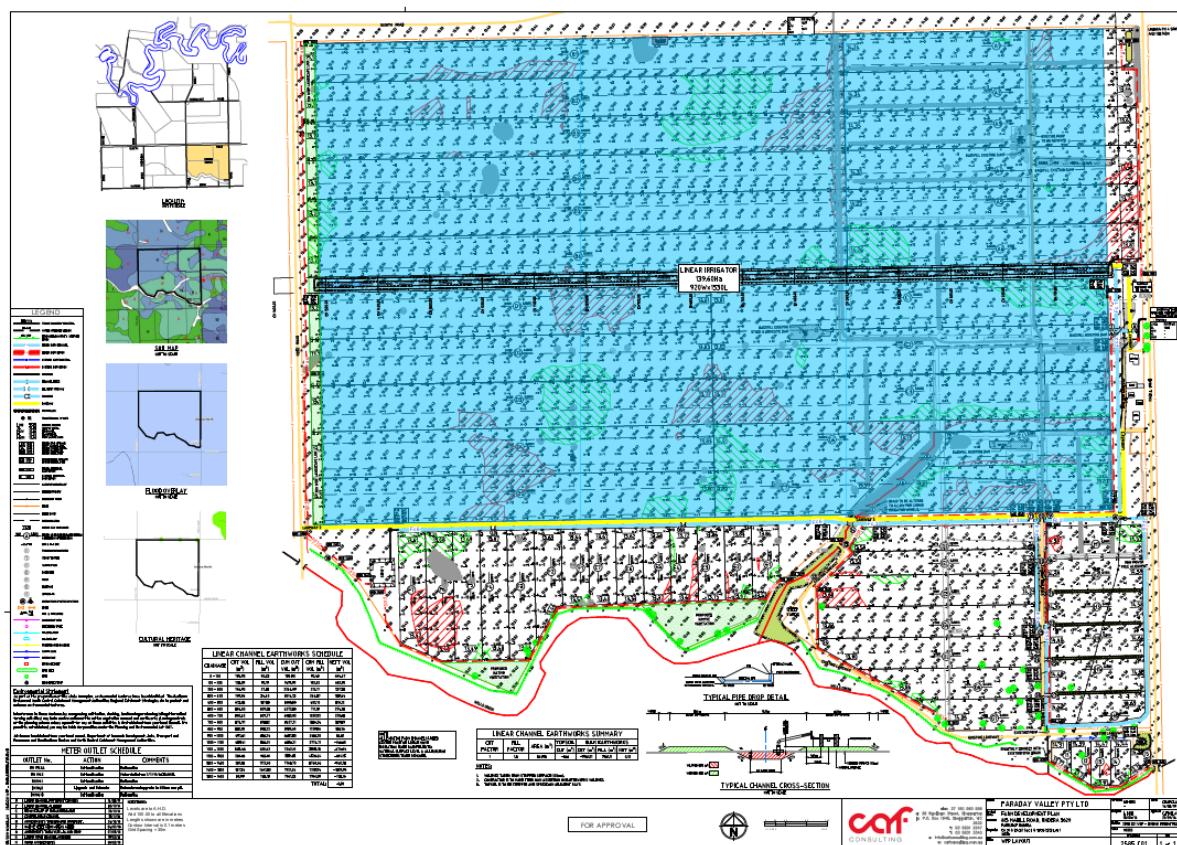
It is proposed to carry out earthworks to enable a linear irrigator to run along an east-west axis (in-lieu of irrigation by flooding).

The application seeks planning permission for the removal of 4.685ha of native vegetation containing 69 large trees.

The vegetation removal was assessed under the “Detailed” risk-based pathway assessment process. The native vegetation comprises 4.685 hectares of vegetation with a general offset amount of 1.131 general habitat units and minimum strategic biodiversity value score of 0.312.

A first party offset is proposed to offset the vegetation removal. The offsets are proposed to be on the proponents land at 1045 Madill Road, Undera. The offset site includes 219 large trees.

The proposed whole farm plan and vegetation removal location plan is shown below.

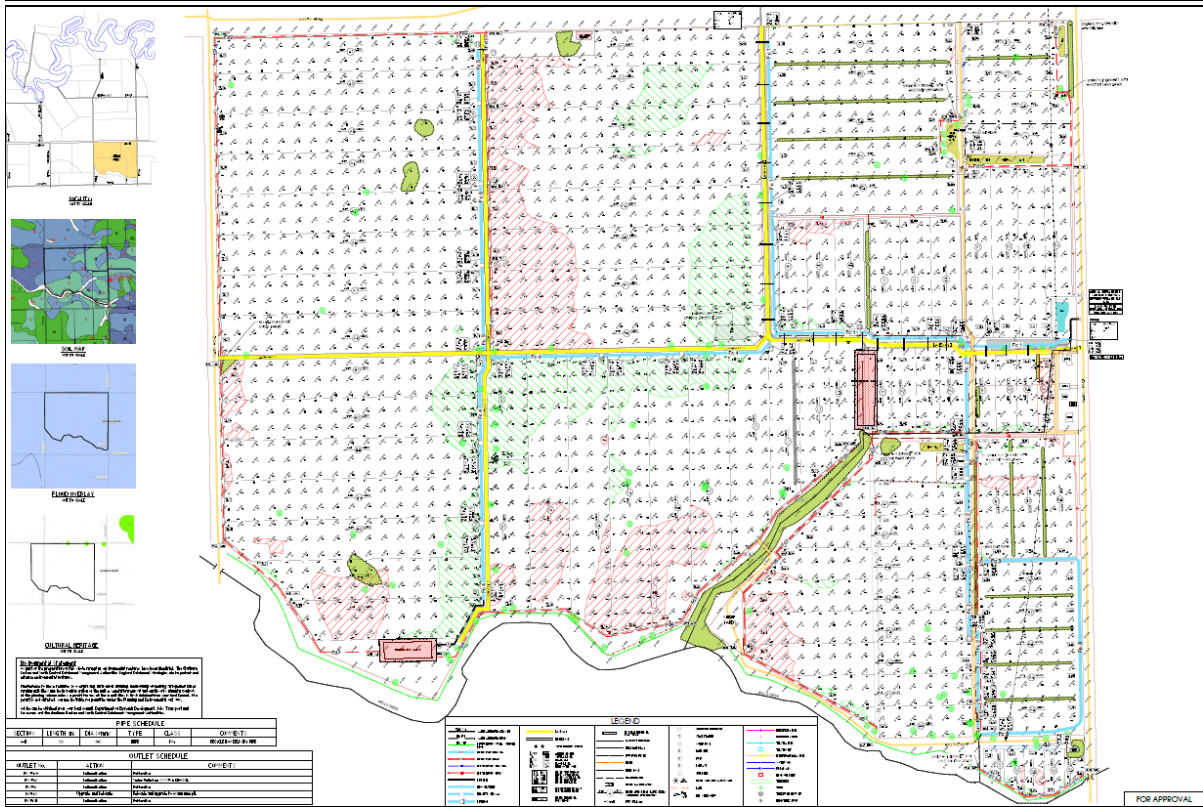


When originally submitted, the application material provided 4 options for whole farm plans, all with varying levels of native vegetation removal. The four options included the following irrigation options (ordered in terms of impact on native vegetation):

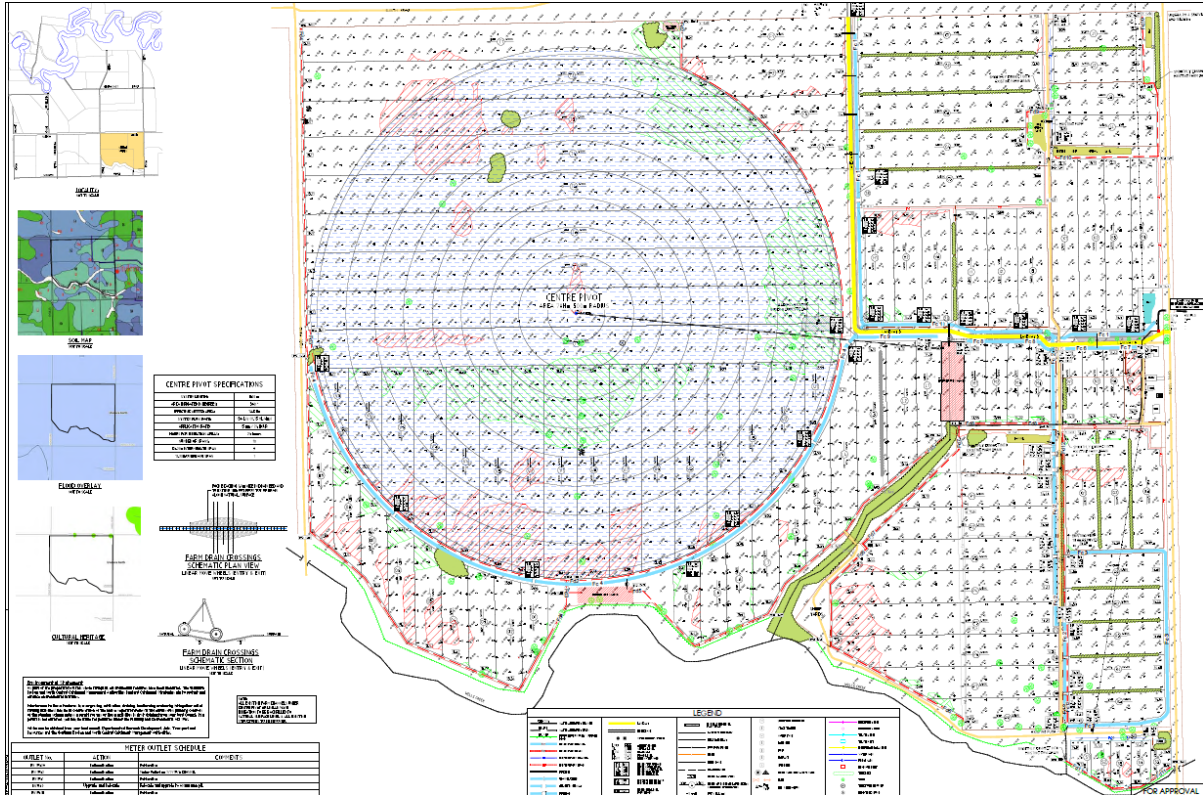
- Flood irrigation.
- Centre pivot irrigation.
- Linear/pivot hybrid irrigation.
- Full linear irrigation.

Flood Irrigation

Shown below is the whole farm plan showing flood irrigation. Whilst this option has minimal impact on native vegetation, this option was not preferred by the applicant owing to the water inefficiencies with this method. Goulburn-Broken Catchment Management Authority identified this as their preferred development plan.



Centre Pivot

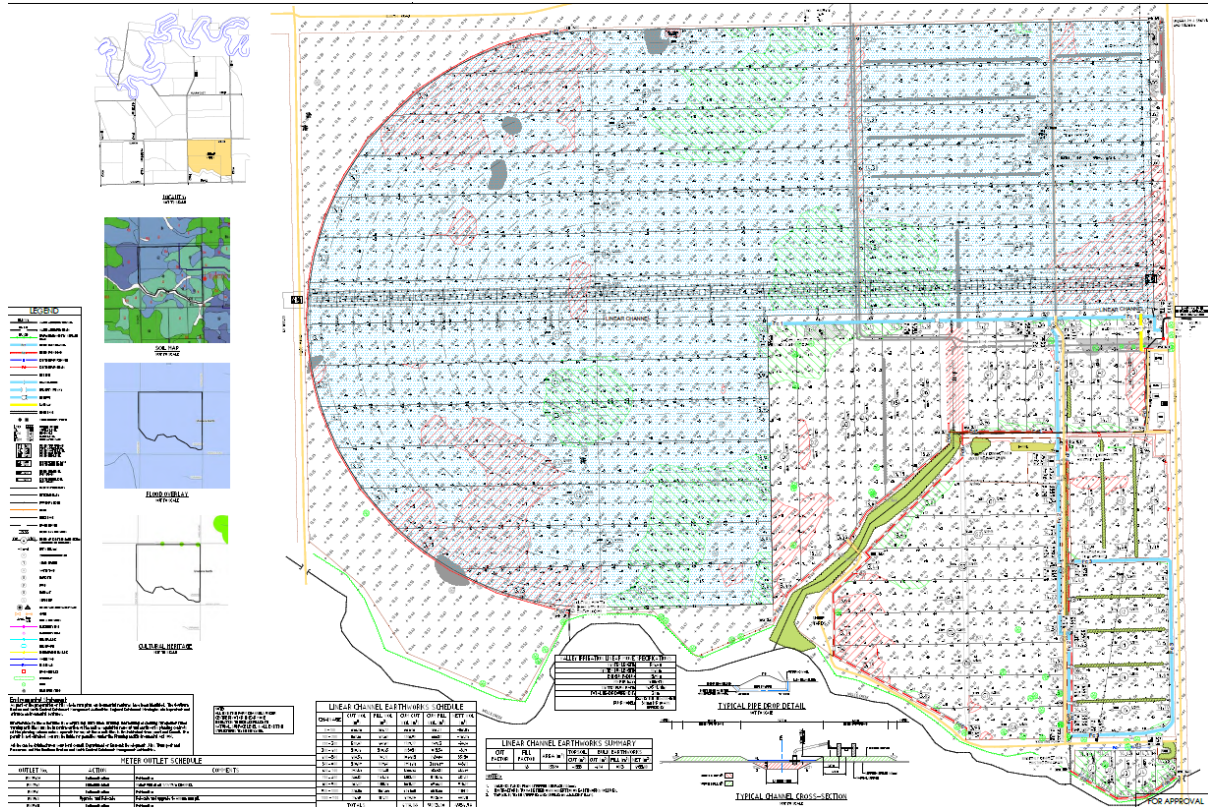


Above is option 2, showing a centre pivot irrigator in the western half of the site and flood irrigation in eastern half of the land. This option does require the removal of several patches

of native vegetation, however patch 10 remains mostly intact and the tributary to Wells Creek (patch 8) is unaffected by this option. This option was also not the preferred option of the applicant.

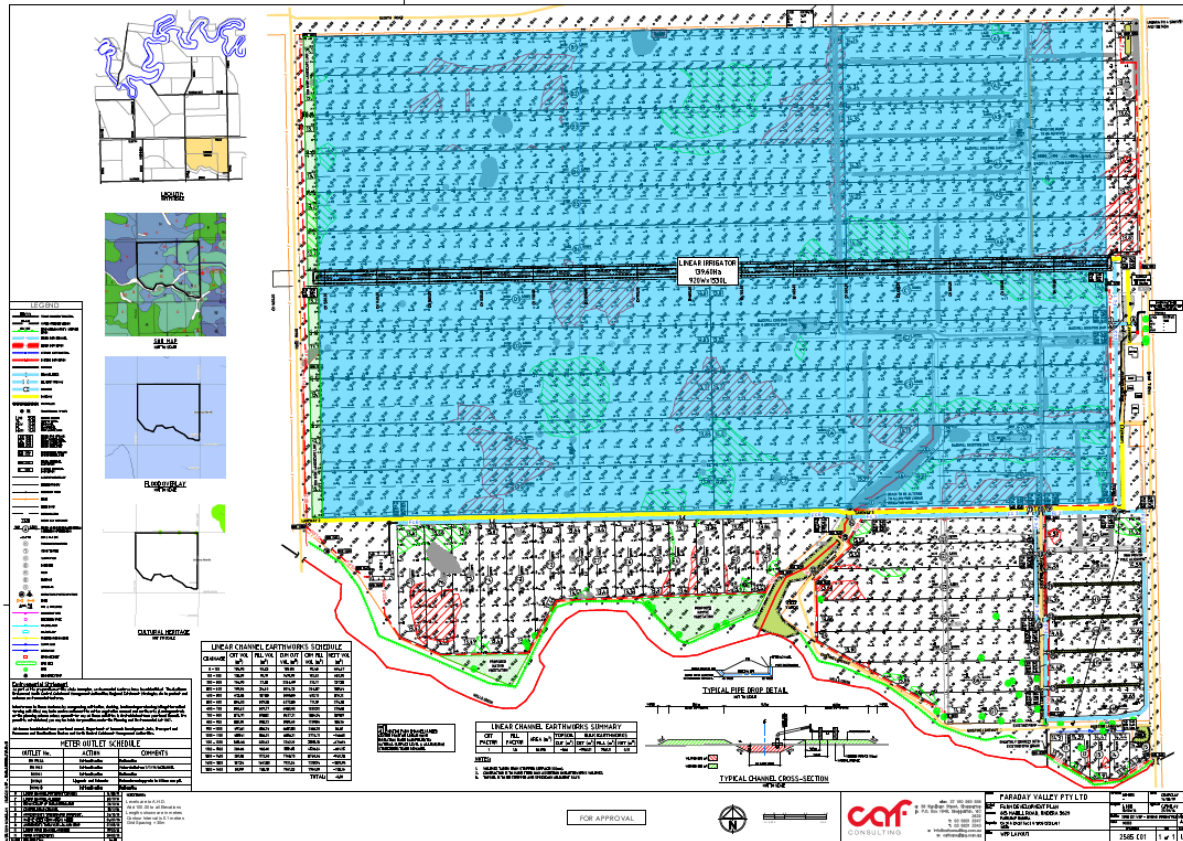
Linear/pivot hybrid

The hybrid layout is not the preferred option by the applicant, although the option would allow retention of patch 8.



Linear irrigation

The following plan is the whole farm plan showing a linear irrigation method that forms the basis of the proposal. The linear irrigator requires the removal of the greatest amount of native vegetation, including a section of creek line – forming part of the tributary to Wells Creek.



Discussions between the responsible authority and the applicant resulted in an agreement to reduce the length of the linear irrigator at the southern end by one span (approximately 50 metres).

The outcome of this is the complete retention of patch 10, 3 scattered trees and a reduction in the amount of native vegetation removal at the creek line (patch 8). It was also agreed to provide a 20 metre wide “landscape link” along the western boundary of the site (adjacent to Fidge Road), resulting in a reduction of the impact on patch 5.

To enable the retention of this vegetation the linear irrigator is reduced in size from 150.84ha to 139.6ha.

Officers have advertised the application and three objections have been received. The objections largely relate to whether the proposal has appropriately sought to avoid the need to remove native vegetation, and the impacts of the loss of the vegetation in terms of its habitat, biodiversity and aesthetic values.

In this application officers are required to consider conflicting policies between agricultural development and retention of native vegetation and decide in the favour of the net community benefit and sustainable development for the benefit of present and future generations.

Officers consider that the main assessment concern with this application is whether the loss of native vegetation is acceptable.

In considering the objections and the relevant State and Local Planning Policies, along with the purposes of the Farming Zone and 52.17 (the guidelines), officers are of the view that the proposal achieves an acceptable planning outcome for the following reasons:

- the proposal will support and enhance the use of the land for productive agriculture.
- the proposal has adequately addressed the application requirements and decision guidelines of the guidelines for the removal of native vegetation.
- the proposal will result in acceptable biodiversity outcomes, reinforced through the Department of Environment, Land, Water and Planning consent to the application.
- conditions are able to be imposed to ensure that the vegetation to be removed is able to be appropriately offset.

On this basis officers recommend that a notice of decision to grant a permit be issued.

Summary of Key Issues

The key considerations for this application are:

- Whether the proposed native vegetation removal is reasonably required to facilitate the irrigation development.
 - Whether the proposed native vegetation removal has been avoided and minimised and is able to be appropriately offset.
 - Whether the proposal maintains or improves river and wetland health, waterway protection and flood plain health particularly to Wells Creek.
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Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2018-201 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-4, 44.03-2 & 52.17-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 700 Fidge Road & 815 Madill Road, Undera, for earthworks and removal of native vegetation, under the Detailed Assessment Pathway in accordance with the Notice of Decision and the endorsed plans.

Moved by Melissa Crane subject to a change to Cond 4 to move DELWP notation to Part L in condition.

Seconded by Colin Kalms

That Council having caused notice of Planning Application No. **2018-201** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-4, 44.03-2 & 52.17-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as **700 Fidge Road & 815 Madill Road, Undera, for earthworks and removal of native vegetation**, under the Detailed Assessment Pathway in accordance with the Notice of Decision and the endorsed plans.

CARRIED

Subject Site & Locality

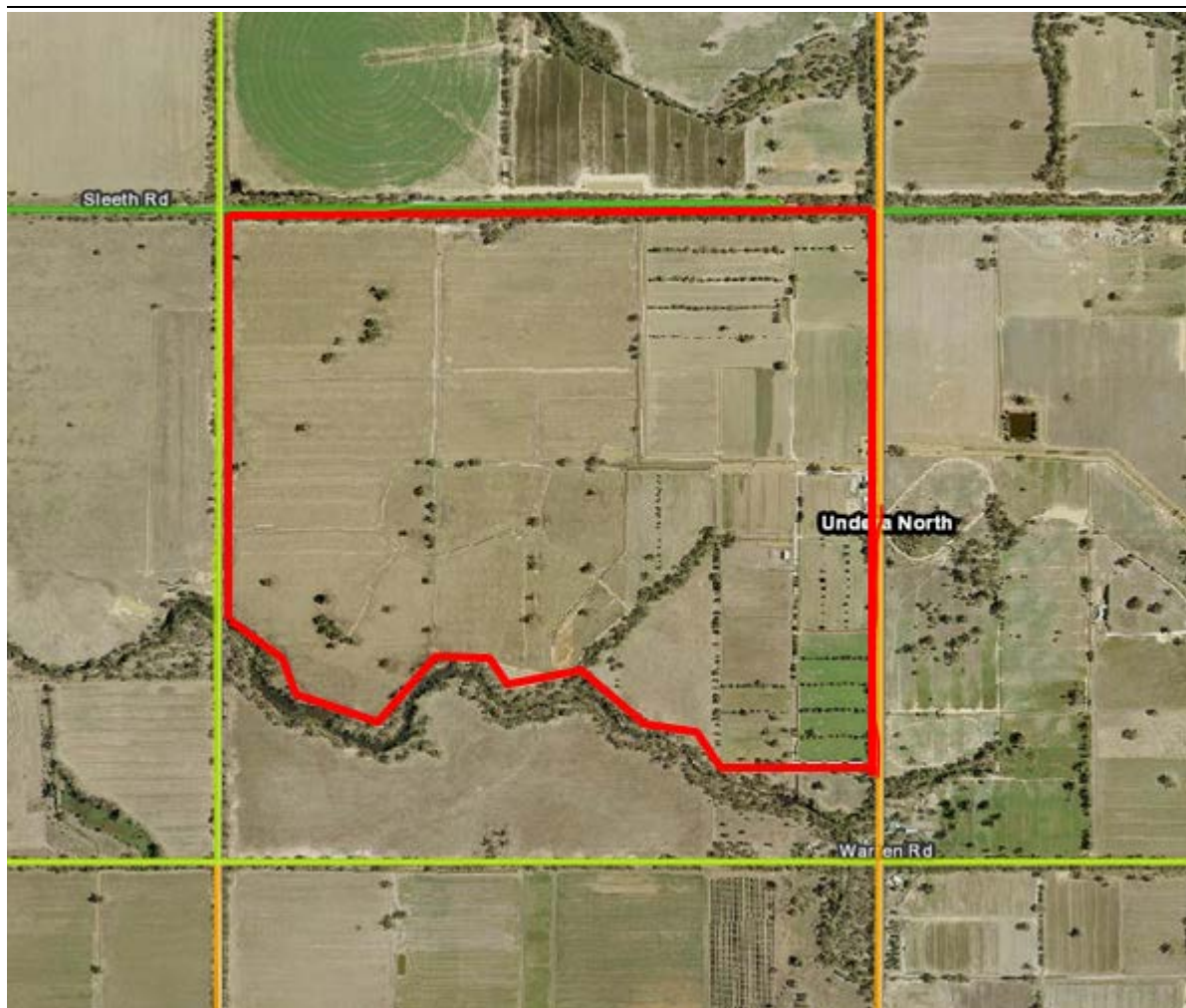
An inspection of the site and the surrounding area has been undertaken.

Date: 29 August 2018

Time: 1.00 pm

The main site/locality characteristics are:

- The site comprises two properties:
 - 700 Fidge Road, Undera – Crown Allot. 52 Sec C Parish of Undera
 - 815 Madill Road, Undera – Lot 1 TP541427F
- The land is bound by Fidge Road to the west, Sleeth Road to the north and Madill Road to the east. The site is located approximately 25 km from Shepparton. Lower Goulburn National Park is located approximately 3 km both north and east of the site. An aerial view of the site is shown below:



Aerial photo of subject site (outlined in red) – City of Greater Shepparton Pozi

- Topography in the area is relatively flat, however the site drains to Wells Creek to the south, a tributary of the Goulburn River. A tributary to Wells Creek exists in the south-east quadrant of the site. A site inspection resulted in the following officers notes:

“It is a well formed creek line as shown in images below. The creek had also been fenced off in a manner suggestive of GBCMA exclusion fencing. The creek was lined with a diverse age structure of River Red Gums and Grey Box trees, some very old with numerous hollows and young recruits. There were many medium aged trees as well.

As can be seen in the second photo, there is a line of juncus within the sides of the creek but not on the lowest part, suggesting water regularly passes through here.

The presence of the wetland species is also indicative of a fairly healthy creek.”

Photos referred to above from the site inspection are shown over the page:



The photo on the left is midway along the proposed removal section looking north. Photo 2 is along the northern end looking south.

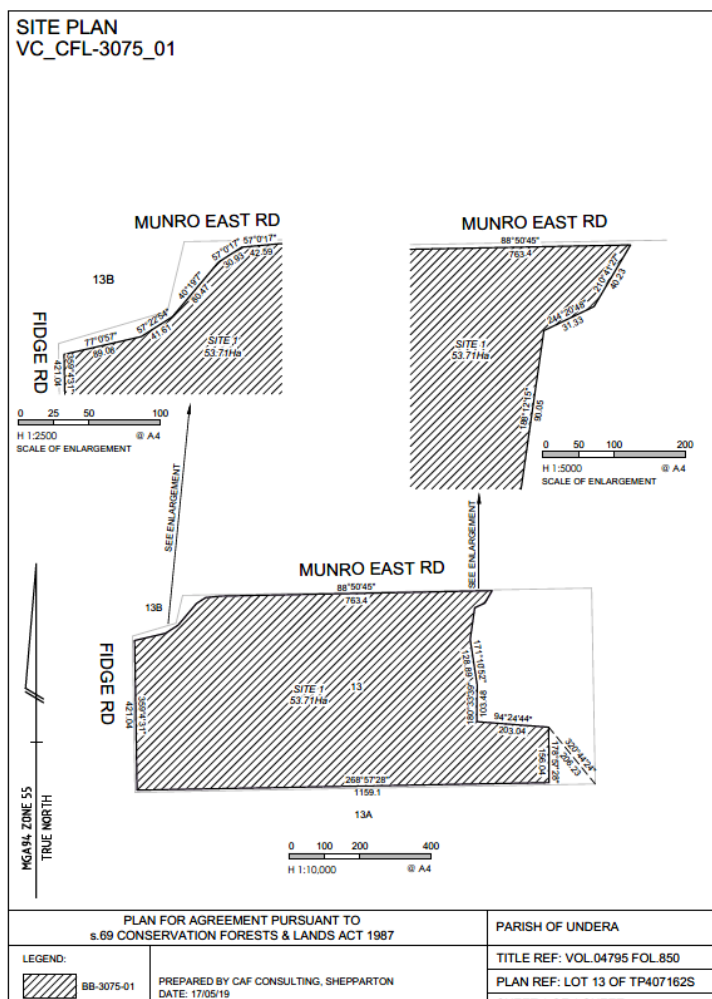
- A dwelling and several outbuildings are clustered near the eastern boundary of the site.
- The land is predominantly cleared owing to its historical use of agriculture. There are some small patches of vegetation across the site.
- The property falls into the Murray Fans Bioregion within the Goulburn Broken Catchment.

The Photos below (in left-right, top-bottom order) show the patches 1, 3, 2, 5, 4, 6, 9, 7 & 8 (bottom two photos):





The proposed offset site is at 1045 Madill Road, Undera. The offset site is generally on the corner of Munro East Road and Fidge Road. The offset site is 53.71ha in size. A site plan of the offset area is shown below.



Features of the offset area include:

- Plains Woodland
- Riverine Grassy Woodland

Further Information

In a letter dated 22 October 2018, the Department of Environment, Land, Water and Planning (DELWP) requested Council request further information from the applicant. The request sought an 'avoid and minimise' statement, an offset statement, a site assessment and information about impacts on rare or threatened species habitat, consistent with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017).

Further information was provided on 18 July 2019.

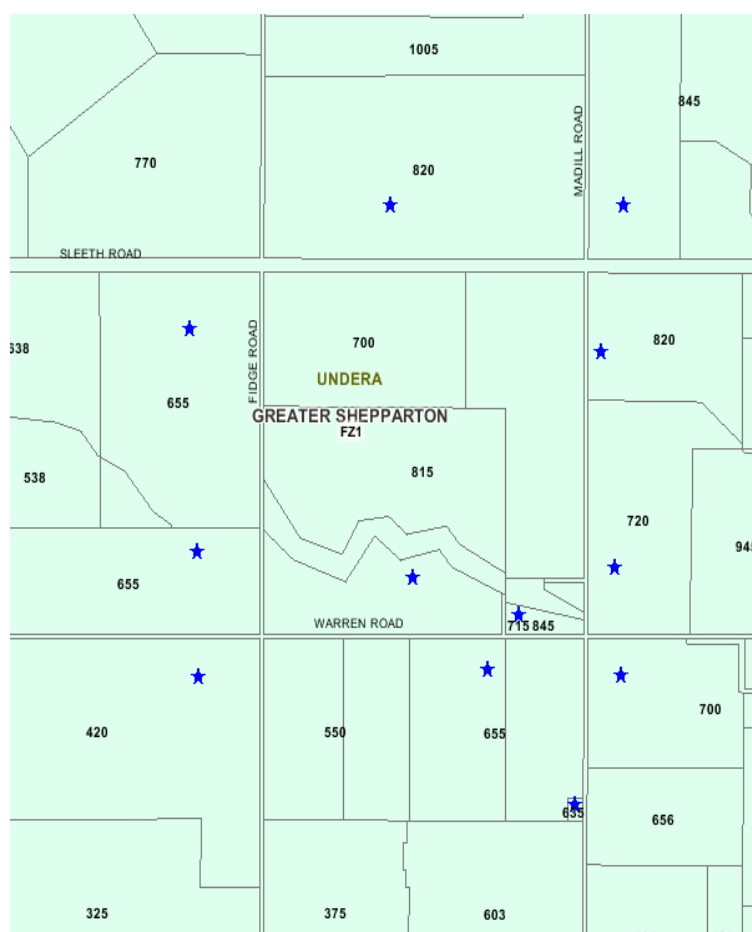
DELWP provided a revised response supporting the application material on 6 September 2019.

DELWP required the following conditions be attached to the permit:

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Removal of native vegetation (5.657ha extent of proposed removal including 72 large trees)**, by sending notices to the owners and occupiers of adjoining land (shown by blue stars below), erecting a sign on site and publishing a notice in the Shepparton News on 28 September 2018.

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



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

Objections

Three objections to the proposal were received. The reasons for objection are addressed and considered as follows.

Reason for objection	Planning Response
<p>The application has not appropriately considered avoidance or minimisation of native vegetation removal.</p>	<p>The application identifies that the proposed native vegetation removal is required to facilitate the use of the land for irrigated agriculture.</p> <p>The applicant submission acknowledges that it is not possible to facilitate the use of the land for irrigated agriculture / associated earthworks without necessitating the removal of some native vegetation. To avoid the removal of vegetation would compromise the overall use / development of the land for farming purposes.</p> <p>The application has been amended several times since the original plan and has minimised the amount of native vegetation affected by the proposal.</p> <p>DELWP in their referral response including the following statement:</p> <p><i>This application has satisfied the information requirements of clause 52.17 of the City of Greater Shepparton planning scheme. It clearly describes the native vegetation to be removed and the offset requirements, should clearing be approved. DELWP is satisfied that the applicant has taken adequate steps to avoid and minimise the proposed native vegetation removal, and that the required offsets can be secured.</i></p>
<p>Wildlife will be displaced through the significant loss of habitat.</p>	<p>The application material identifies that the application seeks removal of 4.695 hectares of native vegetation, including 69 large trees.</p> <p>The vegetation has been appropriately mapped in the Ecological Assessment submitted with the application.</p> <p>The Department of Environment, Land, Water and Planning were provided with a copy of the application material and requested further information, including</p>

	information on the impact on rare or threatened species habitat. On the provision of this information, DELWP has consented to the application and confirmed the extent of native vegetation identified for removal. As such, the impacts on wildlife are not considered to be unacceptable.
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Title Details

The land is known as 815 Madill Road, Undera.

To site is comprised of 3 titles:

- Crown Allotment 51A Section C Parish of Undera
- Crown Allotment 52 Section C Parish of Undera
- Lot 1 on TP541427F

Consultation

- An onsite meeting was held on 29 August 2018 which was attended by DELWP, Ag Vic, GBCMA, the applicant and Council officers to inspect the proposal and to discuss the impact of the tree loss.
- A meeting was held on 27 September 2018 between the applicant and planning officer. The officer informed that the extent of tree loss was too high and the applicant needed to consider options to reduce the amount of loss in patch 8.
- On 2 November 2018 an onsite meeting was held between the applicant and officers (Andrew Dainton and Peter Harriott). During this visit a tour of the farm was undertaken including patch 8. During the meeting Mr Harriott did not express concern about patch 8, however sought to reduce the loss of Grey Box trees. Following the onsite meeting officers informed the applicant on 9 November 2018 of what would represent an acceptable level of tree loss. Officers required the submission of amended layout to retain the following trees:

Patch 10

Tree 8 (185cm Yellow Box), 53 (120cm Yellow Box) and 54 (75cm River Red Gum)

Part of patch 5

Part of patch 8

The setting aside of a 20m wide landscape link along Fidge Road (which also allows retention of part of patch 5).

New plantings by direct seeding in the area near Wells Creek

- A meeting was held on 14 January 2019 between the applicant and planning officer. The applicant expressed concern about DELWP's views in relation to the Small Leaf Blue Bush.

- The applicant submitted a revised plan in accordance with officer's email of 9 November 2018 on 4 June 2019.
- The applicant responded to the DELWP request for information on 18 July 2019.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Department of Environment, Land, Water and Planning.	66.06-2.	Recommending.	<p>In their response of 22 October 2018, DELWP request additional information in relation to the application, namely:</p> <ul style="list-style-type: none"> • An avoid and minimise statement describing any efforts to avoid the removal of, minimise impacts on the biodiversity and other values of native vegetation and how these efforts focussed on areas of native vegetation that have the most value. • An offset statement providing evidence that an offset that meets the offset requirements for the native vegetation, including any specific offsets outlined in the native vegetation removal report, to be removed have been identified, and can be secured in accordance with the Guidelines. • A site assessment report of the native vegetation to be removed (as per the detailed assessment pathway). • Information about impacts on rare or threatened species habitat (as per the detailed assessment pathway). <p>The additional information was provided on 6 September 2019 and it was demonstrated an offset would be secured by first party.</p> <p>DELWP did not object to the proposal in their revised referral response.</p> <p>The conditions recommended by DELWP are to be imposed on the permit.</p>
Goulburn Murray Water.	Clause 5 – Incorporated Document at Clause 81 Earthworks Controls in the Shire of Campaspe, City of Greater	Determining.	<p>GMW provided comments with respect to the application on 26 October 2018.</p> <p>The GMW advice included information to be provided to the proponent with respect to the implications of the Farm Dams Legislation, cultural heritage requirements, details of the irrigation modernisation program, flow rates and irrigation system capacity / supply.</p>

	<p>Shepparton and Moira Shire – August 2010.</p>		<p>GMW have required the following conditions to be imposed on the permit:</p> <ol style="list-style-type: none"> 1. <i>Farm works impacted by the future rate or point of irrigation supply should not be undertaken until a Connections Agreement is finalised. The proponent can contact the Central Goulburn Modernisation Coordinator to discuss the impact of Modernisation on their property by contacting 1800 013 357. .</i> 2. <i>The design plan shows a modernisation opportunity for RN1940 under CG SCP 08 (BC3308-106) connections agreement. If the meter is to be modernised, the final size of the meter will be subject to a Farm Irrigation Assessment which takes into account various factors such as historical use, delivery share entitlements, water use licence and channel capacity. Prior to any farm works impacted by the proposed modernisation the proponent must contact the Modernisation Coordinator for the Central Goulburn Irrigation Area on 1800 013 357 and finalise modernisation arrangements.</i> 3. <i>The proposed works are located within a Flood Overlay and an area of Land Subject to Inundation and is subject to conditions relating to the natural flow of water as part of the Water Act 1989. An easement for the GMW outfall channel/drain to Wells Creek has been provided and a clear opening or suitably sized culvert must be provided in Laneway 1 and Farm Channel 2 to allow flows to pass unobstructed.</i> 4. <i>The design plan shows that a dairy is located on the property. Effective effluent management should be part of an operational dairy. If effluent ponds form part of this system they must be constructed in accordance with the following conditions:</i> <ol style="list-style-type: none"> a. <i>The top of the banks must be above the 1 in 10 year flood level.</i> b. <i>The bed and banks of the storage must be compacted to achieve a permeability of 10⁹ m/sec (0.09mm/day) or less.</i> c. <i>The storage must not be located within 60m of GMW drains, channels or any natural drainage line.</i> d. <i>Effluent must not be applied directly to a floodway or natural drainage line.</i> e. <i>The batters of the storage must be stabilised to prevent soil erosion, to the</i>
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			<p>satisfaction of the responsible authority.</p> <ul style="list-style-type: none"> f. Both inflow and outflow of effluent to the storage must be able to be controlled. g. Removed solids must not be spread within 60m of GMW drains, channels or any natural drainage line. <p>5. The Wells Creek active flow path crosses the property and the following conditions apply to works within the active flow path:</p> <ul style="list-style-type: none"> a. The end of bays within the active flow path must form a continuous grade across each bay through the property to allow for unobstructed natural flows. b. The end of bays within the active flow path should be left at natural grade. c. Bays must be constructed without check banks within the active flow path. d. Sumps and farm drains must be constructed without banks. Excavated material must not be stockpiled within the active flow path. e. Tree plantations within the confines of the active flow must be kept at a stem density of less than 40 trees/ha. <p>6. The design plan shows the removal of native vegetation. Separate planning approval for the removal of this vegetation must be obtained prior to undertaking the works.</p> <p>7. The design plan shows a new sump (Reuse Sump) to be constructed. Prior to construction a test hole should be dug to ensure that groundwater does not leak in and that the soil is consistent to the depth required. The completed reuse sump must not interact with the watertable.</p> <p>8. Check banks must be terminated at least 20m from the end of the bays.</p> <p>9. The design plan shows Structure Number 5-8 which affects Outfall Drain and approval from the Central Goulburn Operations Manager is required for the installation of this structure. Prior to any works that affect this asset the landowner must enter into a "Private Works Licence to Construct and Use Works or to Undertake Works on GMW's Land or Asset". A licence application can be downloaded from http://www.gmwater.com.au/customer-services/forms. Private works must</p>
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			<p><i>be located at least 10m from any existing GMW structures.</i></p> <p><i>The response also states Council must request the following amendments be made to the plan prior to Certification:</i></p> <p><i>Before the whole farm plan is certified amended plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans submitted with the application must be modified to show:</i></p> <ul style="list-style-type: none"> <i>• the incorrectly identified notations of "Add 100.00 to All Elevations" as "Add 90.00m to All Elevations". GMW recommends that the Shire make this amendment by hand correcting the noted outlet numbers prior to stamping for certification.</i> <p>These conditions must be included in any planning permit to issue.</p>
<p>Goulburn Broken Catchment Management Authority</p>	<p>44.03-5</p>	<p>Recommending.</p>	<p>In their response dated 4 October 2018, Goulburn Broken Catchment Management Authority (GBCMA) made comments relating to the several whole farm plans included in the application documents.</p> <p>The GBCMA identified flood irrigation (option 1) is their preferred whole farm plan as it is likely to minimise the loss of a significant stands of native vegetation then this option should only be considered.</p> <p>GBCMA responded to the application as below:</p> <p>In the light of the above information, pursuant to <i>Section 56 of the Planning and Environment Act 1987</i>, the Goulburn Broken CMA does not object to the granting of a permit for the traditional flood irrigation option subject to the following conditions:</p> <ol style="list-style-type: none"> 1. All spoil, associated with farm drains, is to be removed or have a 20 metre gap for each 40 metres of drain length. 2. Check banks must be terminated a minimum distance of 30 metres from the ends of irrigation bays. <p>It is recommended that Council seeks local knowledge in relation to any localised drainage issues, and if native vegetation is to be removed, advice from the Department of Environment, Land, Water and Planning should be obtained.</p> <p>Please note that the referral process for</p>

			<p>Whole Farm Plans, can be facilitated if designers refer to the document "Floodplain Management Guidelines for Whole Farm Plans within the Shepparton Irrigation District" which is available on the Authority's website at www.gbcma.vic.gov.au. It would be appreciated if Council could advise designers of the existence of this document.</p> <p>It is noted the whole farm plan that the GBCMA has responded to is not the whole farm plan that is being considered as part of this application. CMA on 6 August 2019 provided a second response which consented to the proposed earthworks.</p>
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Assessment

The zoning of the land

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

The purposes of the Farming Zone are identified as:

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

The use of land for Agriculture is a Section 1 (permit not required) use in the Farming Zone.

The use of the land and the installation of the irrigation system to support the use, are consistent with the purposes of the Farming Zone which seek to provide for the use of land for agriculture and encourage the retention of productive agricultural land.

The proposed earthworks support the use of land for agriculture and have not been met by opposition from the local catchment management and water authorities, nor have they been the subject of any objections to the application. The proposed earthworks are considered acceptable having regard to the Municipal Planning Strategy and Planning Policy Framework and provisions of the Farming Zone.

Relevant overlay provisions

The site is affected by a **Flood Overlay**.

The purposes of the Overlay are identified as:

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

- *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with the flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and 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.*

A permit is required under Clause 44.03-2 to carry out (earth)works in the Flood Overlay.

The proposed earthworks effectively level most of the site to allow a linear irrigator to pass across the site. This use of land is compatible with the floodplain and the earthworks are not anticipated to adversely affect the passage and temporary storage capacity of the flood plain. As detailed previously, the application has been referred to the relevant catchment management and water authority. Their responses did not object to the proposal subject to a number of conditions that will be included in any planning permit to issue.

The Municipal Planning Strategy and the Planning Policy Framework, local planning policies and Structure Plans

Clause 14.01-2S seeks to encourage sustainable agricultural land use. The policy identifies the need to ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources, and to encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.

Clause 21.06 highlights the importance of irrigated primary production and the processing of that product to the economy of the municipality and the region. The level of production is nationally important and the region is responsible significant parts of the nation's milk production, deciduous and canned fruit production, stone fruit crop and tomato processing production.

The Clause identifies the need to ensure that agriculture is and remains the major economic driver in the region, and seeks to facilitate the growth of existing farm business, and facilitate growth of new agricultural investment.

The *Regional Rural Land Use Strategy 2010* (RRLUS) is a Reference Document in the Planning Scheme and applies to land in the Farming Zone. The Strategy states on page 45 "*The rural areas of the Greater City are considered to be productive agricultural land based on the soil types, subdivision pattern and climate and the significant level of irrigation infrastructure. Protection and retention of this land for agriculture is of primary strategic importance to the Greater City and it is recommended that it should be included in the Farming Zone*".

Response: Municipal Planning Strategy and the Planning Policy Framework clearly seek to support, strengthen and enhance the productive agricultural use of the region's farming land.

Whilst this needs to be balanced against the other relevant policy objectives of the planning scheme, it is considered that the purpose of the proposed clearing of native vegetation to facilitate the enhanced agricultural productivity of the land supports the policy objectives with respect to agriculture.

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

Response: The proposed earthworks have been considered by the catchment management authority that consented to the proposal. The proposed earthworks effectively level the site for irrigation purposes and are not anticipated to impact on the free passage or temporary storage of floodwater and are not at unacceptable risk of flood damage.

Clause 12.01-1S (Protection of Biodiversity) aims to assist the protection and conservation of Victoria's biodiversity.

Relevant strategies seek to use biodiversity information to identify important areas of biodiversity and ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity.

Planning must consider the State biodiversity information maintained by the Department of Environment, Land, Water and Planning.

Clause 12.01-2S (Native vegetation management) seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

The three-step approval for the removal, destruction or lopping of native vegetation should be application in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation*:

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

Response: The application identifies that the proposed native vegetation removal is required to facilitate earthworks associated with the use of the land for irrigated agriculture.

Noting that the use of land for irrigated agriculture does not require planning approval under the provisions of the Farming Zone, it is not possible to facilitate the irrigation infrastructure without necessitating native vegetation removal. The irrigated agriculture proposal has been designed to maximise return on water use. Sprinkler irrigation offers significant water efficiency, and the allotment shape lends itself to economically efficient linear irrigation.

The whole farm plan will be modified (as required by permit conditions) to include a 20 metre wide “vegetation link” along the western property boundary that minimises vegetation removal of a patch, as well as a reduction in the vegetation removal in the significant patch at the site’s south. The Ecological Assessment submitted with the application identifies that no feasible opportunities exist to further avoid removal or minimise impacts without compromising the proposed development.

The application has appropriately addressed that the proposed vegetation removal will not have a significant impact on Victoria’s biodiversity. The vegetation is in an Endangered Ecological Vegetation Class, and the vegetation is in various stages of decline.

The Ecological Assessment submitted with the application identifies that the proposal is appropriate subject to appropriate offsets being secured.

The application was referred to DELWP who as a recommending referral authority consented to the tree removal.

Relevant Particular Provisions

Clause 52.17 (Native vegetation) applies to an application to remove native vegetation.

The provisions seek to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (the Guidelines).

A permit is required for the removal of native vegetation pursuant to Clause 52.17-1 of the Planning Scheme.

Clause 52.17-2 identifies an application must comply with the application requirements specified in the Guidelines. The decision guidelines identified in the Guidelines and the offset requirements must be addressed in an application.

Number	Decision guidelines to be considered
1	<p>Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation, and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:</p> <ul style="list-style-type: none">• the site has been subject to a regional or landscape scale strategic planning process that appropriately avoided and minimised impacts on native vegetation• the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation• feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.

Number	Decision guidelines to be considered
2	<p>The role of native vegetation to be removed in:</p> <ul style="list-style-type: none"> Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the <i>Catchment and Land Protection Act 1994</i>. Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly: <ul style="list-style-type: none"> where ground slopes are more than 20 per cent on land which is subject to soil erosion or slippage in harsh environments, such as coastal or alpine areas. Preventing adverse effects on groundwater quality, particularly on land: <ul style="list-style-type: none"> where groundwater recharge to saline water tables occurs that is in proximity to a discharge area that is a known recharge area.
3	The need to manage native vegetation to preserve identified landscape values.
4	Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the <i>Aboriginal Heritage Act 2006</i> .
5	The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.
6	Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site.
7	Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.
9	<p>For applications in both the Intermediate and Detailed Assessment Pathway only – consider the impacts on biodiversity based on the following values of the native vegetation to be removed:</p> <ul style="list-style-type: none"> The extent. The condition score. The strategic biodiversity value score. The number and circumference of any large trees. Whether it includes an endangered Ecological Vegetation Class. Whether it includes sensitive wetlands or coastal areas.
10	<p>For applications in the Detailed Assessment Pathway only – consider the impacts on habitat for rare or threatened species. Where native vegetation to be removed is habitat for rare or threatened species according to the <i>Habitat importance maps</i>, consider the following:</p> <ul style="list-style-type: none"> The total number of species' habitats. The species habitat(s) that require a species offset(s). The proportional impact of the native vegetation removal on the total habitat for each species, as calculated in section 5.3.1. The conservation status of the species (per the Advisory Lists maintained by DELWP). Whether the habitats are highly localised habitats, dispersed habitats, or important areas of habitat within a dispersed species habitat.

Response: DELWP requested further information in the form of material to address the relevant requirements of Clause 52.17 and the Guidelines. This information was later provided to DELWP.

The application material identifies the offset requirements for the vegetation to be removed. The offsets are identified as 1.131 general habitat units with a minimum strategic biodiversity score of 0.312, within the Goulburn Broken Catchment or the Greater Shepparton LGA. The offset strategy is to provide first party offsets.

The application was also referred to the Department of Environment, Land, Water and Planning. DELWP requested further information however have since indicated that they are satisfied with the level of documentation submitted in support of the application, and do not object to the proposal on biodiversity grounds.

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 application seeks a planning permit to provide approval for the removal of native vegetation to facilitate earthworks and the installation of an irrigation system to support the agricultural use of the land.

The purpose of the vegetation removal is consistent with the purpose of the Farming Zone, which includes providing for the use of land for agriculture and encourages the retention of productive agricultural land.

The vegetation to be removed is able to be appropriately offset and therefore achieve an appropriate environmental outcome for the site.

Relevant incorporated or reference documents

Guidelines for the removal, destruction or lopping of native vegetation.

Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire 2010.

The *Regional Rural Land Use Strategy 2008* applies to the proposal.

The proposal is consistent with the objectives of the Strategy that recognise the importance of irrigated agriculture to the region and support the protection and expansion of agricultural enterprises.

Greater Shepparton Environmental Sustainability Strategy 2014-2030 (the strategy)

In June 2018 planning scheme amendment C197 listed the strategy as a reference document in the Greater Shepparton Planning Scheme.

The mission of this strategy is:

To improve Council's environmental sustainability performance by imbedding environmental sustainability considerations into Council's decision-making processes and operational activities.

The strategy informs that less than 2.5% of the pre-European settlement native vegetation remains in the City of Greater Shepparton.

The strategy includes the following commentary on native vegetation:

	State [^]	Trend	Comment
Native vegetation cover	Poor	Decreasing	The City of Greater Shepparton has one of the lowest covers of native vegetation of any municipality in Victoria and the remaining native vegetation is heavily fragmented and in a degraded condition. Road reserves support a significant proportion of the municipality's remnant native vegetation. Scattered remnant paddock trees are of significant biodiversity importance in our largely cleared landscape. The limited quantity of native vegetation that remains is under increasing removal pressures from land development and perceived fire mitigation activities.

Officers acknowledge the importance of scattered paddock trees in our environment as set out by the strategy. Officers in this application are required to balance competing policy between the protection and retention of native vegetation and agricultural development.

Officers acknowledge that this application does not produce an ideal outcome, however the application does achieve acceptable planning outcomes. The proposal continues investment into the food bowl's agricultural base which is the driver of the region's economy.

Furthermore DELWP who are the State Government's expert environmental department and a referral authority to this application have not objected to the loss of vegetation.

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.

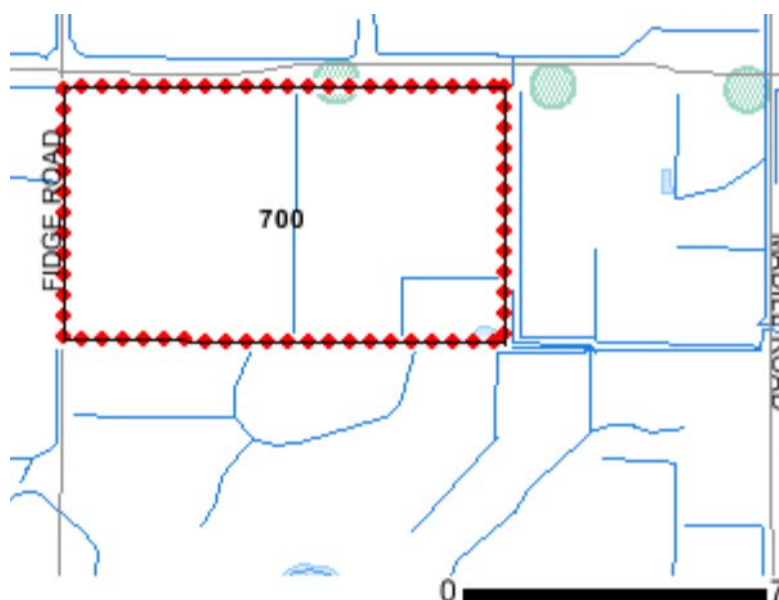
The Aboriginal Heritage Act 2006

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.

Owing to the sites historic use for agriculture, the land has been subject to significant ground disturbance and the Aboriginal Heritage Act 2006 Regulations 2018 do not require the preparation of CHMP.

The 'Area of Cultural Heritage Sensitivity in Victoria' shows 3 isolated areas of cultural heritage sensitivity along the northern property boundary (information from the GBCMA email dated 30 August 2018 identified these as scar trees). As a result, GBCMA recommended the trees marked for removal is inspected for signs of cultural heritage. Officers recommend the inclusion of a condition requiring that before the removal of trees is commenced a suitably qualified expert undertake an inspection of trees to determine if any of the trees earmarked for removal are scar trees.



Sensitivity Aboriginal Cultural Heritage Sensitivity

Charter of Human Rights and Responsibilities

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

Conclusion

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

- The land is appropriately zoned for the use of land for irrigated agriculture, and the proposed native vegetation removal will facilitate the implementation of a move irrigator.
- The application appropriately addresses the requirements of Clause 52.17 with respect to native vegetation removal, including demonstrating how the vegetation removal is able to be appropriately offset.
- The Department of Environment, Land, Water and Planning has consented to the amended permit subject to the appropriate permit conditions.
- Goulburn Broken Catchment Management Authority has consented to the application.
- Goulburn Murray Water has consented to the application subject to the inclusion of their recommended conditions on any notice of decision or planning permit to issue.

Draft Notice Of Decision

APPLICATION NO: 2018-201
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: 815 MADILL ROAD UNDERA VIC 3629

WHAT THE PERMIT WILL ALLOW: EARTHWORKS ASSOCIATED WITH A WHOLE FARM PLAN IN THE FARMING ZONE AND FLOODWAY OVERLAY AND REMOVAL OF NATIVE VEGETATION

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) the incorrectly identified notations of "Add 100.00 to All Elevations" as "Add 90.00m to All Elevations"
- b) a replanting plan showing the area of direct seeding of native vegetation near Wells Creek

2. Layout Not Altered

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

3. Vegetation Management Plan

Prior to the commencement of any works, a Vegetation Management Plan is to be prepared addressing the following:

- a) Measures taken to protect vegetation not approved for removal under this permit through the appropriate design and siting of all works on site. This includes detailing the offset of any site works from vegetation to be retained
- b) Protection measures proposed to protect retained vegetation during works on site (such as temporary fencing, vehicle exclusion areas, storage areas etc.)

- c) Proposed ongoing protection methods to protect vegetation proposed to be retained and the area of direct seeding near Wells Creek.
- d) A report from a suitably qualified person confirming trees to be removed along the northern boundary of the land are not scar trees.

Once approved the vegetation management plan is to be implemented to the satisfaction of the responsible authority.

4. Department of Environment Land Water and Planning

Notification of permit conditions

- a) Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
- b) All works and construction activities must be carried out in accordance with the endorsed plans.
- c) Storage of equipment and plant must be located in areas that are already disturbed and do not contain native vegetation.

Protection of retained vegetation

- d) 4. Prior to the removal of native vegetation, a map, drawn to scale, showing the location of the lateral irrigators and whole farm plan design, must be submitted to, and approved by DELWP and the City of Greater Shepparton. When approved this plan will be endorsed and form part of the planning permit.
- e) 5. Before works start, a plan to the satisfaction of the City of Greater Shepparton and DELWP, identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to, and approved by the responsible authority and DELWP. When approved, the plan will be endorsed and will form part of this permit.
- f) Except with the written consent of the City of Greater Shepparton and DELWP, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
 - vehicular or pedestrian access
 - trenching or soil excavation
 - storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - entry and exit pits for the provision of underground services
 - any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation permitted to be removed, destroyed or lopped

- g) 5. Only native vegetation identified in the DELWP Native Vegetation Removal

Report, dated 08/08/2019, with Report ID: BIO_2019_102, is permitted to be removed as part of this permit.

- h) 6. The native vegetation permitted to be removed, destroyed or lopped under this permit is 4.695 hectares of native vegetation, which is comprised of:
- 4.695 hectares of native vegetation, which includes 69 large trees, in a Detailed Assessment Pathway.

Native vegetation offsets

- i) To offset the removal of 4.695 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017):
- A general offset of 1.131 general habitat units:
 - located within the Goulburn Broken Catchment Management boundary or City of Greater Shepparton municipal area
 - with a minimum strategic biodiversity value of at least 0.312, and
 - 0.892 species habitat units for 503865 Small-leaf Bluebush, *Maireana microphylla*.

The offset secured must also protect at least 69 large trees, in either general, species or a combination across all habitat units protected.

Before any native vegetation is removed, evidence that the required offset by this permit has been secured, must be provided to the satisfaction of the City of Greater Shepparton and DELWP. This evidence must be one or both of the following:

- an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
- j) A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Hume regional office via Humeregion.planning@delwp.vic.gov.au.
- k) Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Permit Note

As there are a large number of large trees proposed to be removed as part of this permit, the applicant should contact the local Catchment Management Authority to see if the tree stumps/logs could be used for environmental projects. Other large logs could be placed in the offset site to allow for habitat creation, or within the riparian zone of the creek line that adjoins the property where the clearing is proposed to occur.

5. Goulburn Murray Water Requirements

- a) Farm works impacted by the future rate or point of irrigation supply should not be undertaken until a Connections Agreement is finalised. The proponent can contact the Modernisation Coordinator to discuss the impact of Modernisation on their property by contacting 1800 013 357.
- b) The design plan shows a modernisation opportunity for RN1940 under CG SCP 08 (BC3308-106) connections agreement. If the meter is to be modernised, the final size of the meter will be subject to a Farm Irrigation Assessment which takes into account various factors such as historical use, delivery share entitlements, water use licence and channel capacity. Prior to any farm works impacted by the proposed modernisation the proponent must contact the Modernisation Coordinator for the Irrigation Area on 1800 013 357 and finalise modernisation arrangements.
- c) The proposed works are located within a Flood Overlay and an area of Land Subject to Inundation and is subject to conditions relating to the natural flow of water as part of the Water Act 1989. An easement for the GMW outfall channel/drain to Wells Creek has been provided and a clear opening or suitably sized culvert must be provided in Laneway 1 and Farm Channel 2 to allow flows to pass unobstructed.
- d) The design plan shows that a dairy is located on the property. Effective effluent management should be part of an operational dairy. If effluent ponds form part of this system they must be constructed in accordance with the following conditions:
 - The top of the banks must be above the 1 in 100 year flood level.
 - The bed and banks of the storage must be compacted to achieve a permeability of 10^{-9} m/sec (0.09mm/day) or less.
 - The storage must not be located within 60 m of GMW drains, channels or any natural drainage line.
 - Effluent must not be applied directly to a floodway or natural drainage line.
 - The batters of the storage must be stabilised to prevent soil erosion, to the satisfaction of the responsible authority.
 - Both inflow and outflow of effluent to the storage must be able to be controlled.
 - Removed solids must not be spread within 60 m of GMW drains, channels or any natural drainage line.
- e) The Wells Creek active flow path crosses the property and the following conditions apply to works within the active flow path:

- The end of bays within the active flow path must form a continuous grade across each bay through the property to allow for unobstructed natural flows;
 - The end of bays within the active flow path should be left at natural grade;
 - Bays must be constructed without check banks within the active flow path;
 - Sumps and farm drains must be constructed without banks. Excavated material must not be stockpiled within the active flow path;
 - Tree plantations within the confines of the active flow path must be kept at a stem density of less than 40 trees/ha;
- f) The design plan shows the removal of native vegetation. Separate planning approval for the removal of this vegetation must be obtained prior to undertaking the works.
- g) The design plan shows a new sump (Reuse Sump) to be constructed. Prior to construction a test hole should be dug to ensure that groundwater does not leak in and that the soil is consistent to the depth required. The completed reuse sump must not interact with the watertable.
- h) Check banks must be terminated at least 20 m from the end of bays.
- i) The design plan shows Structure Number 5-8 which affects Outfall Drain and approval from the Operations Manager is required for the installation of this structure. Prior to any works that affect this asset the landowner must enter into a "Private Works Licence to Construct and Use Works or to Undertake Works on GMW's Land or Asset". A licence application can be downloaded from <http://www.g-mwater.com.au/customer-services/forms>. Private works must be located at least 10 m from any existing GMW structures.

6. Time for Starting and Completion

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

- a) the development has 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:

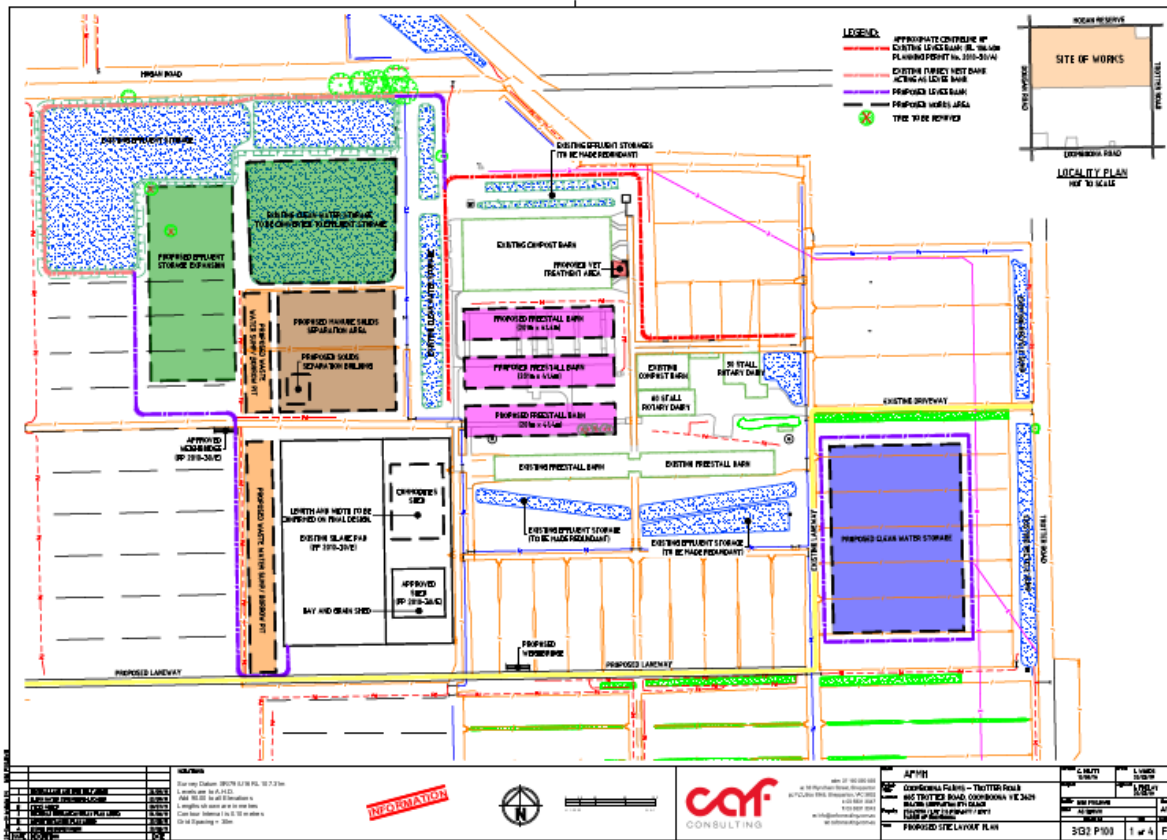
Responsible Officer:	Andrew Dainton
Application Number:	2019-191
Applicant Name:	CAF Consulting Services
Date Received:	19-Jul-2019
Statutory Days:	83
Land/Address:	685 Trotter Road COOMBOONA VIC 3629
Zoning & Overlays:	Farming Zone Bushfire Management Overlay Floodway Overlay Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	Buildings and works in the FZ under 35.07-4 Buildings and works in the FO under 44.03-2 Buildings and works in the LSIO under 44.04-2
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No
Was the correct application fee paid?	Yes \$8,700.90 – Development

Proposal

The application seeks approval to develop the land for an intensive dairy farm. The application is summarised as:

- Increase in cow numbers from 2400 to 4900 cows
- 3 free stall barns to house cows. Each barn will be 201m by 41m totalling 8,241sqm
- A clean water store which holds drinking water for cows
- An enlarged effluent storage to cater for the additional 2500 cows
- Removal of two trees to facilitate the effluent store
- Extended levee bank to protect the expanded dairy from flood

Plans of the proposed development are below.



Clause 73.03 defines an intensive dairy farm (included in intensive animal production) as:

Land used for intensive animal production where cattle are kept or bred for the production of milk.

The use of land for an intensive dairy farm is a section 2 use.

Planning permit 2010-30/E allowed the use and development of land for intensive animal husbandry (cattle feed pad). On this basis officers consider that use permission exists for the intensive dairy farm.

Whilst part of the land is within the BMO, permission is not triggered under the BMO for developments associated with agriculture.

The application was advertised and two objections were lodged one of which was subsequently withdrawn. The remaining objection raises concern about night time noise, odour, traffic and insect disturbance. Officers have undertaken an assessment of the objection and consider that the objection does not warrant refusal of the application.

Officers have undertaken a detailed assessment of the application and recommend that a NOD to grant a permit issue for the following reasons:

- Strategic direction within the scheme encourages investment into agriculture which is strengthened by local policy which describes Greater Shepparton City Council as a food bowl of national importance
- Reasonable amenity protections in terms of noise and odour emissions are provided to neighbours that are in keeping with the non-residential zoning of the land. Permit conditions will require ongoing noise and odour testing to ensure recommendations of the expert reports are being implemented to reduce noise and odour emissions to neighbours.
- The land is impacted by flood flows from the Goulburn River. The CMA has reviewed the application and subject to relocation of the proposed clean water store is satisfied that the proposal will not result in unacceptable flood flows.
- Ag Victoria has undertaken an expert review of the technical information associated with the dairy development. Officers will incorporate permit conditions to implement Ag Victoria's recommendations relating to a manure management plan (MMP).
- EPA has reviewed the submitted odour report and has not objected to the proposed development.

Summary of Key Issues

- Permission is required to develop the dairy farm to increase cow numbers from 2400 to 4900. Associated with this cow increase is substantial supporting infrastructure such as dairy stalls and large turkey nest dams.
- The application was advertised and two objections were lodged. Following discussions one objection to the application was withdrawn.
- Ag Vic have undertaken an expert review of the application and suggested that a condition require the submission of a MMP. Officers as part of the permit will require that before the development starts (excluding earthworks) that a MMP be submitted to and approved by the responsible authority.
- CMA by way of condition requires a 4.4ha turkey nest dam be relocated to better manage flood flows. Officers are satisfied that this revision can be allowed by permit condition without giving further public notice of the new turkey nest dam location.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2019-191 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 35.07-4, 44.03-2 and 44.04-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 685 Trotter Road COOMBOONA

VIC 3629, for the Buildings and associated works in the Farming Zone, Floodway Overlay and Land Subject to Inundation Overlay and removal of native vegetation for a dairy expansion to increase cow numbers to 4900 in accordance with the Notice of Decision and the endorsed plans.

Motion to move application back to officer to finalise permit under delegation as objection was withdrawn.

Moved by Colin Kalms

Seconded by Geraldine Christou

Carried

Subject Site & Locality

Officers undertook an inspection of the group's similar dairy farm in NSW on 4 April 2019. During this visit free stall barns were inspected which are proposed in this application.

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

Date: 9 October 2019

The site has a total area of 295ha and currently contains:

- An existing dairy housing 2400 cows.

The main site/locality characteristics are:

- The land is within an irrigated agricultural area that is developed with a mix of uses including orchards, dairy farm, irrigated cropping and dwellings that are not associated with agricultural uses

The Photos below show the existing site:



View of existing dairy buildings.

Permit/Site History

The history of the site includes:

- Planning permit 2010-30/E allows the use and development of land for intensive animal husbandry (cattle feed pad) for up to 2400 cows. Rather than further amending this permit to capture this additional development officers have decided to grant a new permit for the total development being 4900 cows. The assessing officer suggests that enforcement officers use this permit for future compliance issues.

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 buildings and works in the Farming Zone to increase cow numbers from 2400 to 4900 including 3 free stall barns, water storages and extension to levee bank, by:

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



The application was exempt from being advertised in accordance with Clause 44.03-5 and 44.04-6 of the planning scheme.

Objections

The Council has received two objections to date.

Objection 1 – Camerons Lawyers (Arena)

The objection was lodged on 21 August 2019. The objector has a small dwelling lot abutting the land to the north known as 697 Trotter Road. Without officers involvement negotiations were held between the objector and applicant which resulted in the objection being withdrawn on 30 September 2019.

Objection 2 – Katrina Woodcock – 565 Coomboona Road

This objection related to the following issues:

- Night time noise
- Odour issues
- Increased traffic
- Increase nuisance from fly's and mosquitos

Title Details

The title does not contain a Restrictive Covenant.

The title contains three Section 173 Agreements.

AB802488P

- No further subdivision

AJ698229U

- Lot 1 acknowledge agricultural nuisance
- Lot 3 be set aside for environmental land

AM563171D

- Pipeline agreement

The agreements do not prohibit the proposed development.

Consultation

Consultation was not undertaken. .

Referrals to Authorities

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
CMA	44.03-6 and 44.04-7	Recommending	CMA consented to the proposed development subject to four conditions.

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
EPA	EPA consented to the application subject to four conditions.
GMW	GMW received notice of the proposal on 9 August 2019 and despite numerous attempts by officers, GMW have not responded to the application.
Ag Victoria	Ag Victoria raised concerns with the odour report and the potential for impacts to neighbours. Ag Vic recommends that an independent assessment or EPA assessment be undertaken to confirm the odour assessment is correct. Officers confirm that the odour report was provided to EPA and EPA after receiving the odour report consented to the proposed development. Ag Vic suggests that a properly prepared MMP be submitted. Officers accept this recommendation and will require a MMP as a permit condition.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Development engineers did not respond to the application.
EHO	EHO's did not respond to the application.

Assessment

The zoning of the land

Assessment

The zoning of the land

FZ

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.

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

Decision guidelines are at 35.07-6 and include:

General issues

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

Agricultural issues and the impacts from non-agricultural uses

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

Environmental issues

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

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

Relevant overlay provisions

The land is within the FO and LSIO.

FO

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the *Water Act, 1989* if a declaration has been made.
- To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and 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.

Decision guidelines are at 44.03-7.

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 local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.
- Any other matters specified in a schedule to this overlay.

LSIO

Purpose

- 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.

Decision guidelines are at 44.04-8.

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

- The Municipal Planning Strategy and the Planning Policy Framework .
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development.
Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.
- Any other matters specified in a schedule to this overlay.

The State Planning Policy Framework (SPPF)

13.03-1S

Floodplain management

Objective

To assist the protection of:

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

13.05-1S

Noise abatement

Objective

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

Strategy

- Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

14.01-1S

Protection of agricultural land

Objective

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

Strategies

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
 - Directing housing growth into existing settlements.
 - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.
- Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
 - Desirability and impacts of removing the land from primary production, given its agricultural productivity.

Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.

Compatibility between the proposed or likely development and the existing use of the surrounding land.

The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.

Land capability.

- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

14.01-2S

Sustainable agricultural land use

Objective

To encourage sustainable agricultural land use.

Strategies

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

14.01-2R

Agricultural productivity - Hume

Strategy

- Support clustering of intensive rural industries and agricultural production.
- Take advantage of locational opportunities, including separation from sensitive land uses and access to transport, power, water and communications infrastructure.

17.01-1R

Diversified economy - Hume

Strategy

Encourage appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.

18.02-3S

Road system

Objective

To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

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

Objectives - Agriculture

- To ensure that agriculture is and remains the major economic driver in the region.
- To facilitate growth of existing farm businesses.
- To facilitate growth of new agricultural investment.
- To provide for small scale, specialized agriculture.

Strategies - Agriculture

- Identify 'growth', 'consolidation' and 'niche' areas in the Farming Zone.
- Encourage growth and expansion of existing farm businesses and new investment in 'growth' and 'consolidation' areas.
- Encourage opportunities for smaller scale, specialized agriculture in 'niche' areas.
- Discourage land uses and development in the Farming Zone, Schedule 1 that would compromise the future agricultural use of the land, including farm related tourism.
- Encourage tourism in the Farming Zone, Schedule 2 that is carefully managed to prevent conflict and impact on agricultural operations.
- Encourage value adding and new enterprises for agricultural production.
- Encourage the preparation of Whole Farm Plans for on farm earthworks.
- Discourage non-agricultural uses on rural land other than rural based industry.

- Discourage non-agricultural development in rural areas except where development is dependent on a rural location, and cannot be accommodated within existing industrial or business zoned land.
- Discourage non-agricultural development along major roads in rural areas especially at the fringe of existing urban areas when it may contribute to ribbon development.
- Buildings for non-agricultural purposes in rural areas should be set back a minimum of 100 metres from any road, be constructed in muted coloured 'colorbond' materials or similar and screened from any road by dense tree and shrub planting.
- Signs for industrial and commercial development in rural areas will be strictly limited in size and number.

Relevant Particular Provisions

53.08 Cattle Feedlot

Purpose

To facilitate the establishment and expansion of cattle feedlots in Victoria in a manner which is consistent with orderly and proper planning and the protection of the environment.

53.08-1

Requirements to be met

All use and development of cattle feedlots must comply with the Victorian Code for Cattle Feedlots - August 1995.

The Code must be complied with to the satisfaction of the responsible authority.

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.

Officers Assessment

Permission is required to develop the land for a large scale dairy farm which under this proposal will house 4900 cows. The land is currently used for a dairy farm of 2400 cows. The proposed expanded dairy farm provides milk to the Freedom Foods milk processor in Shepparton which itself has been undergoing substantial growth.

To accommodate the additional cows the following infrastructure is proposed:

- 3 free stall barns to house cows. Each barn will be 201m by 41m totalling 8,241sqm
- A clean water store which holds drinking water for cows
- An enlarged effluent storage to cater for the additional 2500 cows
- Removal of two trees to facilitate the effluent store
- Extended levee bank to protect the expanded dairy from flood

Officers consider that state and local policy provide significant strategic support for investments in milk production. The Goulburn Valley is known as a food bowl which amongst other things is a substantial milk producer for Victoria. This proposed development assists in continuing the Goulburn Valley milk production and this proposal is implementing state and local agricultural policy.

Officers are aware that large dairy expansions come with potential amenity impacts particularly odour. The application proposes increases in size of the effluent storage which is a source of odour.

The application was accompanied by an odour report prepared by Assured Environmental. The odour report made the following conclusions:

The results of the air modelling fall outside the design criteria for existing facilities of 5 OU, 3-minute 99.9th percentile as detailed in SEPP (AQM) during future operations. However, when compared to the current operations, all sensitive receptors will experience a reduction in odour concentrations of between -67% to -87%. It is noted that the facility has not received nor has knowledge of, any complaints relating to odour emissions from the existing operations. Given this, the risk of adverse amenity impacts and odour complaints following upgrade of the facility is expected to be low where the farm is continued to be well managed.

Overall, based on the results of the predictive dispersion modelling, the risk of adverse impacts on the nearby sensitive receptors is considered to be significantly reduced with the future operations when compared to the current operations.

Officers consulted with EPA and provided EPA the odour report. EPA undertook an assessment of the application including the odour report and consented to the proposed development. Officers are satisfied that no unacceptable odour issues have been identified and officers place significant weight on EPA's acceptance of the proposed development.

The possible amenity impact to nearby dwellings is noise. During the public notice a neighbour raised concern about night time noise disturbance in the form of an alarm. Following discussions between the objector, applicant and officer the farm manager turned the alarm off so as to avoid the noise nuisance. Officers will include a standard noise condition on the permit to require noise testing should noise issues be raised with Council.

The land is impacted by flooding from the Goulburn River and has a levee system to protect the dairy farm. This application proposes a 4.4ha turkey nest dam to store drinking water for the cows. The CMA in their referral response required that this clean water store be relocated to ensure acceptable flood flows. Officers required that a 57A application be made to satisfy the CMA conditions.

This plan change caused concern that the application may have required fresh public notice. Holding Redlich reviewed the changes and provided legal advice that no new public notice was required. The legal advice is trimmed to 2019/57761 and made the following conclusion:

Because the question of readvertising involves the exercise of statutory discretion by you, you will ultimately need to form your own opinion as to whether readvertising is required. In my opinion it would be reasonable for you to form the opinion that re-advertising is not required.

The application proposes the construction of three large buildings to house cows. Whilst the buildings are large and will be visible in the landscape, officers consider that the building design are acceptable for the following reasons:

- The land is within the FZ which is the zone where large agricultural type buildings are common place and expected by the community such as packing sheds, hay sheds and diary stalls.
- The buildings are well setback to boundaries and are clustered within a developed part of the dairy farm where similar buildings exist

The application proposes the removal of two Grey Box trees to allow expansion of the effluent ponds. Clause 52.17-7 includes the following exemption for 'new buildings and works in the Farming Zone...'

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a building or works used for Agricultural production, including a dam, utility service, bore and accessway, in the Farming Zone or the Rural Activity Zone.

Complies – the trees are to be removed to the minimum extent to facilitate the construction of a dairy infrastructure

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- *1 hectare of native vegetation which does not include a tree.*
- *15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.*
- *5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.*

Complies - the exemption has not been relied on in the past 5 years. Two Grey Box trees are proposed to be removed with a DBH of 116cm and 119cm.



This exemption does not apply to the construction or operation of a pivot irrigation system or horticultural trellising.

The application is not a pivot or horticultural trellising.

On this basis officers are satisfied that no planning permission is required for the removal of the two trees.

Based on this assessment officers are satisfied that the application achieves acceptable planning outcomes.

Relevant incorporated or reference documents
IDM

Local Floodplain Development Plan – Precinct of Goulburn River.

Rural Strategy

Other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

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

Are there any significant social & economic effects?

There are no relevant significant social or economic effects that relate to this application.

Discuss any other relevant Acts that relate to the amended application?

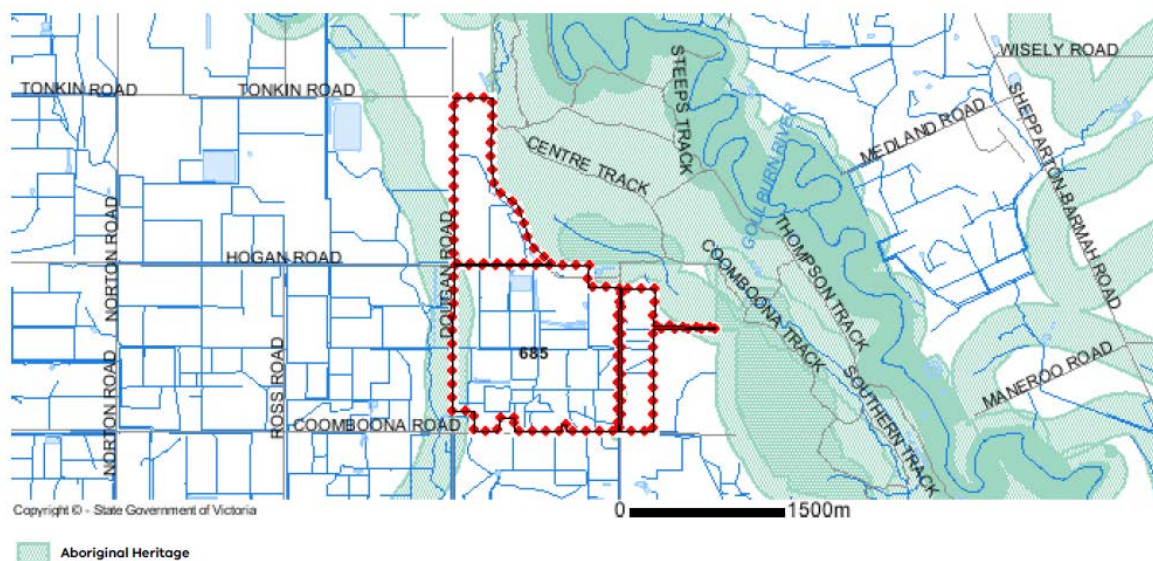
There are no other relevant Acts that relate to this application.

The Aboriginal Heritage Act 2006

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

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

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



The application was accompanied by a letter from Jo Bell which confirmed the proposed development 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 to amend a planning permit and it is not considered that the application to amend impinges on the Charter.

Conclusion

Officers have undertaken a detailed assessment of the application and are satisfied that policy supports the expansion and that the proposal does not result in unacceptable amenity impacts.

Draft Notice Of Decision

APPLICATION NO: 2019-191
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: 685 TROTTER ROAD COOMBOONA VIC 3629

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND ASSOCIATED WORKS IN THE FARMING ZONE, FLOODWAY OVERLAY AND LAND SUBJECT TO INUNDATION OVERLAY FOR A DAIRY EXPANSION TO INCREASE COW NUMBERS TO 4900

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Plans Required

Before the development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies (or as specified) must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include any necessary information listed in the council's Infrastructure Design Manual.

- a) Detailed planning drawings of the free stall barns
- b) Details of species of trees to be planted in the landscape screening
- c) Details of the fly control program

2. Layout Not Altered

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

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

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

4. Farm Capacity

The capacity (ie cow numbers) of the farm associated with this development must not exceed 4900.

5. Civil Construction Requirements

Before any of the development starts, detailed plans 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 information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual.

- a) details of how the works on the land are to be retarded with a maximum discharge rate of 1.2L/s/ha or retained on site;
- b) details of how the drainage design allows for the continuation of existing overland flow paths across the land;
- c) earthwork plans to show proposed earthworks including but not limited to cut, fill and stockpiling of earth;
- d) detailed design of car parking areas, circulation lanes and internal access ways;
- e) a detailed external lighting plan that limits light spill to nearby land.

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

6. Manure Management Plan

Before the development starts (excluding earthworks) a manure management plan (MMP) must be submitted to and approved by the responsible authority. The MMP must show an assessment and documented management plan of how nutrients, effluent and removed solids are to be managed in the day to day operation of an intensive dairy farm. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided;

- a) Effluent system design, pond design and soil testing for suitability of constructing an effluent pond
- b) Detailed response to the 13 key elements of a MMP being:
 - Statement of Intention
 - Property background and scale of enterprise
 - Farms current effluent system and management
 - Contribution to effluent stream including a water use audit

- Farm Specific environmental variables
- Effluent system options and design specifications
- Effluent system siting integration
- System management notes
- Effluent conveyance and application
- Nutrient application
- Manure stockpile management
- OH&S requirements
- Contingency measures

Before the development is occupied the MMP must be implemented to the satisfaction of the responsible authority and continue to be implemented on an ongoing basis to the satisfaction of the responsible authority.

7. Construction Management Plan

Before the development starts, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the responsible authority. The plan must show:

- a) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
- b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
- c) locations of any construction wastes and the method of disposal, equipment, machinery and/or earth storage/stockpiling during construction;
- d) where access to the site for construction vehicle traffic will occur;
- e) tree protection zones;
- f) the location of trenching works, boring, and pits associated with the provision of services;
- g) the location of any temporary buildings or yards.

8. Noise Control

Not more than three months after the occupation of the development noise measurements of actual in operation noise levels must be undertaken to determine if the use is achieving compliance with NIRV. If the monitoring finds compliance is not being achieved with NIRV noise mitigation measures must be implemented without delay to the satisfaction of the responsible authority.

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

In the event of unreasonable noise being generated by activities conducted on from

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

9. Odour Control

In the event of unreasonable odour being generated by activities conducted from the subject land and being established by Council planning officers as likely to be causing a disturbance to nearby property, then further odour testing by a suitably qualified consultant must be undertaken to assess whether activities on the site are resulting in unacceptable odour emissions and to advise what measures must be implemented to minimise the problem to the satisfaction of the responsible authority.

10. Environment Protection Authority

- a) Ensure that manure does not enter surface waters (including dams, impoundments, rivers, creeks and all waterways where rainfall is likely to collect).
- b) Ensure that manure does not enter ground waters either directly or through infiltration (e.g. excessive seepage from ponds or from stockpiled manure).
- c) Ensure that manure does not contaminate land (i.e. regular applications of manure on to a small land area may result in excessive nutrient levels in the soil).
- d) Ensure that offensive odours do not impact beyond property boundaries.

11. Goulburn Broken Catchment Management Authority Requirements

- a) The banks of the proposed effluent storage expansion must be constructed at least 600 millimetres above the 100-year ARI flood level of 107.4 metres AHD, i. e. 108.0 metres AHD.
- b) The location of the proposed clean water storage must be sited to the south-east of the complex to the satisfaction of the Goulburn Broken CMA.
- c) The proposed treatment ponds must have an impervious liner or be constructed to achieve a permeability of at least 600 millimetres of clay of maximum hydraulic conductivity $1 \times 10^{-9} \text{ m/s}$ or equivalent, to minimise groundwater contamination.
- d) The proposed levee bank must be constructed at the same level as the existing levee banks.

12. Time for Starting and Completion

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

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

Amended Application Details:

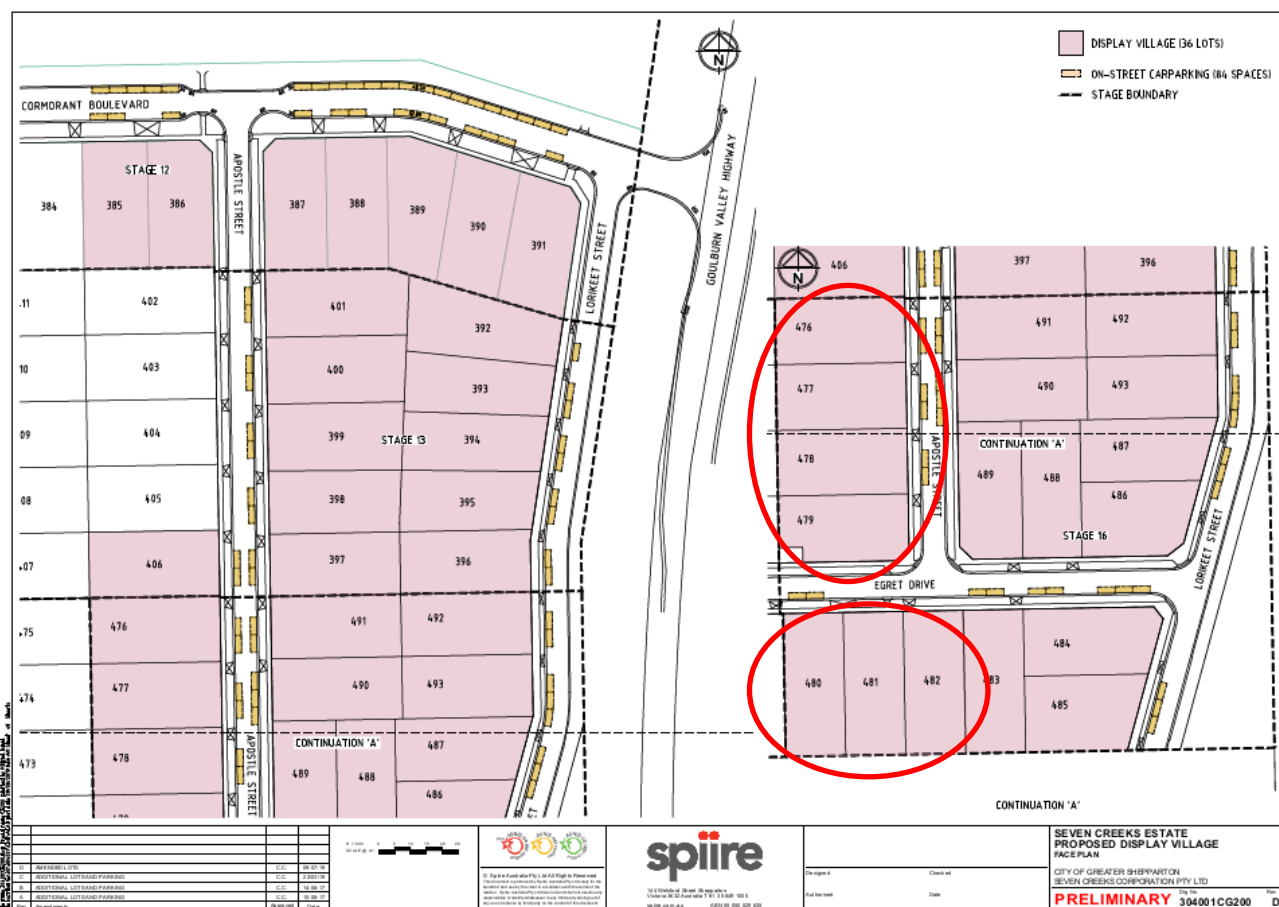
Responsible Officer:	Andrew Dainton
Amended Permit Number:	2017-88/C
Applicants Name:	Seven Creeks Corporation Pty Ltd
Date Amendment Received:	13 August 2019
Statutory Days:	36
Land/Address:	7765 Goulburn Valley Highway KIALLA VIC 3631
Zoning and Overlays:	General Residential Zone – Schedule 1 Development Contributions Plan Overlay – Schedule 2 Development Plan Overlay – Schedule 3 Environmental Audit Overlay Land Subject to Inundation Overlay
Why was the amendment required?	Additional 7 display home sites and additional 14 car parking spaces plus orientation of 4 display home sites to be amended on plan of subdivision for previously approved display village at Seven Creeks Estate
Why is a permit required (include Permit Triggers):	32.08-2 – Use of land for a display home 52.05 – Display of business identification signage
Are there any Restrictive Covenants on the title?	No

Proposal

The original planning permit was issued on 12 April 2017 for the use of land for 15 display homes with associated business identification signage and reduction in car parking requirements. The permit was subsequently amended on two occasions to increase the number of display homes to 29.

The applicant now seeks to amend the permit to:

- increase the number of display homes by seven and provide an additional 14 car parking spaces. This will bring the total number of display homes to 36.



Officers have considered the amended application and recommend that an amended permit issue for the following reasons:

- The additional seven display homes are clustered within a display village, located on through roads and provide parking in accordance with 52.06
- The display homes respond positively to Council’s display home policy as they are located within a developing residential estate

Summary of Key Issues

- Permission is required to amend the permit to allow seven additional display homes
- The application was advertised and one objection has been lodged. The objection relates to subdivision design issues which are dealt with by the Seven Creeks subdivision permit
- Officers have undertaken an assessment of the application and found that the proposal achieves acceptable planning outcomes by appropriately locating display homes within a display home village

Recommendation

Notice of Decision to Grant an amended Permit

That Council having caused notice of Amended Planning Application No. 2017-88/C 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 32.08-2 and 52.05 of the Greater Shepparton Planning Scheme in respect of the land known and described as 7765 Goulburn Valley Highway Kialla, for the use of land for an additional seven display homes with associated signage in accordance with the Notice of Decision and the endorsed plans.

Motion to move application back to officer to finalise permit under delegation as objection was withdrawn.

Moved by Colin Kalms

Seconded by Geraldine Christou

Carried

Subject Site & Locality

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

Date: 27 August 2019

Time: 10.45am

The site currently contains:

- Vacant land in new residential development being Seven Creeks Estate.

The main site/locality characteristics are:

- The subject land is in Seven Creeks Estate – Stage 16. There are currently two private residential dwellings being resided in at 4 and 6 Apostle Street and three houses are currently under construction on the eastern side of Apostle Street as part of the previously approved display home village.

The Photos below show the existing site:



End of Lorikeet Street – future Egret Drive





Lorikeet Street looking north-west to Apostle Street



Lorikeet Street – looking north – GV Highway to the east



4 Apostle Street



Vacant block next to 6 Apostle Street

Permit/Site History

The history of the site includes:

- 2017-88 Display village with associated signage and waive car parking requirements – permit issued
- 2017-88/A Use of land for display homes with associated signage and reduction in car parking requirements – permit issued
- 2017-88/B Use of land for display homes with associated signage and reduction in car parking requirements – permit issued for an additional display home

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 use of land for an additional 7 display homes and associated business identification signage by,:

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



Objections

The Council has received one objection from the abutting land owner to the south. The key issues that were raised in the objections are.

- That the application relates to display homes and signs yet the proposal shows changes to the lot layout

-
- The revised lot layout may generate the need for different approaches to roads ends and changes to sewer servicing arrangements
 - If Council accept the revised lot layout, that conditions attach relating to sewer and carriageway easements

Officer's response to objections:

- The revisions to the lot layout to lots 484, 485, 486 and 487 have been approved by officers under secondary consent
- Permit conditions on the Seven Creeks Estate subdivision permit contain conditions that require designs be submitted to allow for vehicle turnaround at the dead end streets
- Goulburn Valley Water are the sewerage authority and sewer servicing provisions are for GVW to co-ordinate

Officers have undertaken an assessment of the objection and do not consider that the objection warrants refusal of the amended application.

Title Details

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

Consultation

Consultation was not undertaken.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
No Section 55 Referrals Required	-	-	-

Assessment

The zoning of the land

General Residential Zone

A planning permit is required for the use of land for a display home in the General Residential Zone.

The definition of a Display home in the planning scheme is "A building constructed as a dwelling, but used for display, to encourage people to buy or construct similar dwellings."

Relevant overlay provisions

There are no relevant overlay provisions for this application.

The Planning Policy Framework (PPF)

11.01-1S Settlement

Objective

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

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

21.04-6 Non Residential Use

Council acknowledges that there is a need to protect the amenity of existing and future residential areas. While a range of non-residential uses in residential areas provide services to the local community, (including places of worship, schools, medical centres, display homes, child care centres, cafes, restaurants, and the like), it is important to ensure that these uses do not have a negative impact on residential amenity through inappropriate location, unsympathetic design, and traffic impacts. Petrol stations and car washes in particular are discouraged in residential zones.

Objectives – Non-Residential Uses

To ensure that non residential uses are appropriately located.

To allow complementary non-residential uses to be integrated into residential areas.

To ensure that non residential uses are appropriately located having regard to:

- The intensity and hours of operation of the proposed activity.
- The siting and design of proposed buildings and works, including car parking areas and advertising signs and telecommunications facilities.
- The location of access points.

To ensure that the appearance and scale of non residential development in residential zones is consistent with nearby housing.

Strategies – Non-Residential Uses

- Ensure non residential uses are located in areas that are appropriate to the intensity and scale of the proposed use and that will have minimal impact on the amenity of nearby residential properties.
- Ensure major facilities serving catchments beyond the local level are located in commercial areas or sited on roads which avoid the generation of additional through traffic on residential streets.
- Discourage service stations and car washes in residential areas.
- Ensure the siting and design of buildings and works (including car parking areas) responds to the surrounding housing and streetscape and includes features to reduce the noise, loss of privacy and to enhance the appearance of the development, including landscaping, screening, acoustic fencing.

Policy Guidelines – Non-Residential Uses

When considering an application for any of the uses listed below, Council will be guided by the following provisions:

Display Homes

- Display homes should primarily be located in areas experiencing new residential and building activity.
- Display homes in established residential areas are discouraged.
- Display homes are encouraged to locate together in residential estates forming a display home centre.
- Display homes should be located on main or collector roads with corner locations preferred.
- The establishment of individual display homes should not isolate private residential dwellings.
- The site on which a display home is located should be of sufficient size to provide adequate car parking, pedestrian access, and landscaping.
- Display homes should be adequately landscaped so that they do not detract from the surrounding residential environment and streetscape.
- Traffic generated by display homes should not be detrimental to the existing or proposed road network and traffic movements in the area.
- A variety in housing type and style, including dual occupancy and multi unit developments, is encouraged.
- Display homes that adopt energy efficiency principles are encouraged.
- Consistency of signage is encouraged within display home centres.
- Signage is encouraged to be sympathetic to the surrounding area.

Officers Assessment

Officers consider that the proposed display home village positively responds to local policy for the following reasons:

- Seven Creeks Estate is within a new residential estate that is experiencing residential activity
- The display homes are clustered together into a display village
- The display homes are located on through streets
- The additional display homes are provided with car parking in accordance with 52.06
- The application provides for consistent type signage for each dwelling

Relevant Particular Provisions

52.05 Signs

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.

The current planning permit has conditions in place for signage in regards to size, reinstatement and illumination requirements.

52.06 Car Parking

Purpose

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

Pursuant to Clause 52.06-5 Table 1, two car parks are required for a display home for each additional contiguous dwelling. The applicant has advised that two car parks will be provided for each display home. On this basis the amended application complies with 52.06-5.

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.

Officers are satisfied that the application achieves acceptable planning outcomes by promoting orderly planning through the development of a single clustered display village.

Relevant incorporated or reference documents

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

Other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

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

Are there any significant social & economic effects?

There are no significant social & economic effects that relate to this application.

Discuss any other relevant Acts that relate to the amended application?

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

The Aboriginal Heritage Act 2006

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

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

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

Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered.

Conclusion

The amended application seeks permission for an additional seven display homes which will result in a total number of 36 display homes within the village.

The application has been advertised and one objection was received. Officers have assessed the objection and concluded that the grounds of objection do not warrant refusal of the application.

Officers consider that the extension to the display village is an acceptable development within a new residential estate and an amended permit should issue.

Draft Notice Of Decision to Amend a Permit

APPLICATION NO: 2017-88/C
PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

THE RESPONSIBLE AUTHORITY HAS DECIDED TO AMEND A PERMIT.

THE AMENDED PERMIT HAS NOT BEEN ISSUED.

ADDRESS OF THE LAND: 7765 GOULBURN VALLEY HIGHWAY KIALLA VIC 3631

PERMIT FOR WHICH AMENDMENT WAS SOUGHT: 2017-88/B

WHAT AMENDMENT IS BEING MADE TO THE PERMIT ?:

Additional 7 display homes and 14 car parking spaces

TO WHAT CONDITIONS IS THE AMENDMENT SUBJECT ?:

1. Layout Not Altered

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

2. Plans Required

Before the use commences for each display home, plans corresponding to that display home 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 to show:

- a) The location of the proposed sign for each allotment;
- b) The design of the signs proposed including dimensions which do not exceed 6 metres in height pole with a 2 x 0.8 metre vertical signboard.

to the satisfaction of the responsible authority.

3. Lighting

All lighting used to externally illuminate buildings, works and uses shall be designed, baffled and located, so as to prevent the emission of light onto adjoining roadways and land.

4. Hours of Operation

The display homes must only operate between the hours of:-

Monday – Friday 9:00am – 9:00pm

Saturday – Sunday 10:00am – 6:00pm

5. Site Reinstatement

Upon the termination of the use hereby permitted, all advertising signs are to be removed.

6. Signage

Signs must not be internally illuminated and any approved external illumination must be designed, baffled and located to prevent the emission of light onto adjoining land or roadways to the satisfaction of the responsible authority.

7. Temporary Use

The use of land for display home must cease within 6 years of the date of this permit unless otherwise approved in writing by the responsible authority. All signage must also be removed by this date.

Application Details:

Responsible Officer:	Abdullahi Jama
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Application Number:	2019-202
Applicants Name:	HDN Building Design
Date Application Received:	30 July 2019
Statutory Days:	59

Land/Address:	46 Dunrobin Street SHEPPARTON VIC 3630
Zoning and Overlays:	General Residential Zone (GRZ) - Schedule 1 (GRZ1) No Overlays
Why is a permit required (include Permit Triggers):	32.08-3: Two lot subdivision in the GRZ1 32.08-6: Construction of two dwellings on a lot in the GRZ1
Are there any Restrictive Covenants on the title?	No

Proposal

The application seeks planning permission for a two lot subdivision and the construction of 2 double-storey townhouses. The proposed dwellings each contain 3 bedrooms. Both will occupy their own lots and have separate vehicle access points to Dunrobin Street.

Permission is required for this application under the following Greater Shepparton Planning Scheme ('the Scheme') provisions:

- Clause 32.08-3: Two lot subdivision in the General Residential Zone – Schedule 1 (GRZ1)
- Clause 32.08-6: Construction of two dwellings on a lot in the GRZ1

The proposed site is in an established but incrementally changing area of Shepparton, consistent with its designation under the Planning Scheme. Proposed lot 1 (front lot) will contain proposed townhouse 1 while proposed lot 2 (rear lot) will house townhouse 2. Both proposed dwellings are 6.8m at peak height. A new crossover on the southern end is to provide street access to proposed townhouse 2.

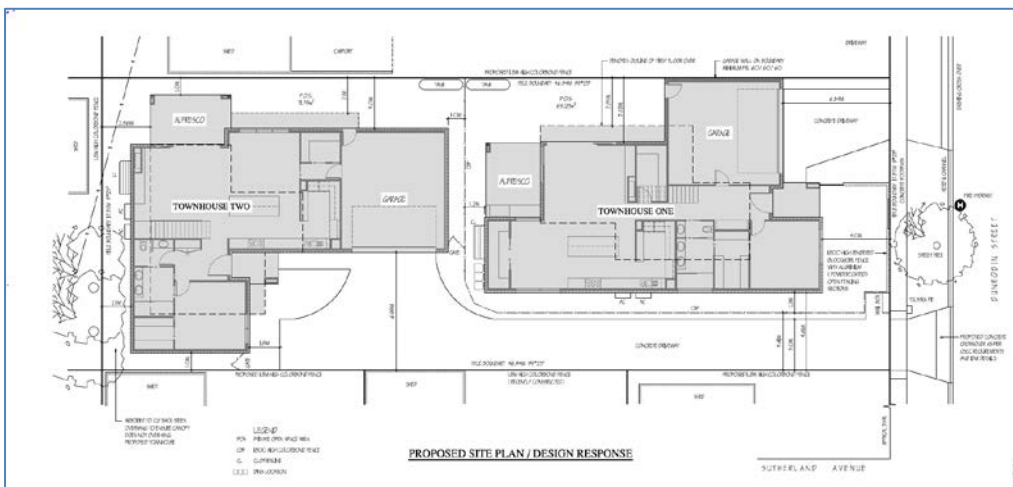
Officers placed the application on public notice. Two objections were received from the owner/occupants of two adjoining lots: the western adjoining lot (9 Anzac Street Shepparton) and the northern adjoining lot (44 Dunrobin Street Shepparton).

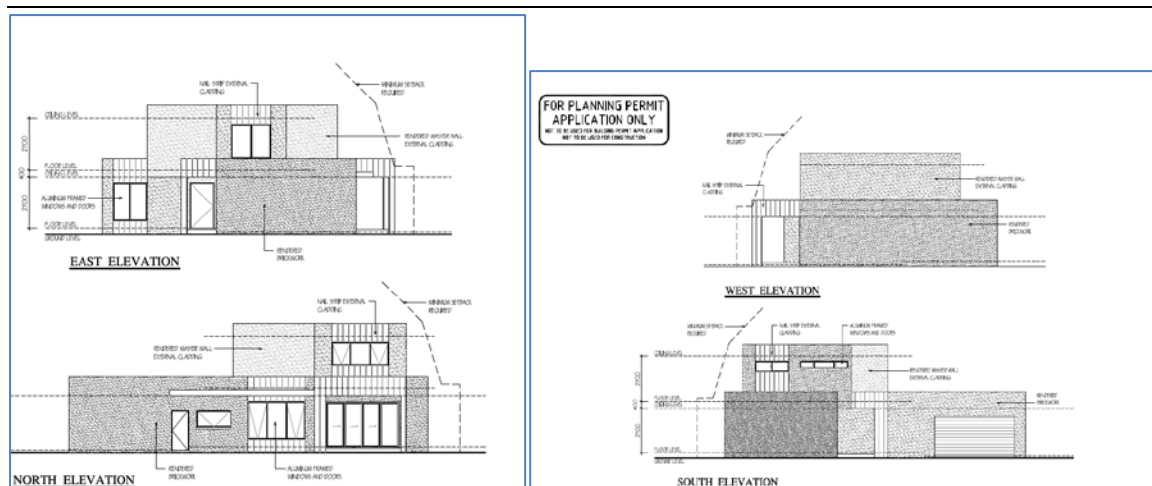
The grounds of objections centred on the following:

- The double storey design of the proposed dwellings is inconsistent with the single-storey freestanding dwelling built form pattern dominant on the street and immediate locality.
- The flat roofs proposed for the dwellings are inconsistent with the existing character of the street and immediate locality where dwellings typically incorporate pitched roofs.
- The proposed height, setbacks and overall scale and bulk of the development will undermine the amenity of their dwellings (e.g. restricting views/reducing solar access to private open space/reducing sense of openness presently enjoyed).
- a decline in property value.
- limited landscaping opportunities on the subject site.
- that the location and future use of proposed townhouse 2's alfresco will likely lead to future land use conflicts due to current use of nearby shed for wood and metal domestic work (near the north-west site boundary).

While the objectors listed various improvements that they would like to see for the proposal, the consensus view is that ultimately the double storey nature of the proposed dwellings makes this an inappropriate development.

Plans of the proposal are below:





The main consideration for this application are as follows:

1. Is the proposal consistent with the provisions and requirements of the General Residential Zone – Schedule 1 (GRZ1)
2. Is the proposal consistent with the requirements of Clause 55 ('Rescode') under the Scheme?
3. Is the proposal consistent with the requirements of Clause 56 (Subdivision) under Scheme?
4. Is the proposal consistent with the relevant provisions of the Local Planning Policy Framework (LPPF) under the Scheme?
5. Is the proposal consistent with the relevant provisions of the Planning Policy Provisions (PPF) under the Scheme?
6. Is compliance with the garden area requirements achieved?

Officers have considered the application and recommend that a Notice of Decision ('NOD') to grant a permit be issued for the following reasons:

- The proposal is consistent with the purposes, provisions and requirements of the zone.
- The proposal strikes an appropriate balance between respecting the existing character of the neighbourhood and contributing to the preferred future neighbourhood character.
- The proposal complies with the requirements of Clause 55 (Rescode provisions).
- The proposal complies with the requirements of Clause 56 (Subdivision provisions).
- The proposal is consistent with the relevant provisions of the LPPF & PPF.
- The design achieves compliance with the relevant garden area percentages.

Summary of Key Issues

The land is zoned General Residential Zone – Schedule 1 ('GRZ1'). Both the subdivision and construction of dwellings components of the proposal require planning permission under

the zone. No planning permission is required to use the land for the dwellings as dwellings of this type are Section 1 Uses in this zone.

The application was sent on public notice and referral, with the external authorities and internal departments consenting to the application subject to conditions (which have been included in the Notice of Decision).

It is considered the proposal reflects an acceptable planning outcome for the following reasons:

- The proposal responds positively to the zone purposes of encouraging diversity in housing types and housing growth in areas offering good access to services and transport.
- The proposal responds positively to the Local Planning Policy Framework “Incremental Change Area” provisions (Clause 21.04-2 of the Scheme) which among other things, stipulate that developments should strike an appropriate balance between the support of gradual change of the area in terms of dwelling diversity and density (preferred future character) and respecting the existing character of the neighbourhood (existing character).
- The proposal satisfies the requirements of Clause 55 (Rescode provisions).
- The proposal strikes an adequate balance between the amenity of future occupants of the site and the amenity of the adjoining lots.
- The proposal satisfies the requirements of Clause 56 (subdivision requirements) by offering appropriately designed lots that can adequately support residential living.
- The proposal is consistent with the relevant Scheme provisions pertaining to settlement.

Officers consider that the application is consistent with the relevant provisions of the Scheme and therefore reflects an orderly planning outcome.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2019-202** 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 **32.08-3 and 32.08-6** of the Greater Shepparton Planning Scheme in respect of the land known and described as **46 Dunrobin Street SHEPPARTON VIC 3630**, for the **Construction of two dwellings and a two lot subdivision in the General Residential Zone 1** in accordance with the Notice of Decision and the endorsed plans.

Moved by Colin Kalms with a change to Cond 1C – western elevation

Seconded by Melissa Crane

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2019-202** 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 **32.08-3 and 32.08-6** of the Greater Shepparton Planning Scheme in respect of the land known and described as **46 Dunrobin Street SHEPPARTON VIC 3630**, for the **Construction of two dwellings and a two lot subdivision in the General Residential Zone 1** in accordance with the Notice of Decision and the endorsed plans.

Subject Site & Locality

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

Date: **17/9/19** Time: **4** pm

The site has a total area of **816** square metres and currently contains:

- Single storey freestanding weatherboard dwelling with a shed to the rear.

The main site/locality characteristics are:

Site & locality details

- The site is located in an established but incrementally changing area of Shepparton.
- The site is relatively flat and rectangular in shape.
- Dunrobin Street is fairly wide, with a width of approximately 10.7m.
- There is no on-street parking on the subject site's side of Dunrobin Street.
- A mature tree is located centrally in the nature strip in front of the site.
- The site is currently occupied by a single storey hip roofed dwelling (to be demolished) with a 1.2m high corrugated steel front fence and 1.8m high colorbond fences running along the rear (western) and southern boundaries.
- The existing crossover is located to the north of the site, with an access gate at this point leading to the rear of the dwelling.
- The site is located approximately 1.0m & 1.2km from Goulburn Valley Health Hospital and Maude Street Mall.
- Notre Dame College is located approximately 200m south-west of the site.
- Bus services are available along Rea Street (approximately 80m to the north) which runs from Shepparton North to Shepparton North.

Adjoining & nearby dwellings details

- The adjoining lot to the north (**44 Dunrobin Street**) is occupied by a single storey gabled roof weatherboard dwelling with an access gate on the southern end providing access (via crossover) to a carport to the rear.
- The adjoining lot to the west (**9 Anzac Street**) is occupied by a dwelling located well to the front of the lot (fronting Anzac Street) with a domestic shed located to the rear in the garden area near the lot's boundary with the subject site and behind a 1.8m high colorbond fence.
- The adjoining lot to the south (**47 Sutherland Avenue**) is occupied by a single storey gable roofed red/white coloured dwelling with a prominent garage fronting Dunrobin Street (main site access is on the other side along Sutherland Ave).
- The adjoining lot at the south-western tip (**11 Anzac Street**) also similarly houses a shed to the rear (with a larger shed to west of this rear shed) with the site's dwelling located to the front of the lot facing Anzac Street.
- On the opposite side of Dunrobin Street (**51 Dunrobin Street**) is a single storey red brick dwelling. This dwelling is setback much further from the street than nearby dwellings. Key features include a carport to the rear, a large front yard and no front fence.
- North of the subject site (**49 Dunrobin Street**) is a single storey gable roofed weatherboard dwelling and a carport located to the rear.
- South-east of the subject site (**1/53 Dunrobin Street**) is a recently constructed single storey hip roofed red brick dwelling with a prominent red brick front fence (partial run) and a double garage set behind the dwelling.
- North-east of the subject site (**47 Dunrobin Street**) is occupied by a single storey hip roofed white/teal weatherboard dwelling with an open style fence and a garage sitting in line with the rear of the dwelling.
- Approximately 60m south-west of the site is **2 Barker Avenue**, where a two storey dwelling is currently being developed.

The Photos below show the existing site:







Permit/Site History

The history of the site includes:

- There is no relevant permit/site history.

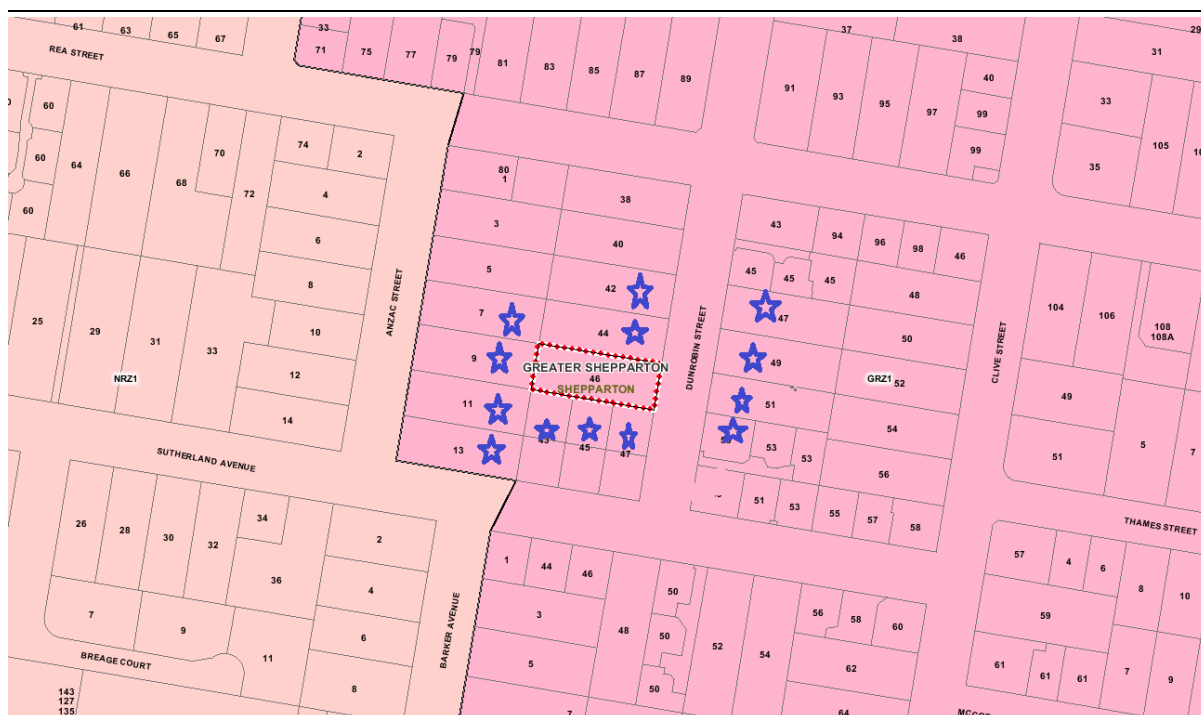
Further Information

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

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Construction of Two (2) Townhouses and a Two (2) Lot Subdivision in the General Residential Zone** by:

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



The applicant provided a signed declaration stating that the sign on site was displayed on the land between **21/8/19** and **5/9/19**

Objections

The Council has received **2** objections to date. The key issues that were raised in the objections are as follow:

Objection 1 (Occupant of adjoining lot to the south)

- Objection centred on concern pertaining to the negative impacts of a two storey dwelling adjoining the land.
- Specifically, the objector is concerned with the development's proximity to the back fence in the sense that it would reduce sunlight to the backyard, dramatically altering the skyline view from the dwelling and reducing the sense of openness and privacy the land currently enjoys.
- A second concern is that the development would lead to a decline in the value of the property.
- Ultimately the objector is of the view that two storey townhouses are unsuitable in this area and that only a drop to single storey dwellings would satisfy the concerns.

Objection 2 (Occupant of adjoining lot to the west)

- Objection centred on the inappropriate nature of a double story dwelling on the site given that Dunrobin street predominately houses freestanding single storey dwellings with larger setbacks than what is being proposed (2.8m setback from his land).
- The objector contends that the development would dominate the property, restrict existing views (due to height, scale etc.) and that the development footprint will limit landscaping opportunities on the site.
- A second concern pertains to the intended design of the development.

- Objector contends that the 'box like' flat roof design of the dwellings is inconsistent with the pitched roof dwellings predominant in the area.
- A third concern raised pertains to potential land use conflicts, as the objector is concerned that development's incorporation of an alfresco area south of an existing workshop (which is used for wood and metal work) will lead to conflict. The objector emphasises that mitigating potential noise controls have not been included in the proposal.
- Objector states that a drop from two storeys to one storey, improved controls on multi-lot developments (controlling traffic, parking, noise etc.) and the inclusion of noise attenuation structures to mitigate land use conflicts between the use of the proposed alfresco and the garage would satisfy his concerns.

Title Details

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

Consultation

Consultation was not undertaken.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	There were no Section 55 Referral Authorities for this application.
Section 52 Notices	GVW consented subject to conditions, which have been included in the NOD Draft Permit.

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>Council's Development Engineering Department consented to the application subject to the following conditions:</p> <p><u>Drainage Discharge Plan</u> Before the certification of the Plan of Subdivision, a drainage plan with computations prepared by a suitably qualified person or organisation, to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and submitted in an electronic format. The plans must be in accordance with council's Infrastructure Design Manual and include to the satisfaction of the responsible authority:</p> <ol style="list-style-type: none"> a) how the land will be drained; b) Underground pipe drains conveying stormwater to the legal point of discharge c) measures to enhance stormwater discharge quality from the site and protect downstream waterways; d) Maximum discharge rate shall not be more than (37) lit/sec/ha with (12) litres (Tank/Basin) or (14) litres (Pipe) of storage for every square metre of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority). e) Incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the Responsible Authority; and f) Provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal;

	<p>Before the statement of compliance is issued all drainage works required by the drainage plan must completed to the satisfaction of the responsible authority.</p> <p><u>Urban Vehicle Crossing Requirements</u> Before the Statement of Compliance vehicular crossings shall be constructed in accordance with the endorsed plan(s) and constructed to Councils IDM standard drawing SD235, and must:</p> <ol style="list-style-type: none">be constructed at right angles to the road, and any redundant crossing/kerb adaptor shall be removed and reinstated to match the existing profile.be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree;residential vehicular crossings shall not be less than 3 metres nor more than 6 metres in width and shall be constructed from concrete or other material as approved in writing by the Responsible Authority; andbe at least 9 meters apart.A permit must be obtained from the Responsible Authority for the works within Road Reserves prior to carrying out of vehicle crossing works. <p><u>Footpath Construction:</u> Damaged footpath sections near proposed access of Lot 2 must be replaced and reinstated in accordance with IDM Standard SD205.</p> <p><u>Construction of Works</u> Before the Statement Compliance is issued under the Subdivision Act 1988, the owner must construct and complete road works, drainage and other civil works, in accordance with endorsed plans and specifications approved by the responsible authority and in accordance with the Infrastructure Design Manual. Road works, drainage and other civil works to be constructed must include:</p> <ol style="list-style-type: none">drainage works shown on the endorsed Drainage Discharge Plan(s) have been constructed to the satisfaction of the responsible authority;stormwater treatment measures have been constructed or as otherwise agreed to in writing by the responsible authority; andvehicular access to both lots must have been constructed to Councils' IDM standard drawing SD235.garden and landscape areas shown on the endorsed plans have been planted to the satisfaction of the responsible authority. <p>The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants and/or trees must be replaced to the satisfaction of the responsible authority.</p> <p><u>Vehicle Access Requirements (internal)</u> Before the occupation of the new dwellings, the areas set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:</p> <ol style="list-style-type: none">surfaced with concretedrained in accordance with an approved drainage plan;properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land;treated with measures to prevent damage to fences or landscaped areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing to the satisfaction of the responsibility authority.access ways must be designed to allow vehicles to enter and exit the land in a forward direction.
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Assessment

The Zoning of the land

32.08 General Residential Zone

Purpose

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

32.08-2 Table of Uses

Section 1 - Permit not required

Use	Condition
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Community care accommodation	Must meet the requirements of Clause 52.22-2.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 2 animals.
Dwelling (other than Bed and breakfast)	

32.08-3 Subdivision Permit Requirement

A permit is required to subdivide land.

- An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area.
- This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:
 - An approved precinct structure plan or an equivalent strategic plan;
 - An incorporated plan or approved development plan; or
 - A permit for development.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

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

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

32.08-6 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential building

Permit Requirement

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.
- A permit is required to construct or extend a front fence within 3 metres of a street if:
 - The fence is associated with 2 or more dwellings on a lot or a residential building, and
 - The fence exceeds the maximum height specified in Clause 55.06-2.
- A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

32.08-8 Requirements of Clause 54 and Clause 55

- A schedule to this zone may specify the requirements of:
 - Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
 - Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.
- If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.08-10 Maximum building height requirement for a dwelling or residential building

- A building must not be constructed for use as a dwelling or a residential building that:
 - exceeds the maximum building height specified in a schedule to this zone; or
 - Contains more than the maximum number of storeys specified in a schedule to this zone.
- If no maximum building height or maximum number of storeys is specified in a schedule to this zone:
 - the building height must not exceed 11 metres; and
 - the building must contain no more than 3 storeys at any point.
- A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.
- A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.
- A basement is not a storey for the purposes of calculating the number of storeys contained in a building.
- The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building

32.08-13 Decision Guidelines

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

General

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

Dwellings and residential buildings

- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.

Relevant overlay provisions

There are no applicable overlays to this application.

Planning Policy Framework (PPF)

11.01-S Settlement

Objective

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

Strategies

- Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities. Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.
- Provide for growth in population and development of facilities and services across a regional or sub-regional network.

Policy Documents

Consider as relevant:

Hume Regional Growth Plan (Victorian Government, 2014)

11.01-R Settlement – Hume

Strategies

- Facilitate growth and development specifically in the regional cities of **Shepparton**, Wangaratta, Wodonga and Benalla.
- Facilitate and strengthen the economic role of Seymour, while supporting population growth.
- Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.
- Support improved access to a range of employment and education opportunities, particularly in key urban locations such as Benalla, Seymour, Shepparton, Wangaratta and Wodonga.

15.01-1S Urban Design

Objective

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

Strategies

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.
- Ensure the interface between the private and public realm protects and enhances personal safety.

- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
- Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.
- Promote good urban design along and abutting transport corridors.

16.01-1S Integrated housing

Objective

- To promote a housing market that meets community needs.

Strategies

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- Facilitate the delivery of high quality social housing.

16.01-3S Housing diversity

Objective

To provide for a range of housing types to meet diverse needs.

Strategies

- Ensure housing stock matches changing demand by widening housing choice.
- Facilitate diverse housing that offers choice and meets changing household needs through:
 - A mix of housing types.
 - Adaptable internal dwelling design.
 - Universal design.
- Encourage the development of well-designed medium-density housing that:
 - Respects the neighbourhood character.
 - Improves housing choice.
 - Makes better use of existing infrastructure.
 - Improves energy efficiency of housing.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.
- Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

Local Planning Policy Framework (LPPF)

21.04-1 Urban Consolidation and Growth

Population forecasts predict that the population of the City of Greater Shepparton will grow from 59,202 persons in 2006 to 71,509 by 2026. It is expected that to accommodate this additional population, there will need to be a corresponding growth in the number of dwellings (a separate estimate suggests a further 9,100 dwellings will be required by 2031). At the same time, changing demographic trends such as an increase of persons aged 65 and over, smaller household sizes and an increase in non-Australian born persons will create demand for a broad range of housing types within the municipality.

Objectives - Urban Consolidation and Growth

- To contain urban growth to identified growth areas in order to protect higher quality and intact agricultural areas and achieve a more compact built up area.
- To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.
- To provide a greater range of housing choices to attract more people to live in the Shepparton CBD which will support the vibrancy and economy of the CBD.
- To make better use of available land by allowing higher scale built form in appropriate locations within the CBD.
- To minimise the impacts of housing on the natural environment.
- To release land efficiently in terms of location, supply of services and infrastructure and in accordance with land capability.
- To support increased residential densities, such as 15 dwellings per hectare, in established areas and the conventional living growth areas.
- To increase the supply of medium density housing in appropriate locations.
- To provide land for small township expansion, subject to a supply and demand analysis.
- To coordinate the assessment, planning, development and servicing of identified investigation areas in an integrated manner.
- To ensure any small township expansion occurs without impacting on the long-term growth potential of urban centres or productive agricultural land.
- To ensure any small township expansion is dependent on land capability where no reticulated sewer is available.
- To balance the need to achieve urban consolidation with the need to respect and retain the valued characteristics of existing neighbourhoods.
- To ensure that land proposed for residential purposes is not contaminated.
- To ensure protection of ground water and natural systems.
- To ensure that provision is made for community infrastructure.
- To ensure that a Precinct Structure Plan and, where relevant, a Development Contributions Plan are prepared for land in the Urban Growth Zone.

- To provide for the appropriate development of Investigation Areas generally where the Investigation Area Study has been completed.

Strategies - Urban Consolidation and Growth

- Maintain residential development targets outlined in the GSHS based on the type, amount and proportion of existing residential zones; the existing average lot sizes in each residential zone type; a qualitative assessment of dwelling demand and housing market conditions; sustainable development principles and the need to conserve land and energy; and the need to achieve the strategic directions and objectives of the GSHS. These targets are:
 - Infill Development – accommodate at least 10 percent of the 9,100 dwellings (910 dwellings) in existing areas through infill and redevelopment at higher densities. New dwelling construction in these areas is highly encouraged by the GSHS and this target should be exceeded where possible.
 - Greenfield Development – accommodate the remaining 8,190 dwellings in Greenfield locations with:
 - 60% as conventional living (450 – 800 square metres).
 - 20% as medium density housing (less than 450 square metres).
 - 15% as low density living (2,000 – 8,000 square metres).
 - 5% as rural living (2 – 8 hectares).
- Promote development in accordance with the attached Framework Plans.
- Maintain a supply of land to accommodate projected population growth over at least a 15 year period.
- Encourage the consolidation of existing residential areas in the municipality in accordance with the change areas identified in the Housing Change Area plans.
- Ensure the rezoning of future residential land is informed by the 'Growth Management Plans' and development principles identified in the Greater Shepparton Housing Strategy 2011.
- Ensure that township growth is determined by infrastructure provision (including water supply) and a supply and demand analysis, with developers funding the extension of water and sewerage services.
- Support applications to rezone land for residential purposes where the land has previously been used for orchard or other agricultural uses only where the application is accompanied by a soil report which confirms that the land is suitable for residential use (as required by Ministerial Direction No. 1).
- Support increased densities, such as 15 dwellings per hectare, where reticulated sewer and urban services are provided in the existing residential areas, while maintaining and protecting existing sewerage reticulation assets.
- Encourage medium density housing in preferred locations including within existing residential areas; near public transport; within major redevelopment sites; and adjacent to activity centres and open space areas.
- Encourage medium density, apartment style and shop-top housing, and including student accommodation, as part of the redevelopment of Shepparton CBD commercial sites.

- Encourage the provision of smaller lots to meet the changing demographics structure.
- Discourage multi dwelling developments within areas affected by the Floodway Overlay.
- Provide a settlement boundary beyond which additional urban growth and rezoning should not be supported.
- Encourage new subdivision and developments to promote walking and cycling between homes and schools, open spaces and shops.
- Ensure appropriate design, location and density for expanding residential areas in Shepparton North to maintain amenity protection between residential and other uses such as industry, agriculture and the Goulburn Valley Freeway.
- Link the parks, open spaces and bicycle paths to create connectivity between the three urban areas of Shepparton, Mooroopna and Kialla, with the floodplain becoming a recreation asset.
- Avoid incremental approvals and development in identified investigation areas until an integrated investigation has been completed to assess and resolve future land opportunities and constraints, land use, development opportunities, subdivisional layout and servicing for the area.
- Apply the Development Plan Overlay (DPO) to the growth areas to ensure coordinated development.
- Require development plans to be accompanied by an approved Development Contributions Plan (DCP) or an alternative such as a negotiated Pre- Development Agreement.
- Consider the effect that use or development may have on nearby existing or proposed residential development in the Urban Growth Zone.
- Consider the effect that use or development in an Investigation Area may have on nearby existing or proposed development.

21.04-2 Housing Change Areas

Objective - Housing Change Areas

To manage the impacts of change in the established neighbourhoods and ensure that residential development contributes to the character of residential areas rather than undermining them. The residential areas have been divided into three areas indicated in the attached *Framework Plans*:

Incremental Change Areas

- Incremental Change Areas are established residential areas or areas identified as Urban Growth Areas in Framework Plans that over time have the capacity to accommodate a moderate level of residential development.
- This development will mostly include extensions to existing dwellings, new single or double storey dwellings on existing lots, and low rise medium density housing.
- It is expected that the general character of Incremental Change Areas will evolve over time as new types and more intense development is accommodated. Incremental Change Areas are generally in locations that:

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

Strategies – Incremental Change Areas

The strategies for managing residential development in Incremental Change Areas seek to:

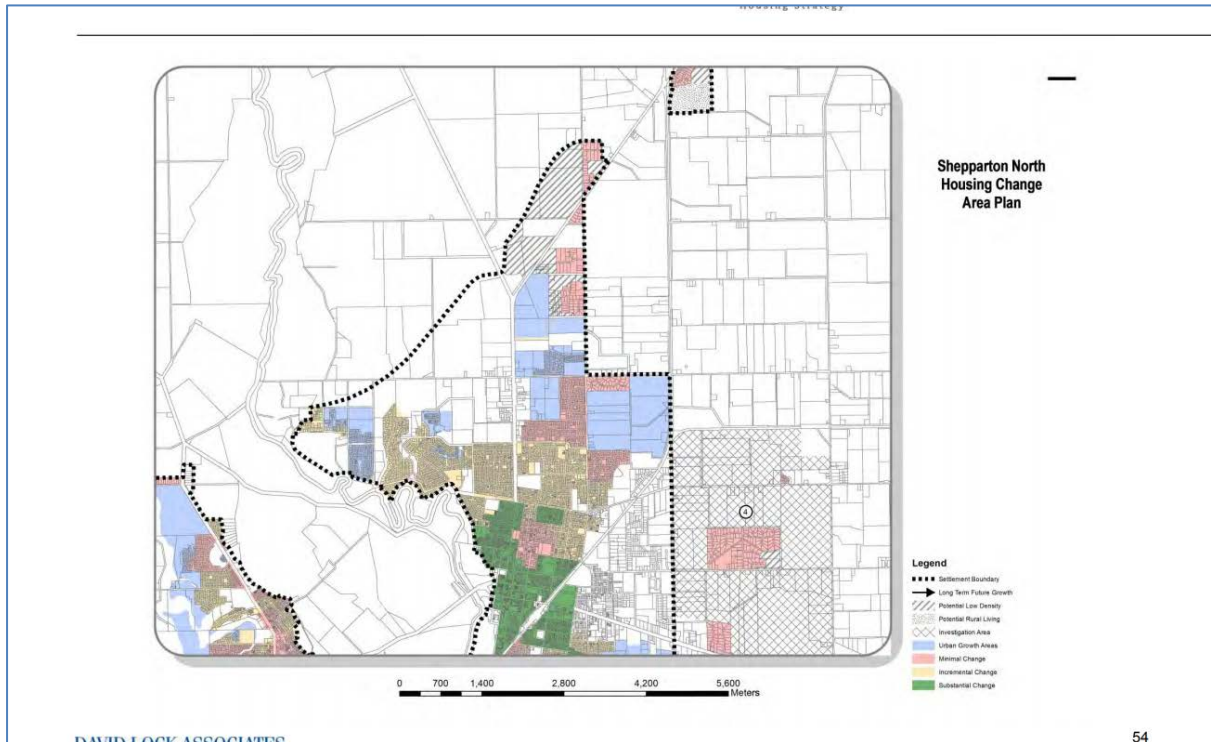
- Support the retention and renovation of existing dwellings that front the street and contribute positively to surrounding neighbourhood character.
- Encourage low scale medium density housing development that respects existing neighbourhood character, particularly in areas that are in close proximity to significant shops, facilities, services and amenities.
- Support development which increases residential densities while respecting the character of the neighbourhood.
- Ensure that new development does not cause significant new overlooking, overshadowing, and excess visual bulk impacts on adjacent housing.
- Encourage a high standard of design for new development and major renovations. Encourage additional dwellings to the rear of existing dwellings.
- Support and encourage environmentally friendly technologies for new development and major renovations.
- Ensure that traffic caused by additional development can be accommodated by the existing transport network.
- Discourage increased development intensity in areas where there is a significant environmental risk such as flooding and wildfire, unless an appropriate design response can be provided to the satisfaction of the Council.
- Ensure that development at the edges of the Incremental Change Area is sensitive to any adjoining Minimal Change Areas.
- Ensure that any new development close to a rural interface or other sensitive use is addressed

Policy Guidelines – Incremental Change Areas

When considering an application for a dwelling in an incremental change area, Council will be guided by the following provisions:

- Low-scale, medium density dwellings that respect existing neighbourhood character, particularly in areas that are in close proximity to shops, facilities, services and amenities shall be encouraged.
- New development that increases residential densities and is sensitively designed to respond to the existing neighbourhood character shall be supported.
- Encourage a high standard of design for new development and major renovations;
- Encourage additional dwellings to the rear of existing dwellings.
- Environmentally-friendly technologies for new development and major renovations shall be supported.

- Traffic impacts caused by additional development shall be accommodated within the existing transport network.
- Increased residential densities in areas where there is a significant environmental risk such as flooding and wildfire shall be discouraged unless an appropriate design response can be provided to the satisfaction of Council.
- Development at the edges of incremental change areas shall be sensitively designed to respond to any adjoining minimal change areas.
- New development close to rural interface or any other sensitive use shall be appropriately designed to mitigate any potential impacts.



Particular Provisions

55 Two or More Dwellings on a Lot

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

Objectives	Standards	Compliance
<p>Clause 55.02-1 Neighbourhood Character Objectives To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding</p>	<p>Standard B1 (Cannot be varied) The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Complies</p> <ul style="list-style-type: none"> • It is considered that the application meets the required standards and objective. • Please see next section (Officer Assessment) for details.

Objectives	Standards	Compliance
area.		
<p>Clause 55.02-2 Residential Policy Objectives To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Standard B2 (Cannot be varied) An application must be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in:</p> <ul style="list-style-type: none"> • SPPF; and • the LPPF including the MSS; and Local Planning Policies 	<p>Complies</p> <ul style="list-style-type: none"> • The application has been accompanied by the required written statement (Clause 55 report). It is considered that the report satisfactorily responds to the relevant provisions. • The subject site is in an incremental change area where appropriate low-scale medium density residential development that respects the neighbourhood character is supported. • Officers consider that this is met.
<p>Clause 55.02-4 Infrastructure Objectives To ensure development is provided with appropriate utility services and infrastructure; To ensure development does not unreasonably overload the capacity of utility services and infrastructure</p>	<p>Standard B4 (Can be varied) Development should be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available. Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no space capacity, developments should provide for the upgrading or mitigation of the impact on services or infrastructure.</p>	<p>Complies</p> <ul style="list-style-type: none"> • The site is located in an established area of Shepparton with good access to services and in proximity to Shepparton's CBD. • The immediate area is well serviced with the required utility connections. • The proposed development will not unreasonably exceed the capacity of utility services.
<p>Clause 55.02-5 Integration with the Street Objective To integrate the layout of development with the street</p>	<p>Standard B5 (Can be varied) Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Dwellings should be orientated to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.</p>	<p>Complies</p> <ul style="list-style-type: none"> • Proposed townhouse 1 will utilise the existing crossover to Dunrobin Street while a new 3m wide crossover (to be constructed according to council standards) at south-east end of the site is to provide street access to proposed townhouse 2. • Officers do not consider that this new proposed crossover will interrupt accessibility along Dunrobin Street. • Both dwellings are orientated to face the street. • No front fencing is proposed for this application (1.8m high colorbond fence already exists)

Objectives	Standards	Compliance
<p>Clause 55.03-1 Street Setback Objective To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Standard B6 (Can be varied) Walls of buildings should be setback from streets the distance specified in Table B1</p>	<p>Varied</p> <ul style="list-style-type: none"> The proposed street setback (4m) is smaller than the setback on the northern adjoining lot (44 Dunrobin Street) though it is in keeping with the existing street setback Nevertheless, given the site's existing reduced setback, the relatively insignificant differential between the two setbacks, and the incremental change area status of the area, Officers consider that the proposed setback responds positively to the long term direction of the neighbourhood. On balance, Officers consider that this objective is met.
<p>Clause 55.03-2 Building Height Objective To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Standard B7 (Can be varied) The max building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the max building height should not exceed 10m. Change of building height between existing buildings and new buildings should be graduated.</p>	<p>Complies</p> <ul style="list-style-type: none"> The proposed dwellings are 6.8m in height.
<p>Clause 55.03-3 Site Coverage Objective To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</p>	<p>Standard B8 (Can be varied) The site area covered by buildings should not exceed 60%.</p>	<p>Complies</p> <ul style="list-style-type: none"> Coverage area is 50%. Meets the maximum of 60%
<p>Clause 55.03-4 Permeability Objectives To reduce the impact of increased stormwater run-off on the drainage system; To facilitate on-site stormwater infiltration.</p>	<p>Standard B9 (Can be varied) At least 20% of the site should not be covered by impervious surfaces.</p>	<p>Complies</p> <ul style="list-style-type: none"> Impervious area is 71%, which means 29% is non-impervious. Meets minimum required.
<p>Clause 55.03-5 Energy Efficiency Objectives To achieve and protect energy efficient dwellings and residential buildings; To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</p>	<p>Standard B10 (Can be varied) Buildings should be:</p> <ul style="list-style-type: none"> Orientated to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Living areas and private open space should be located on the north side of 	<p>Complies</p> <ul style="list-style-type: none"> Proposed dwellings are orientated in a way that will allow utilisation of solar energy. Dwellings are to be designed using materials that will allow the achievement of a minimum 6 star energy rating.

Objectives	Standards	Compliance
	<p>the dwelling, if practicable.</p> <ul style="list-style-type: none"> • Developments should be designed so that solar access to north-facing windows is maximised. 	
<p>Clause 55.03-6 Open Space Objective To integrate the layout of the development with any public or communal open space provided in or adjacent to the development</p>	<p>Standard B11 (Can be varied) Any public or communal open space should:</p> <ul style="list-style-type: none"> • be substantially fronted by dwellings, where appropriate; • provide outlook for as many dwellings as practicable • be designed to protect any natural features on the site; and • be accessible and useable. 	<p>N/A</p> <ul style="list-style-type: none"> • No communal open space is provided as it is two dwellings on two proposed lots.
<p>Clause 55.03-7 Safety Objective To ensure the layout of development provides for the safety and security of residents and property</p>	<p>Standard B12 (Can be varied) Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies</p> <ul style="list-style-type: none"> • Entrances to the two dwellings will not be obscured. • Proposed townhouse 1 will be easily visible from the street (area of visibility: vehicular access area to garage+ entry to the front of the house) with the reduced site setback contributing to its visibility. • The entrance to proposed townhouse 2 will be visible from the street (though at a distance) with the incorporation of a gate (and portico within the gated area) contributing to perceptions of safety. • Sufficient lighting and car parking presence already exists on the street.
<p>Clause 55.03-8 Landscaping Objectives To encourage development that respects the landscape character of the neighbourhood; To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance; To provide appropriate landscaping; To encourage the retention of mature vegetation on the site</p>	<p>Standard B13 (Can be varied)</p> <ul style="list-style-type: none"> • The landscape layout and design should: • Protect any predominant landscape features of the neighbourhood. • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. 	<p>Complies</p> <ul style="list-style-type: none"> • The applicant has submitted a landscape plan which shows areas to be landscaped and the type of plants/vegetation to be used. • Officers consider that this plan is an appropriate response to the site and area context. • As a condition on any permit to issue, a formal landscape plan that meets council standards will need to be submitted prior to development commencing. • With the inclusion of this as a condition on any permit to issue, Officers deem the standard met.

Objectives	Standards	Compliance
	<ul style="list-style-type: none"> Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. The landscape design should specify landscape themes, vegetation (location and species), paving and lighting. Development should meet any additional landscape requirements specified in a schedule to the zone 	
<p>Clause 55.03-9 Access Objectives To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>Standard B14 (Can be varied)</p> <ul style="list-style-type: none"> The width of accessways or car spaces should not exceed: 33 per cent of the street frontage, or if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. No more than one single-width crossover should be provided for each dwelling fronting a street. The location of crossovers should maximise the retention of on-street car parking spaces. The number of access points to a road in a Road Zone should be minimised. Developments must provide for access for service, emergency and delivery vehicles.. 	<p>Varied</p> <ul style="list-style-type: none"> As the width of the street frontage is less than 20m (17.37m), 40% is the maximum here. Proposed access-way is 3.0m in width. The existing vehicular crossover is also 3.0m wide. This amounts to 34.5% of the site's street frontage. While the development proposes two crossovers to the street, Officers do not consider this unreasonable as it would not disrupt use of land currently enjoyed nor remove any marked car parking spaces. On balance, Officers consider that the access objective is met.
<p>Clause 55.03-10 Parking Location Objectives To provide for convenient parking for residents and visitor vehicles; To avoid parking and traffic difficulties in the development and the neighbourhood; To protect residents from vehicular noise within developments</p>	<p>Summary of Standard B15 (Can be varied) Car parking facilities should: Be reasonably close and convenient to dwellings and residential buildings;</p> <ul style="list-style-type: none"> Be secure; Be designed to allow safe and efficient movements within the development. Be well ventilated if enclosed. Large parking areas should be broken up with trees, buildings or different surface treatments. Shared accessways or car parks of other dwellings 	<p>Complies</p> <ul style="list-style-type: none"> The proposed garages are located and designed in a way that ensure security for vehicles (e.g. separate entry points) and pedestrians and provides adequate levels of amenity. The relatively lengthy concrete driveway access to townhouse 2 will be broken up by a delineator and different materials (compacted decomposed granite paving). There is also a lawn that will separate the two concrete driveways.

Objectives	Standards	Compliance
	<p>and residential buildings should be located at least 1.5m from habitable room windows. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.</p>	
<p>Clause 55.04-1 Side and Rear Setbacks Objective To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p>Summary of Standard B17 (variable) New building not on, or within 150 mm of boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> • 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m. • Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard. 	<p>Complies</p> <ul style="list-style-type: none"> • The required rear and side setbacks standard setback is 1m and for every metre above 3.6m is an additional 0.3m. • Verandahs (which would include pergolas etc.) can encroach a further 0.5m into this setback. • The peak rear and side setback for the dwellings maximum is therefore 1.96m (based on a height of 6.8m). The proposal does not exceed this. • Ground floor setbacks for the proposed dwellings are also met (1m maximum)
<p>Clause 55.04-2 Walls on Boundaries Objective To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p>Standard B18 (Can be varied) New wall on or within 200mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> • 10m plus 25% of the remaining length of the boundary of an adjoining lot; or the length of an existing or simultaneously constructed wall or carport whichever is the greater. • A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary. • A building on a boundary includes a building up to 150mm from a boundary. • New walls on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m • of a side or rear boundary 	<p>Complies</p> <ul style="list-style-type: none"> • Only 1 boundary wall is proposed (garage for proposed townhouse 1). It runs for 7.09m. • The wall is 3.2m high. • The maximum length of boundary wall permitted is 19.24m. • Therefore this boundary wall complies with the standard.

Objectives	Standards	Compliance
	<p>should not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall.</p>	
<p>Clause 55.04-3 Daylight to existing windows objective To allow adequate daylight into existing habitable room windows.</p>	<p>Standard B19 (Can be varied) Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m² and 1m clear to the sky. The area may include land on the abutting lot. Walls or carports more than 3m high opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Note: Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.</p>	<p>Complies</p> <ul style="list-style-type: none"> The proposed development will not interrupt daylight to the existing habitable rooms of neighbouring properties (distance negates this)
<p>Clause 55.04-4 North-facing windows objective To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20 (Can be varied) If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building should be setback from the boundary: 1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window.</p>	<p>Complies</p> <ul style="list-style-type: none"> There is a significant buffer between the location of the proposed dwellings and the north facing windows of the dwellings to the south. The solar access to these windows will therefore not be disrupted.
<p>Clause 55.04-5 Overshadowing open space objective To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Standard B21 (Can be varied) Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m² with a minimum dimension of 3m, whichever is the lesser area, of the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September. If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies</p> <ul style="list-style-type: none"> The applicant has submitted plans which show the expected overshadowing of the private open spaces of adjoining lots. 9 Anzac Street & 43 Sutherland Ave are the two properties that will principally be affected by overshadowing. However overshadowing of the private open spaces of these properties will be much lower than what the standard allows for (in both percentage and square metre terms).
<p>Clause 55.04-6 Overlooking objective To limit views into existing secluded private open space</p>	<p>Standard B22 (Can be varied) Habitable room windows, balconies, terraces etc should be located and designed to</p>	<p>Complies</p> <ul style="list-style-type: none"> None of the first floor habitable windows provide overlooking into the private

Objectives	Standards	Compliance
and habitable room windows.	avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window, balcony etc.	open spaces of adjoining dwellings. <ul style="list-style-type: none"> Overlooking is therefore of minimal concern.
Clause 55.04-7 Internal Views Objective To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development	Standard B23 (Can be varied) Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and in the same development.	Complies <ul style="list-style-type: none"> None of the proposed windows will allow for overlooking into the private open spaces of the other dwelling.
Clause 55.04-8 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Standard B24 Noise sources should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and private open space should consider noise sources on immediately adjacent properties. Noise levels should be limited in habitable rooms in dwellings and residential buildings. Dwellings and residential buildings should be designed to limit noise levels in habitable rooms close to busy roads, railway lines or industry.	Complies <ul style="list-style-type: none"> Not considered relevant as this is a two dwelling development.
Clause 55.05-1 Accessibility Consider people with limited mobility in the design of developments.	Standard B25 Dwelling entries of the ground floor of buildings should be accessible or able to be easily made accessible to people with limited mobility.	Complies <ul style="list-style-type: none"> The front entries to the proposed town houses will utilise minimal steps in order to provide ease of access to those with limited mobility. Officers consider this to be an adequate response to both the objective and standard.
Clause 55.05-2 Dwelling Entry Provide a sense of identity to each dwelling/residential building	Standard B26 Entries are to be visible and easily identifiable from streets and other public areas. The entries should provide shelter, a sense of personal address and a transitional space.	Complies <ul style="list-style-type: none"> Both proposed dwellings incorporate an alfresco/portico to the front which will provide the dwellings with their own sense of identity, shelter and transition.

Objectives	Standards	Compliance
<p>Clause 55.05-3 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	<p>Standard B27 Habitable room windows to face:</p> <ul style="list-style-type: none"> ■ Outdoor space open to the sky or light court with minimum area of 3sqm and a min. dimension of 1m clear to the sky or; ■ Verandah, provided it is open for at least one third of its perimeter or; ■ A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>Complies</p> <ul style="list-style-type: none"> • Each habitable room window will face outdoor space clear to the sky or at a minimum meet the minimum of 3m² and 1m clear to the sky for a light court.
<p>Clause 55.05-4 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space</p>	<p>Standard B28 Unless specified in the schedule to the zone, a dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> ■ 40sqm with one part at the side or rear of the dwelling/residential building with a minimum dimension of 3m, a minimum area of 25sqm and convenient access from a living room or; ■ Balcony - minimum 8sqm, minimum width 1.6m and accessed from living room or; ■ Roof-top – minimum 10sqm, minimum width 2m and convenient access from living room 	<p>Complies</p> <ul style="list-style-type: none"> • Private open space for both proposed dwellings exceeds 40m², an appropriate level given the site context.
<p>Clause 55.05-5 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Standard B29 The private open space should be located on the north side of the dwelling if appropriate. Southern boundary of open space should be setback from any wall on the north of the space at least $(2+0.9h)h$ = height of wall.</p>	<p>Complies</p> <ul style="list-style-type: none"> • The private open spaces are located to the north.
<p>Clause 55.05-6 Storage Provide adequate storage facilities for each dwelling.</p>	<p>Standard B30 Each dwelling should have access to a minimum 6m³ of externally accessible, secure storage space.</p>	<p>Complies</p> <ul style="list-style-type: none"> • The two dwellings will contain at least 6m³ of storage space.
<p>Clause 55.06-1 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Standard B31 (Can be varied)</p> <ol style="list-style-type: none"> 1. Design of buildings should respect the existing or preferred neighbourhood character and address: <ul style="list-style-type: none"> ■ Façade articulation & 	<p>Complies</p> <ul style="list-style-type: none"> • The design of the proposed dwellings (and their garages) strikes an appropriate balance between the existing (lower

Objectives	Standards	Compliance
	detailing. <ul style="list-style-type: none"> ■ Window and door proportions. ■ Roof form. ■ Verandahs, eaves and parapets. Garages and carports should be visually compatible with the development and neighbourhood character.	scale, detached housing with pitched roofs) and preferred neighbourhood character (increased residential density, smaller setbacks etc.).
Clause 55.06-2 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character	Standard B32 (Can be varied) The front fence should complement the design of the dwelling or any front fences on adjoining properties. A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone or if no max. specified, the front fence should not exceed: <ul style="list-style-type: none"> ■ 2m if abutting a Road Zone, Category 1. ■ 1.5m in any other streets 	N/A <ul style="list-style-type: none"> • No front fence is proposed as a front fence already exists.
Clause 55.06-3 Common Property Objectives To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained; To avoid future management difficulties in areas of common ownership	Standard B33 (Can be varied) Developments should clearly delineate public, communal and private areas. Common property where provided, should be functional and capable of efficient management.	Complies <ul style="list-style-type: none"> • A 6m² common property area is provided in the south-eastern corner for mailboxes and drainage infrastructure which will be reasonably delineated from the street and private areas on the dwelling.
Clause 55.06-4 Site Services Objectives To ensure that site services can be installed and easily maintained; To ensure that site facilities are accessible, adequate and attractive	Standard B34 (Can be varied)	Complies <ul style="list-style-type: none"> • The site is located within inner Shepparton. Sufficient space and access points are available and thus site services can easily be maintained and installed.

56 Residential Subdivision

Clause 56 (Residential Subdivision) applies to the development. An assessment of the proposal against the relevant objectives and standards of Clause 56 is provided as follows.

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
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<p>C6 Neighbourhood Character Objective To design subdivision that respond to neighbourhood character.</p>	<ul style="list-style-type: none"> • Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme. • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. 	<p>Complies</p> <ul style="list-style-type: none"> • The site is located in an incremental change area which encourages development that respects the existing neighbourhood character (i.e. larger residential lots that can house single storey detached dwellings) while contributing to the preferred neighbourhood character (lots that can support denser residential development) • The proposed subdivision provides lots that strike the required balance, allowing sufficient space for open space and garden area/setbacks within reason that adequately respect the existing character while contributing to the densification of the area. • The significance of the mature tree to the front (most significant vegetation visible to the street) will not be undermined as a result of the proposed subdivision.
<p>C8 Lot area and building envelopes objective To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>Lots of between 300 square metres and 500 square metres should: Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</p> <p>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</p> <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p>	<p>Complies</p> <ul style="list-style-type: none"> • Proposed Lot 1 is 352m² and its dimensions (length x width) can support a 9m X 15m building envelope. • Proposed Lot 2 is 457m² and can support a 10m X 15m envelope.
<p>C10 Street orientation objective To provide a lot layout that contributes to community social interaction, personal safety and property security.</p>	<p>Subdivision should increase visibility and surveillance by: Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads. Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space. Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space</p>	<p>Complies</p> <ul style="list-style-type: none"> • The proposed lots are orientated to face Dunrobin Street. • The proposed lots have their own dedicated access points to Dunrobin Street. • Neither have access to another street. • There are sufficient opportunities for passive surveillance.

	boundaries. Providing roads and streets along public open space boundaries.	
<p>C11 Common Area To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<ul style="list-style-type: none"> An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: <ul style="list-style-type: none"> The common area to be owned by the body corporate, including any streets and open space. The reasons why the area should be commonly held. Lots participating in the body corporate. The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. 	<p>✓ Complies</p> <p>Comments:</p> <ul style="list-style-type: none"> A 6m2 common property area at the south-eastern corner of the site is proposed. It will house mailboxes and also drainage outlet. As a condition on any permit to issue, and before the statement of compliance is issued, plans/written submission explaining the ownership arrangement of the common property area will need to be submitted.
<p>C21 Lot Access To provide for safe vehicle access between roads and lots.</p>	<ul style="list-style-type: none"> Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	<p>✓ Complies</p> <ul style="list-style-type: none"> Neither of the proposed lots are less than 300 square metres in size. Separate vehicle access points have been proposed for the two dwellings, with Lot 1's access being more immediate to the street. The applicant has submitted a vehicle movement plan that shows how vehicles will enter and exit Lot 2. This plan demonstrates appropriate movement paths (including providing sufficient space for a forward direction vehicular exit). The crossover will be designed in accordance with council standards.
<p>C22 Drink Water supply To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.</p>	<ul style="list-style-type: none"> The supply of drinking water must be: <ul style="list-style-type: none"> Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<p>✓ Complies.</p> <ul style="list-style-type: none"> The subject site is located within inner Shepparton. Sufficient drinking water supply is therefore available. Goulburn Valley Water's conditions of consent will be included on any permit to issue.
<p>C23 Reused and recycled water To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<ul style="list-style-type: none"> Reused and recycled water supply systems must be: <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. <p>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>✓ Complies</p> <ul style="list-style-type: none"> Goulburn Valley Water provides for sewerage services (and treatment thereafter) at this site.

<p>C24 Waste Water Management To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<ul style="list-style-type: none"> • Waste water systems must be: <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. - Consistent with any relevant approved domestic waste water management plan. <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>✓ Complies</p> <ul style="list-style-type: none"> • The site is within an area of Shepparton connected to reticulated sewerage services. Waste management capabilities on the site are therefore adequate.
<p>C25 Urban Run-off Management To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<ul style="list-style-type: none"> • The urban stormwater management system must be: <ul style="list-style-type: none"> - Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. - Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. - Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. - Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. • The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design. <ul style="list-style-type: none"> - Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. - Include water sensitive urban design features to manage run-off in streets and public open 	<p>✓ Complies</p> <ul style="list-style-type: none"> • The application was referred to Council's Development Engineers which consented to the proposal subject to conditions. • It is considered that the inclusion of the drainage conditions received from the development engineers on any permit to issue will be adequate.

	space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.	
<p>C26 Site Management To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<ul style="list-style-type: none"> • A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: <ul style="list-style-type: none"> - Erosion and sediment. - Dust. - Run-off. - Litter, concrete and other construction wastes. - Chemical contamination. - Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>✓ Complies</p> <ul style="list-style-type: none"> • Officers consider that the inclusion of appropriate civil construction and general amenity conditions on any permit to issue will meet this objective and standard.
<p>C27 Shared Trenching To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<ul style="list-style-type: none"> • Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services. 	<p>✓ Complies</p> <ul style="list-style-type: none"> • The applicant submits that shared trenching will be used where feasible. • Officers consider that this objective is met.
<p>C28 Electricity, Telecommunications and Gas To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<ul style="list-style-type: none"> • The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. • Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. • The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority. • Where available, the reticulated gas supply system must be designed in accordance with 	<p>✓ Complies</p> <ul style="list-style-type: none"> • As a condition on any permit to issue, consent from the relevant utility providers must be received before a Statement of Compliance is issued.

	the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.	
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Conclusion to Clause 55 & 56 Assessment

As the proposal meets either the relevant standards or an alternative arrangement that still meets the relevant objective(s) of Clauses 55 & 56, Officers consider that the proposal is consistent with the relevant provisions of Clause 55 and 56.

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.

65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.

- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Officer Assessment

The application seeks planning permission for the construction of two dwellings (3-bedroom double storey town houses) on a lot and a two lot subdivision in the General Residential Zone – Schedule 1 (GRZ1).

The zone requires an assessment against Clauses 55 & 56. The assessment in the previous section concluded that the proposal complies with their requirements. An assessment against the other relevant planning provisions and the neighbourhood character provisions follows.

GRZ1 Assessment

The primary planning control for this application is the relevant provisions of the GRZ1. Officers consider that the application is consistent with the relevant GRZ1 provisions for the following reasons:

- The application is consistent with the purpose of encouraging diversity in dwelling types.
- The application is consistent with the purpose of encouraging housing growth as it proposes the replacement of 1 dwelling with 2.
- The application responds positively to the relevant character requirements and provisions under Clause 55 & 56.
- The proposed development will not interfere with existing rooftop solar energy facilities.

Neighbourhood character and overdevelopment concerns

The Scheme at various points emphasises that new developments should respect the existing character of an area while contributing to the preferred character (if applicable). Further, emphasis is placed on striking an appropriate balance between the amenity offered to proposed dwellings and mitigating negative amenity impacts on adjoining/nearby properties. Given these two considerations go to the heart of the objections received for this application, they require further assessment.

Planning Practice Note 43 by the Department of Environment, Land, Water & Planning (DELWP) describes neighbourhood character in the following terms:

Neighbourhood character is essentially the combination of the public and private realms. Every property, public place or piece of infrastructure makes a contribution, whether great or small. It is the cumulative impact of all these contributions that establishes neighbourhood character. The key to understanding character is being able to describe how the features of an area come together to give that area its own particular character. Breaking up character into discrete features and characteristics misses out on the relationships between these features and characteristics. Understanding how these relationships physically appear on the ground is usually the most important aspect in establishing the character of the area.

Existing neighbourhood character by definition relates to existing built forms and land features that characterise an area while the preferred future character pertains to the development aspirations for a given area. Most importantly, 'respecting neighbourhood character' does not mean the mere replication of existing dwelling patterns.

The site is within land that the Scheme designates as an 'Incremental Change Area' (see Clause 21.04-2 of the Scheme). The Clause describes neighbourhood character in the following terms:

- *When considering an application for a dwelling in an incremental change area, Council will be guided by the following provisions:*

- *Low-scale, medium density dwellings that respect existing neighbourhood character, particularly in areas that are in close proximity to shops, facilities, services and amenities shall be encouraged.*
- *New development that increases residential densities and is sensitively designed to respond to the existing neighbourhood character shall be supported.*

Relevant strategies for managing residential development in such areas include:

- *Encourage low scale medium density housing development that respects existing neighbourhood character, particularly in areas that are in close proximity to significant shops, facilities, services and amenities.*
- *Support development which increases residential densities while respecting the character of the neighbourhood.*
- *Ensure that new development does not cause significant new overlooking, overshadowing, and excess visual bulk impacts on adjacent housing.*
- *Encourage a high standard of design for new development and major renovations.*
- *Support and encourage environmentally friendly technologies for new development and major renovations.*

Overdevelopment of land in contrast can be read as development that has unreasonable impacts on the amenity of adjoining and nearing properties flowing from its built form. The signs of overdevelopment were briefly described in *Knights v Greater Geelong CC [2004] VCAT 263* at [12]:

In applications involving site overdevelopment, the symptoms are always obvious. There will be excessive site coverage, minimal setbacks, the overshadowing or overlooking of nearby properties, minimal areas of private open space and the like.

Having assessed the application against the above, Officers consider that the application is an adequate response to the relevant neighbourhood character provisions and does not amount to an overdevelopment of the land for the following reasons:

Neighbourhood character assessment

- a) The site is in an incremental change area where increased residential densities are supported with view of gradually changing the dwelling pattern in the area. An appropriate balance therefore has to be struck between the existing neighbourhood character and contribution to the preferred neighbourhood character.
- b) As indicated under the subject site & locality section of this report that the area lacks consistency in terms setbacks for dwellings, materials used for dwellings, garden area provided & location, fencing and the like.
- c) Further, while most of the dwellings within immediate proximity to the site are single storey pitched roof dwellings, there are a number of multi-residential developments in the immediate area, including 3 units at 45 Dunrobin Street and 3 units at 53

Sutherland Ave. There is also a double storey dwelling under construction at the corner of Baker and Sutherland Aves.

- d) These developments indicate that a gradual transformation of the immediate locality is occurring.
- e) Officers therefore consider it reasonable to consider the proposed development as merely contributing to this gradual change rather than a development out of step with the long term trajectory of the area.
- f) Where the proposed development significantly differs to what is immediately around it is the design of the roofs and the 6.8m building height (as highlighted by Objector 2).
- g) Officers however do not consider the proposed building heights to be excessive given that they are a reduction that what is ordinarily expected with two storey developments. The heights can be read as an acceptable compromise between the imperative to respect the existing neighbourhood character and the clear policy support for contribution to increased residential density and diversity.
- h) Further, it is considered that the proposed flat roofs are acceptable given that the site is in an incremental change area where long term substantial change is expected in the direction of increased density (and therefore likely significant changes to, and diversity in, the design of dwellings).

Overdevelopment assessment

- i) As noted earlier, the scale of the development can be read in terms of the proposed site coverage and setbacks, overshadowing on the private open spaces of adjoining lots, the height and length of walls on the boundaries and the sizes of the private open spaces provided for the dwellings.
- j) The submitted plans indicate that the proposed site coverage is not excessive (50% site coverage: maximum is 60%), the length of the garage boundary wall for proposed Townhouse 1 is well within limit (7.09m in length and 3.2m height; maximum length allowed is 19.24m), the proposed side and rear setbacks are within limit, and the overshadowing of adjoining lots is reasonable (of the adjoining lots only 43 Sutherland Ave and 9 Anzac Street will see overshadowing on its open private open space areas, both within reasonable limits).
- k) While the proposed front setback (4m) is smaller than the setback on the northern adjoining lot, the differential is relatively insignificant, and given that the proposed setback is in keeping with the site's existing front setback, and that increased densities are supported in this area along with the proposed development's positive response to the signs overdevelopment on a site, this smaller setback in it of itself does not equate to an overdevelopment.

In summary, Officers consider that the proposed development strikes an appropriate balance between competing planning objectives, finding an acceptable medium between the existing and preferred neighbourhood character. Officers do not consider that the proposed development reflects an overdevelopment of the land nor will it undermine the amenity of the adjoining properties.

PFF & LPPF Assessment

Officers consider that the application is consistent with the relevant PFF & LPPF provisions for the following reasons:

- There is a slow but steady transformation in the pattern of residential development in the immediate locality in the direction of increased density.
- The proposal provides for denser residential living in an area designated in the Scheme as fit for such development (see incremental change areas under Clause 21.04-2 of the Scheme & also Greater Shepparton Housing Strategy 2011) while respecting the existing neighbourhood character.
- The proposed site is located in an advantageous area with regards to access to shops/retail premises/schools as well as utility connections.

Land use conflicts & property value decline concerns

- As noted previously, Objector 1 (owner of western adjoining lot) and Objector 2 (owner of northern adjoining lot) raised concerns over a potential decline in property value and future land use conflicts should the development be approved respectively.
- With respect to the former, established VCAT precedent stipulates that property value considerations are of no *direct relevance* to planning permit application assessments (though naturally amenity considerations indirectly do touch upon them).
- As Officers consider that the application to be acceptable from an amenity impact perspective, Officers consider the application to be acceptable.
- With respect to the latter concern, the site is located in an established residential area of Shepparton. The zone's purposes gives preference to residential use over any other type of uses. Given that the land use conflict pertains to an alfresco on one side and metal/wood workshop activities on the other, Officers consider that the former use approximates more closely the type of use of land given preference in the zone.
- Officers therefore do not consider this concern as sufficient of a reason to warrant the inclusion of noise mitigation structures.

Conclusion

On balance, Officers consider that the application reflects an acceptable and orderly planning outcome. Clause 71.02-2 of the Scheme stipulates the following:

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Having regard to this, Officers recommend that a planning permit issue.

Relevant incorporated or reference documents

- The Greater Shepparton Housing Strategy 2011
- Greater Shepparton 2030 Strategy

Other relevant adopted State policies or strategies policies

- No other relevant adopted state policies

Relevant Planning Scheme amendments

- No relevant planning scheme amendments

Are there any significant social & economic effects?

- There are no significant social & economic effects associated with this application.

Discuss any other relevant Acts that relate to the application?

- No other relevant acts.

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

In assessing the application for a planning permit the Charter of Human Rights and Responsibilities has been considered and the application does not impinge on the charter.

Conclusion

As the application provides for an acceptable planning outcome it is recommended that a planning permit issue.

Draft Notice Of Decision

APPLICATION NO: 2019-202
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: 46 DUNROBIN STREET SHEPPARTON
VIC 3630

WHAT THE PERMIT WILL ALLOW: CONSTRUCTION OF TWO DWELLINGS
AND A TWO LOT SUBDIVISION IN THE
GENERAL RESIDENTIAL ZONE 1

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. **Amended Plans Required**

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions included. Such plans must be generally in accordance with the plan submitted with the application but modified to show:

- a) Notation to acknowledge areas of proposed boundary fencing on the north and south boundaries to be constructed to a height of 1.95m consisting of a 1.8 m high colourbond fence with a 150mm timber plinth (excluding the 2.6m high fence for overlooking)
- b) A design of the boundary fence which is proposed to be 2.6m in height to the satisfaction of the responsible authority.

2. **Layout Not Altered**

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

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

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

4. Drainage Discharge Plan

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

- a) how the land will be drained;
- b) underground pipe drains conveying stormwater to the legal point of discharge;
- c) except with the consent of the responsible authority, incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- d) provision of an electronic copy of the MUSIC model (or equivalent) demonstrating achievement of the required reduction of pollutant removal;
- e) maximum discharge rate shall not be more than **(37)** lit/sec/ha with **(12)** litres (Tank/Basin) or **(14)** litres (Pipe) of storage for every square metre of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority);
- f) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by the responsible authority;
- g) any redundant kerb adaptor must be removed and reinstated to match the existing profile to the satisfaction of responsible authority.

Before the occupation of the dwellings all drainage works required by the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

5. Construction Phase

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

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

6. Urban Vehicle Crossing and Footpath Requirements

Before the dwellings are occupied the vehicular crossing shall be constructed in accordance with the endorsed plans and constructed to Council's Infrastructure Design Manual standard drawing SD235 and SD205 and must:

- a) be constructed at right angles to the road, and any redundant crossing/kerb

- adaptor shall be removed and reinstated to match the existing profile.
- b) be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree;
 - c) residential vehicular crossings shall not be less than 3 metres nor more than 6 metres in width and shall be constructed from concrete or other material as approved in writing by the responsible authority;
 - d) be at least 9 meters apart; and
 - e) damaged footpath sections near the proposed access of proposed Lot 2 must be replaced and reinstated in accordance with IDM Standard SD205.
- to the satisfaction of the responsible authority.

7. Internal Access

Before the occupation of the dwellings the areas set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) surfaced with concrete
- b) drained in accordance with an approved drainage plan;
- c) properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land;
- d) treated with measures to prevent damage to fences or landscaped areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing to the satisfaction of the responsible authority.

to the satisfaction of the responsible authority.

8. Underground Electricity Connection

Before the occupation of the proposed dwellings, the electricity connections must be undergrounded to the satisfaction of the responsible authority.

9. Compliance to Development Permit

Before a Statement of Compliance is issued under the *Subdivision Act 1988*, the works listed in planning permit number 2019-202 must be completed to the satisfaction of the responsible authority.

10. Form 13

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

11. Referral Authority Requirements

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

12. Telecommunications Referral Condition

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

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

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

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

13. Goulburn Valley Region Water Corporation Requirements

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

- b) Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;
- c) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;
- d) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- e) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and include disconnection of any existing house connection drain to the satisfaction of the Corporation's Property Services Section;
- f) Disconnection of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;
- g) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- h) A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development;
- i) Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation;
- j) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

14. Time for Starting and Completing

This permit expires if the development does not start (which includes the certification of the plan of subdivision under the *Subdivision Act, 1988*) within two years of the date of the permit or the development is not completed which includes Statement of Compliance within five years of the date of certification.

Application Details:

Responsible Officer:	Sally Edmunds
Application Number:	2019-74
Applicants Name:	Bruce Mactier Building Designers
Date Application Received:	3 April 2019
Statutory Days:	
Land/Address:	73 Old Dookie Road SHEPPARTON VIC 3630
Zoning and Overlays:	Industrial 1 Zone Abuts RDZ2
Why is a permit required (include Permit Triggers):	33.01-1 Use of land for materials recycling/transfer station in the Industrial 1 Zone 33.01-4 Buildings and works in the Industrial 1 Zone 52.06-3 Reduction in car parking requirements
Are there any Restrictive Covenants on the title?	No

Proposal

The application proposes to use and develop the land to expand an existing materials recycling facility. The activities undertaken include the storage and transfer of waste and truck wash facility.

This application seeks permission to expand the existing Cleanaway operations across the entire site. Previously the land was used for two uses; Cleanaway and car wreckers. On this basis this application seeks permission for:

- Use of land for materials recycler/ transfer station;
- Buildings and works in the Industrial 1 Zone for the proposed shed of 2,035sqm; and
- Reduction in car parking for 1578sqm as that is the 10% site area for car parking required under Clause 52.06-5

The proposed shed will store general waste and trucks. To minimise odour, the shed will have filtered water with air freshener spraying from the roof and the shed will be emptied by a B Double daily to Melbourne.

EPA considered the uses amenity impacts and consented to grant a permit subject to conditions controlling wastewater, dust and pollution control.

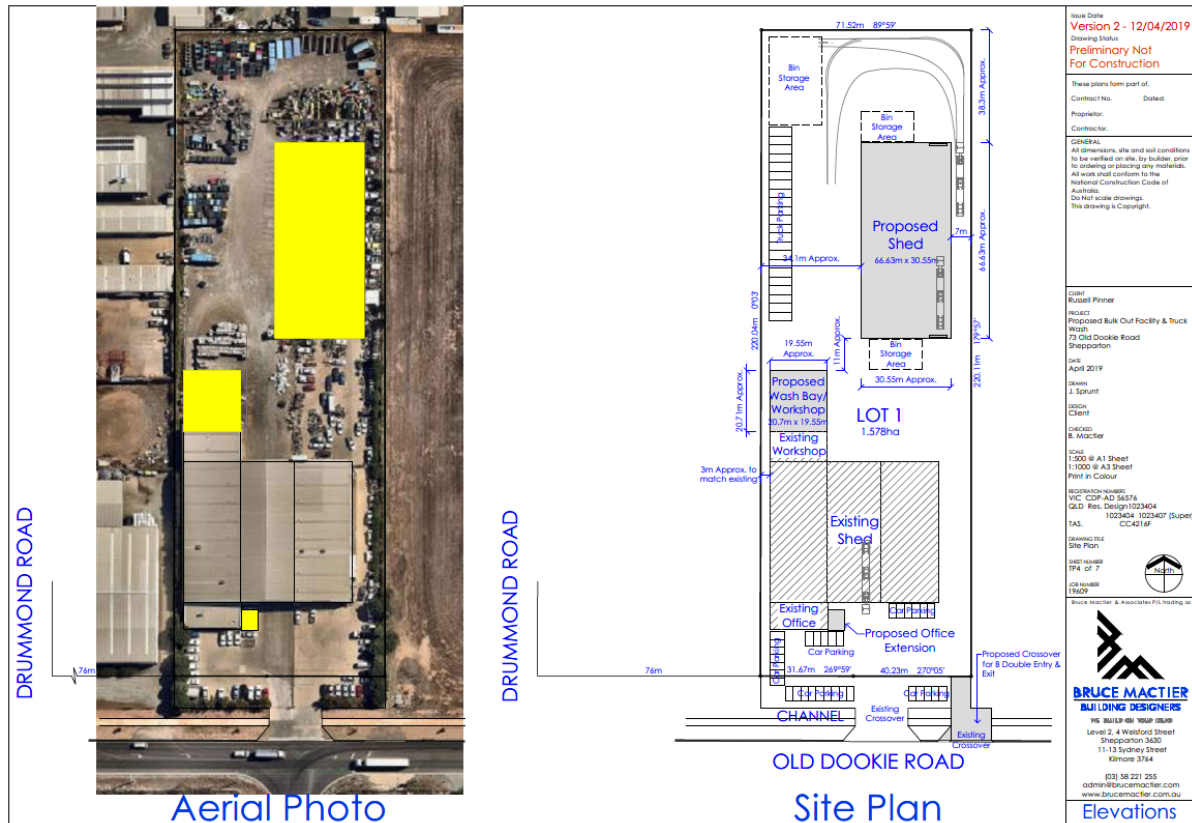
Officers placed the application on public notice and one objection was received from 87 Old Dookie Road which abuts the land to the east. The grounds of the objection relate to the B Double entry crossover, the existing drainage system, car parking and the use of land for a transfer station.

Officers consider that the concerns raised in the objection can be addressed within conditions to a permit should one grant and therefore do not believe that the objection warrants refusal of the application.

Officers consider that the following conditions will satisfy the objectors concerns:

- The requirement for a drainage discharge plan in accordance with the IDM with a restricted discharge rate of 1.2l/s/ha
- A works within road reserves permit will need to be obtained prior to any works to upgrade the existing crossovers as per the engineering conditions.

Plans of the proposal are below:



The main assessment concern associated with the application is adequate drainage from the site and the compatibility of the materials recycling use to surrounding uses. Officers have considered the application and recommend that a NOD to grant a permit be issued for the following reasons:

- The planning scheme encourages appropriately located materials recycling uses to divert materials from land fill and move towards a zero waste state.
- Officers consider that the location for the materials recycling facility is appropriately located due to freight links and lack of proximity to residential zones.
- Officers require a drainage plan as part of the conditions on the NOD to determine computations for the retardation on site.

Summary of Key Issues

The land is within the Industrial 1 Zone which lists materials recycling as a Section 2 Use.

Officers placed the application on public notice and one objection was received from 87 Old Dookie Road which abuts the land to the east. The grounds of the objection relate to the B

Double entry crossover, the existing drainage system, car parking and the use of land for a transfer station.

The application was sent to referral and notice and the authorities consented to the application subject to conditions.

It is considered the proposed use of land for materials recycling is acceptable for the following reasons:

- The scheme encourages the development of resource recovery to move Victoria towards zero waste
- The IN1Z is the most appropriate zone within Greater Shepparton to locate the use
- The land is remote from the nearest residential zone which is approximately 893m away.
- The use is setback more than 200 metres to the nearest dwelling not in the same ownership. Additionally the dwelling is not in a residential zone and therefore cannot expect the level of residential amenity enjoyed in a residential zone
- The land has direct access to high order roads being Old Dookie, which is designed to cater for heavy vehicle movements
- Appropriate permit conditions can adequately deal with offsite amenity impacts
- Officers require a Drainage Condition Plan as part of the conditions on the NOD to limit the lands discharge rate to 1.2l/s/ha.

Officers consider that the application complies with the Planning Scheme which encourages appropriately located materials recycling uses.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2019-74** 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 **33.01-1, 33.01-4 and 52.06-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **73 Old Dookie Road SHEPPARTON VIC 3630**, for the **Buildings and works for a materials recycling and transfer station facility in the Industrial 1 Zone and reduction in car parking requirements** in accordance with the Notice of Decision and the endorsed plans.

Moved by Colin Kalms subject to addition to cond 4 to provide for broader catchment analysis.

Seconded by Geraldine Christou

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2019-74** 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 **33.01-1, 33.01-4 and 52.06-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **73 Old Dookie Road SHEPPARTON VIC 3630**, for the **Buildings and works for a materials recycling and transfer station facility in the Industrial 1 Zone and reduction in car parking requirements** 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: **13 August 2019**

Time: **10:00am**

The site has a total area of **1.67ha** and currently contains:

- Cleanaway waste storage facility
- Vacant shed on eastern side of the property

The main site/locality characteristics are:

- Within a developed industrial area to the west and north
- Vacant land to the east
- Opposite GVW water tower
- Existing freight linkage

The Photos below show the existing site:



Existing unsealed crossover to Old Dookie Road



Existing crossover to Old Dookie Road



Existing open drain along eastern boundary



Location of proposed workshop extension



Stored baled waste including plastic and cardboard and proposed location of truck wash

View Location of proposed new shed at the rear of the property



Location of proposed new shed at the rear of the property

Open drain at the rear of the property that flows into 87 Old
Dookie Road



Location of proposed new shed at the rear of the property

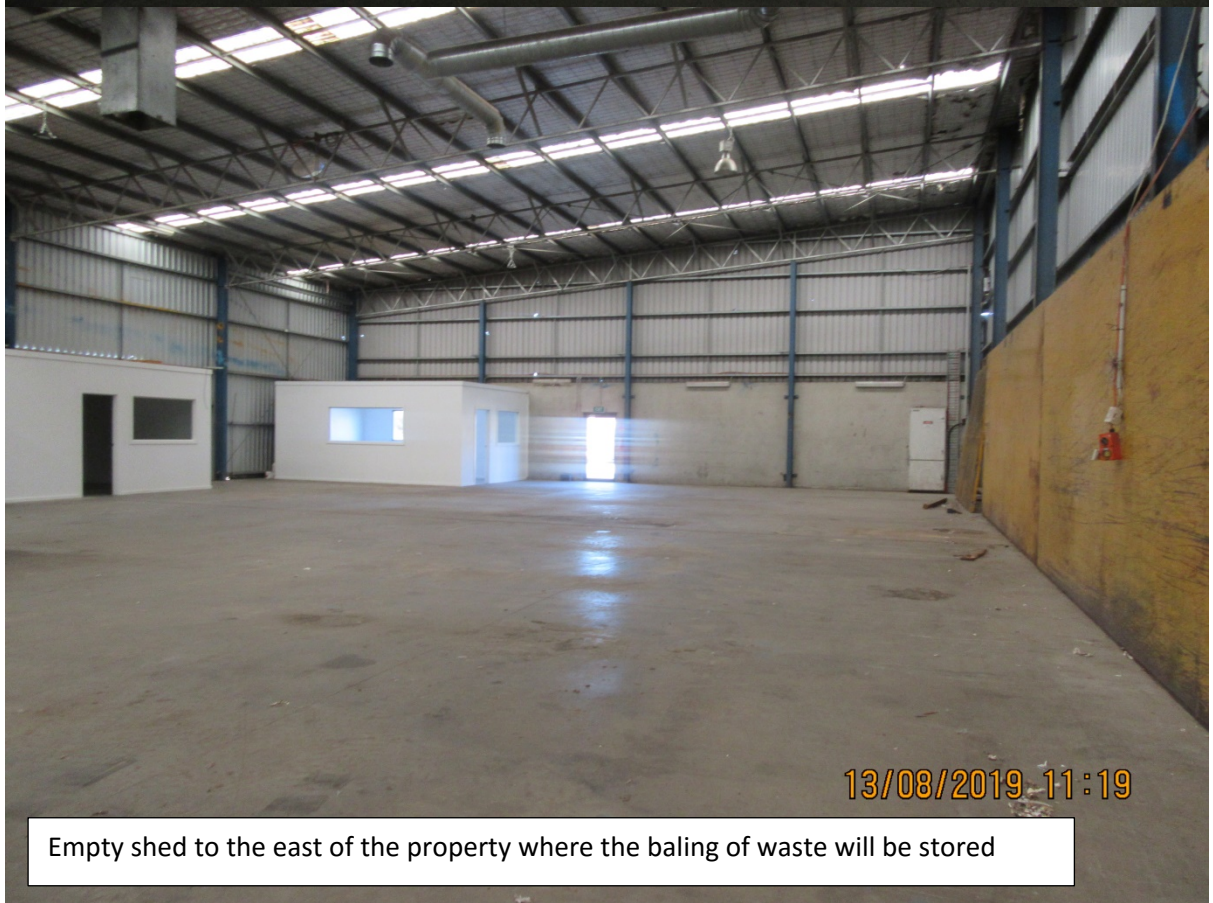


13/08/2019 11:16



13/08/2019 11:18

Existing shed where baling takes place





Permit/Site History

The history of the site includes:

- 1995-117 the use and development of land for the purpose of a transport depot
- 1995-76 the subdivision of land into two lots
- 2002-289 materials recycling facility
- 2012-220 Buildings and works in the Industrial 1 Zone and reduction in car parking requirements
- 2013-327 the land to be used for motor vehicle sales in the Industrial 1 Zone and variation to Clause 52.14
- 2013-327/A the land to be used for motor vehicle sales in the Industrial 1 Zone and variation to Clause 52.14

Further Information

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

What additional information is required?

- **A written explanation of the activities to be undertaken in the expanded Cleanaway site including details of additional truck movements, storage of waste, processing of waste and location of truck parking.**

- **Consideration of whether a works approval or licence is required from the EPA.**

What date was the information requested?: **29/4/19**

What is the lapse date? **29/5/19**

What date was the information received?: **7/5/19**

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **use of land and buildings and works for a materials recycling/transfer station in the Industrial 1 Zone**, by:

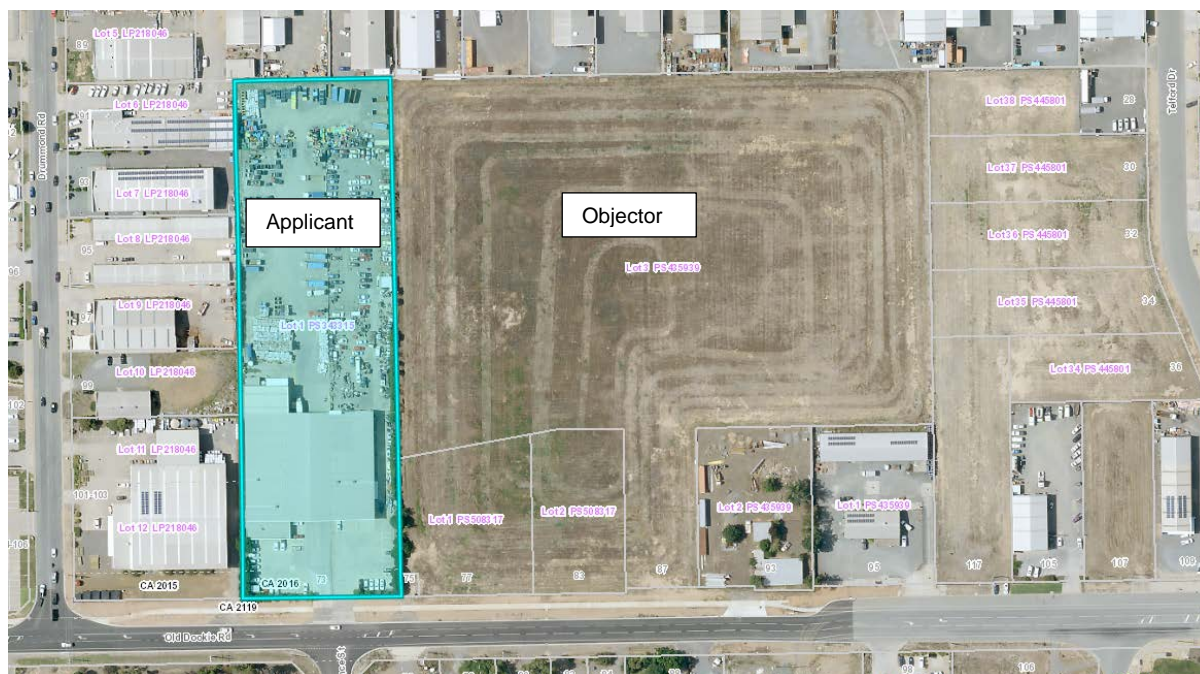
- Sending notices to the owners and occupiers of adjoining land.
- Sign on site.



The application was exempt from being advertised in accordance with Clause **33.01-4** of the planning scheme.

Objections

The Council has received **one** objection to date from the abutting neighbour 87 Old Dookie Road.



The key issues that were raised in the objections are.

Objection	Comments
The proposed B Double entry crossover on the eastern end is not contained at right angles to the developments boundary; this will prohibit future development options on our adjoining allotment.	A works within road reserves permit will need to be obtained prior to any works to upgrade the existing crossover. Officers require a swept paths analysis for the entry and exit to be undertaken by an engineer as part of the conditions on the permit.
The current drainage system is inadequate from the site and is a remnant of swale drains provided to cater to rural paddock runoff only. Any future development proposal must provide for a solution with regards to volume, retardation, treatment etc. The proposal must be designed to cater for; <ul style="list-style-type: none"> the increased flows due to the larger development any potential contaminations from the site discharging onto the adjacent site any contributions for drainage upgrades 	The requirement for a drainage discharge plan will satisfy any drainage concerns as the development will not be allowed to be undertaken prior to the endorsement of the plan. This will include drainage to and from the site.

required with consideration to the pre and post development flows.	
The car parking provided seems inadequate given the expansion almost doubles the size of the roofed area.	Officers consider that the addition of 11 new car parks is sufficient to meet the uses parking demand as 3 more staff is proposed. This leaves an additional 8 car parks for visitors.
I also believe the development should have restrictions dealing with the type of transfer station allowable on the site particularly in respect to what type of items are allowable on the site. Experience shows that as time passes businesses change and rarely are permits for use updated with these changes. My concerns are in regards to odour, litter, visual amenity and noise. The proposal does not detail the current and future uses of the site adequately.	<p>Officers consider that the use of land is compatible to surrounding industrial uses and that a transfer station is expected within an industrial area.</p> <p>Officers will place a condition on the NOD allowing only Cleanaway to operate a transfer and materials recycling facility to operate on the site.</p> <p>Officers referred the application to the EPA who consented to the application subject to conditions. One of the conditions being that dust and particles must not be discharged beyond the boundaries of the premises.</p>

Title Details

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

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Officers met on site on 16 May 2019 with the applicant, Bruce Mactier and Councils engineers. Items discussed were the ownership of the small lot between 73 Old Dookie Road and 87 Old Dookie Road, the Future Court basin capacity, catchment for the surrounding properties and the potential formal drainage agreement.
- Officers met at Council on 21 June 2019 to discuss drainage with the applicant, objector and Councils engineers. Officers tasked DTR Designs with formalising a drainage agreement between the objector and the applicant.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Goulburn Valley Water	Consented to the application subject to the following conditions: <ul style="list-style-type: none"> • Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley

	<p>Region Water Corporation.</p> <p>All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;</p> <ul style="list-style-type: none"> • Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement <p>The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted;</p>
EPA	<p>Consented to the application subject to the following conditions:</p> <ul style="list-style-type: none"> • Wastewater generated at the premises must be connected to a reticulated sewer. • Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises. • Pollution control devices including bunds and cut-off drains must be installed around the boundary of the operational areas to prevent contaminated run-off entering into a waterway or stormwater system. <p>A permit note advising the following should be included on any permit issued; The permit operator (occupier) must comply with the Waste Management Policy (Combustible Recyclable and Waste Materials), as published in Government Gazette No. S397 on 28 August 2018 to ensure that combustible and recyclable waste materials are managed and stored in a manner that minimises the risks of harm to human health and environment. Non-compliance with this policy could lead to sanctions under the Environment Protection Act 2018.</p>

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>Consented to the application subject to the following conditions:</p> <p><u>Car Park Construction Requirements</u></p> <p>Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' or <i>Australian Standard AS2890.1-2004 (Off Street Parking)</i> & <i>AS2890.6 (Off Street Parking for People with Disabilities)</i> and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions.</p> <p>Before the use or occupation of the development starts, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:</p> <ol style="list-style-type: none"> a) surfaced with an all-weather seal coat / surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust; b) constructed and completed to the satisfaction of the Responsible Authority; c) drained in accordance with an approved drainage plan; d) line-marked to indicate each car space and all access lanes; e) properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect

	<p>on adjoining land;</p> <ul style="list-style-type: none">f) measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;g) Provision of traffic control signage and or structures as required;h) All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.i) Details of turning movement of B-Double vehicles. <p>to the satisfaction of the responsibility authority.</p> <p>The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.</p> <p><u>Urban Vehicle Crossing Requirements</u></p> <p>Before the Statement of Compliance vehicular crossings shall be constructed in accordance with the endorsed plan(s) and constructed to Councils IDM standard drawing (<i>SD250</i>), and must:</p> <ul style="list-style-type: none">f) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);g) be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree;h) Commercial vehicular crossings shall not be less than 6 metres nor more than 9.8 m (double crossing) in width and shall be constructed from concrete or other material as approved in writing by the Responsible Authority. <p><u>Drainage Discharge Plan</u></p> <p>Before any of the development starts, a properly prepared drainage discharge plan with computations to the satisfaction of the responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.</p> <p>The information and plan must include:</p> <ul style="list-style-type: none">a) details of how the works on the land are to be drained and/or retarded.b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authorityc) underground pipe drains conveying stormwater to the legal point of discharged) measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;e) a maximum discharge rate from the site not exceeding 1.2l/s/ha in accordance with council's Infrastructure Design Manualf) documentation demonstrating approval from the relevant authority for the legal point of discharge.g) 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
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	<p>any type may be allowed to enter the Council's stormwater drainage system.</p> <p>h) No contamination of wastewater from the proposed wash down facility into stormwater system</p> <p>i) the details of the incorporation of water sensitive urban design, designed in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.</p> <p>j) maintenance schedules for treatment elements.</p> <p>Before the use begins and/or the building(s) is/are occupied all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority</p> <p><u>Council's Assets</u></p> <p>Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.</p> <p><u>Works on Municipal Road Reserves Permit Required</u></p> <p>A road opening/crossing permit must be obtained from the Responsible Authority prior to the carrying out of any vehicle crossing works.</p>
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Assessment

The zoning of the land

33.01 INDUSTRIAL 1 ZONE

Purpose

- 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.

33.01-4 Buildings and works

Permit requirement

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

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character.

- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

Relevant overlay provisions

There are no overlays on the site

The State Planning Policy Framework (SPPF)

17.03-1S Industrial land supply

Objective

- To ensure availability of land for industry.

Strategies

- Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.
- Identify land for industrial development in urban growth areas where:
- Good access for employees, freight and road transport is available.
- Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.
- Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.
- Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.

17.03-2S Industrial development siting

Objective

- To facilitate the sustainable development and operation of industry.

Strategies

- Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.
- Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.
- Minimise inter-industry conflict and encourage like industries to locate within the same area.
- Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.
- Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.

- Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.
- Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

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

21.06-4 Industry

In the past few decades, Shepparton has developed a critical mass of manufacturing-based employment that has further strengthened its role within the region and is now an important component of the local economy. Owing to the presence of a number of significant national and international food processing and packaging companies within the municipality, the agricultural, food processing and manufacturing sectors are all closely interlinked.

Objectives and Strategies - Industry

General Objectives

- To sustain a growing and diverse industrial base.
- To protect the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.
- To provide an adequate supply of appropriately located industrial land relevant to measured demand that meets the needs of different industries.
- To require all future industrial development and subdivisions to be of a high quality in terms of urban design, environmental standards and amenity.
- To conserve places of industrial cultural heritage significance.
- To minimise land use conflicts.

General Strategies

- Consolidate existing major areas of industrial zones within the new urban growth boundaries and around major transport routes and infrastructure assets.
- Protect the supply of existing and future industrial land from encroachment by incompatible land uses.
- Encourage industrial subdivisions to provide a variety of lot sizes on all undeveloped land.
- Encourage land in undeveloped areas to be retained in large holdings until it is required for development.
- Monitor industry and business investment trends to better understand and plan for changes in development, demand and locational needs. Ensure high quality design in industrial areas by requiring all future industrial development and subdivisions to comply with the requirements of the *Infrastructure Design Manual*.
- Continue to identify, assess and include places of industrial cultural heritage significance in the Heritage Overlay to conserve their significance.
- Avoid incremental approvals and development in identified investigation areas until an integrated investigation has been completed to assess and resolve future land

opportunities and constraints, land use, development opportunities, subdivisional layout and servicing for the area.

Economic Development Objectives

- To provide an adequate supply of appropriately located industrial land that meets the needs of different industry sectors.
- To protect the integrity and viability of existing and future industrial areas within Shepparton,
- Mooroopna and Tatura from competing and non-compatible land uses.
- To direct different types of industrial development to appropriate locations within the municipality.
- To encourage future industrial land uses to locate on existing vacant industrial zoned lands and, where this is not possible, to examine opportunities to rezone additional lands to facilitate such industrial or related land uses.
- To facilitate the redevelopment of under-utilised industrial sites for more intensive forms of industrial uses to make more efficient use of existing infrastructure.
- To encourage resource recovery uses to establish across the region in locations where impacts on nearby land uses can be minimised.

Economic Development Strategies

- Identify future industrial areas in strategic locations adjacent to major transport routes and infrastructure assets, which are separated from areas of environmental significance or high residential amenity.
- Support the expansion of the industrial base in appropriate locations, as shown on the Industrial Framework Plans
- Promote and develop the GV Link freight logistic centre.
- Protect and facilitate the expansion of existing and designated future industrial areas from encroachment by incompatible land uses.
- Support the development of new industries in established industrial zones, with access to infrastructure and constructed roads.
- Support food related industries and the development of value-adding opportunities.
- Encourage new-value adding industries.
- Facilitate appropriately located industrial lands in rural townships for light industrial and related uses for industries associated with the storage, packing and processing of local agricultural produce or the immediate servicing needs of local communities.
- Allow limited light industry in the townships if it relates to local agricultural production or services the immediate needs of local communities, subject to servicing and environmental constraints.
- Direct industries which require substantial buffer zones from sensitive land uses to locations that minimise land use conflicts and impacts on the amenity of surrounding areas.

Amenity Objectives

- To minimise any impact on the amenity and safety of surrounding land uses from traffic, noise and emissions generated by industrial land and resource recovery uses.
- To ensure appropriate standards of health, safety and amenity are provided by new and existing industries.
- To ensure a high standard of urban design and landscaping is achieved to improve the amenity and appearance of industrial areas.

Amenity Strategies

- Facilitate good design and landscaping outcomes for industrial developments that enhance the municipality's built form and provide amenable working environments.
- Prevent encroachment of residential development into industrial areas, as well as ensuring that new industrial developments are located an appropriate distance from existing residential areas.
- Ensure that land within 10 metres of the frontage of an industrial site (other than land required for car parking and access) is developed for landscaping.
- Assist old and inappropriate industrial areas in their transition to more appropriate land uses.
- Direct resource recovery industries to locations that minimise land use conflicts and impacts on the amenity of surrounding areas.

Relevant Particular Provisions

52.06 CAR PARKING

Purpose

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

52.06-3 Permit requirement

A permit is required to:

- Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

52.06-10 Decision guidelines

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

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

53.14 RESOURCE RECOVERY

Purpose

- To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

53.14-1 Application

- This clause applies to all land used and developed or proposed to be used and developed for:
 - A Transfer station;
 - A Materials recycling facility.

53.14-2 Application requirements

An application must be accompanied by the following information:

- A location plan showing the site and surrounding uses including distances to nearby sensitive uses such as residential, hospital or education uses.
- A detailed site plan showing the layout and height of buildings and works, materials, reflectivity, colour, lighting, landscaping, access roads and parking areas.
- Plans or other media showing anticipated views of the facility from sensitive use locations.

- A written report(s) including:
 - Identification of the purpose of the use.
 - A description of the proposal including the materials to be processed, the types of processes to be used and any materials to be stored and handled.
 - Proposed hours of operation.
 - Likely traffic generation including heavy vehicles.
 - Consideration of whether a works approval or licence is required from the Environment Protection Authority.
- An assessment of:
 - Potential amenity impacts such as noise, odour, emissions to air, land or water, vibration, dust, light spill, visual impact.
 - The impact of traffic generation on local roads.

53.14-3 Decision Guidelines

Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider:

- The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.
- The impact of the proposal on the amenity of the surrounding area.
- The Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015).
- Any Regional Waste and Resource Recovery Implementation Plan including the *Metropolitan Waste and Resource Recovery Implementation Plan* (Metropolitan Waste and Resource Recovery Group, 2016).
- Relevant guidelines applicable to the application including the guideline for *Designing, Constructing and Operating Composting Facilities* (Environmental Protection Authority, 2015), the *Guide to Best Practice for Organics Recovery* (Sustainability Victoria, 2009) and the *Guide to Best Practice at Resource Recovery Centres* (Sustainability Victoria, 2009).

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.

Officer Response:

The application proposes the use of land to expand the existing materials recycling facility to include the drop off of waste material and the buildings and works in the Industrial 1 Zone for a new shed and office extension.

This application seeks permission to expand the existing Cleanaway operations across the entire site. Previously the land was used for two uses being Cleanaway and car wreckers.

On this basis this application seeks permission for:

- Use of land for materials recycler and transfer station.
- Buildings and works in the IN1Z.

Officers as part of their initial assessment consider further information is required being:

- A written explanation of the activities to be undertaken in the expanded Cleanaway site including details of additional truck movements, storage of waste, processing of waste and location of truck parking.
- Consideration of whether a works approval or licence is required from the EPA.

The existing use of the land is for materials recycling including the disposal of cardboard and plastic which is compacted and baled on site in the main shed. The bales are currently stored outside to the rear of the workshop and truck wash. The bales are then picked up and transported to Altona for export.

Planning permit 2002-289 was issued on 19 September 2002 and allowed the land to be used and developed for material recycling facility.

The officer's report described the proposal as:

Pursuant to Clause 33.01-1, an application is required for the change in use of the land to a Materials Recovery Facility. The proposal meets the decision guidelines and objectives of Clause 65 for the following reasons.

The subject land was previously used for a transport depot and for the recovery of waste plastics, cardboard and paper. The proposal is for the change in use to a Materials Recovery Facility. The applicant provided a report addressing the proposed development, being a Cleanaway project, comparing it to the existing Wodonga facility.

The land is zoned Industrial 1, and the surrounding land uses and developments are also of an industrial nature. The proposed development will utilise the existing office and industrial building. The applicant has provided 10% of the site for car parking purposes.

It has been proposed that the Materials Recycling Facility will operate seven days a week, generally daytime hours. This will be conditioned so as to ensure the noise doesn't impact on surrounding land uses.

The main existing shed will include the addition of new offices to the front of the building which will contain an additional 3 rooms for 3 more staff. The additional staff and size of the property will mean that the car parking area will need to be 1578sqm as that is the 10% site area for car parking required under Clause 52.06-5.

The application proposes the reduction in car parking requirements under Clause 52.06-3. The use of land for a materials recycling is listed in the table to Clause 52.06-5, which requires 10% of the site area be dedicated to car parking.

This would mean that a site of 1578sqm will need to be provided to accommodate the car parking. Officers, through numerous site visits have observed the existing car park and consider that there is currently insufficient car parking on site. The application includes the addition of 11 new car parks; however the overall size of the car park is 700sqm. Therefore, a reduction of 878sqm will need to be included in the application.

Officers consider that the addition of 11 new car parks is sufficient to meet the uses parking demand as 3 more staff is proposed. This leaves an additional 8 car parks for visitors.

The proposed shed will store general waste and trucks. To minimise odour, the shed will have filtered water with air freshener spraying from the roof, the shed will be emptied by a double daily to Melbourne.

Officers in considering whether the use of land is appropriately located and have had regard to the following VCAT decision:

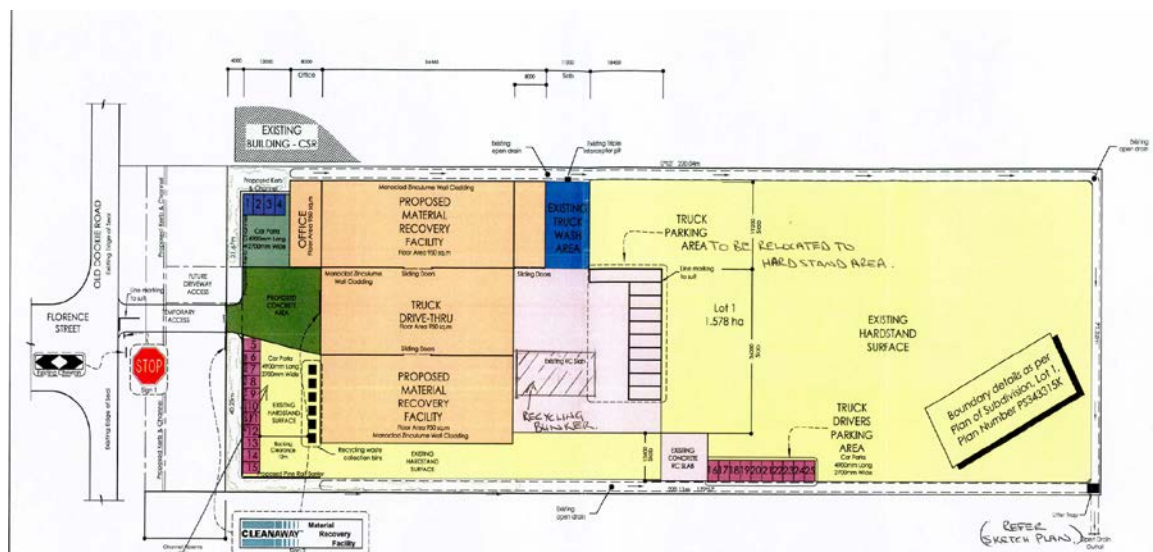
Voskop Enterprises Pty Ltd v Greater Shepparton CC (2013) VCAT considered an application for materials recycling at 121-135 Old Dookie Road, Shepparton. A significant matter was the compatibility of the land for material recycling to surrounding land uses.

Having considered the submissions, the provisions of the Greater Shepparton Planning Scheme (the Scheme') and inspected the review site and surrounds, I have found that the proposal is acceptable for the site subject to appropriate conditions that will ensure amenity impacts are acceptable. I consider a use that enjoys strong Scheme support should not be rejected based on an uncertain potential rezoning of land to residential in proximity to the site.

Clause 53.14 Resource Recovery requires that applications for materials recycling facilities and transfer stations consider the impact of the use on the surrounding area. Officers consider that Cleanaway is appropriately located given the IN1Z of the land, good access to major freight routes and the lands setback to the nearest residential zone.

The property has an existing point of discharge on the western boundary of the property. The open drain follows the fence line along the western and northern boundaries and connects to the open drain to the northern boundary of 87 Old Dookie Road. There is no pit to the front of the property and therefore all storm water is drained to the rear of the property along the open drain.

As seen in the below plan from 2005:



Officers have considered the drainage implications of the proposed development. Officers in conjunction with Spiire have completed a detailed design of the upsizing of the Telford Basin to cater for a 1 in 100 year event. These basin works are expected to be implemented in future Council capital budgets.

At this current point in time it is necessary for the land to restrict its discharge to 1.2l/s/ha to ensure the existing drainage system is not overwhelmed. Permit conditions will require the submission of a drainage discharge plan that demonstrates how the land will restrict its discharge to 1.2l/s/ha and the provision of onsite water treatment.

It is therefore considered that the proposed use of land for materials recycling and transfer station is acceptable for the following reasons:

- The scheme encourages the development of resource recovery to move Victoria towards zero waste.
- The IN1Z is the most appropriate zone within Greater Shepparton to locate the use
- The land is remote from the nearest residential zone.
- The use is setback more than 200 metres to the nearest dwelling not in the same ownership. Additionally these dwellings are not in a residential zone and therefore cannot expect the level of residential amenity enjoyed in a residential zone.
- The land has direct access to high order roads being Old Dookie and Doyles Road, both of which are designed to cater for heavy vehicle movements.
- Appropriate permit conditions can adequately deal with offsite amenity impacts.

Officers have undertaken an assessment of the application against the State Planning Policy Framework, Local Planning Policy Framework, Industrial 1 Zone and car parking provisions. Officers consider that the application complies with the Planning Scheme and recommend that a permit be issued with conditions.

Relevant incorporated or reference documents

There are no relevant incorporated or reference documents to this proposal.

Other relevant adopted State policies or strategies policies

Victoria's Towards Zero Waste Strategy 2005

Guide to Best Practice at Resource Recovery Centres 2017

Relevant Planning Scheme amendments

There are no relevant Planning Scheme Amendments

Are there any significant social & economic effects?

The application does not raise any significant social or economic impacts.

Discuss any other relevant Acts that relate to the application?

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

Conclusion

The application to use and develop the land for material recycling including the reduction in car parking requirements is recommended for approval by planning officers as use is an acceptable use in the IN1Z as it is remote from residential zoned land.

Draft Notice Of Decision

APPLICATION NO: 2019-74
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: 73 OLD DOOKIE ROAD SHEPPARTON VIC 3630

WHAT THE PERMIT WILL ALLOW: USE AND DEVELOPMENT FOR A MATERIALS
RECYCLING AND TRANSFER STATION FACILITY IN
THE INDUSTRIAL 1 ZONE AND REDUCTION IN
CARPARKING REQUIREMENTS

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Layout Not Altered

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

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

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

3. Consolidation

Prior to the occupation of the new building, all lots comprising the land must be consolidated into one lot.

4. Civil Construction Requirements

Before any of the development starts, detailed plans 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 information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual.

- a) details of how the land is to be retarded with a discharge rate not exceeding 1.2l/s/ha
- b) details of how the lands drainage is designed so that the water is contained on the land and directed to the legal point of discharge
- c) computations including total energy line and hydraulic grade line for the proposed drainage as directed by responsible authority
- d) underground pipe drains conveying stormwater to the legal point of discharge
- e) unless agreed in writing by the responsible authority, 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;
- f) the details of the incorporation of water sensitive urban design, designed in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- g) maintenance schedules for treatment elements;
- h) a schedule of hold point inspections during the construction of the drainage system
- i) electricity connection to the building is to be undergrounded and any on site substation is to be screened;
- j) detailed design of car parking spaces, loading area and access aisles
- k) design of the proposed b'double vehicle crossing to Old Dookie Road

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

Before the building is occupied as constructed set of civil plans must be submitted to the responsible authority.

5. Environmental Management Plan

Prior to the commencement of the development hereby permitted an Environmental Management Plan, prepared by a suitably qualified person and to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must provide for the operation and management of the use and development hereby permitted in a manner which:

- a) ensures that an experienced and trained site manager is present at all times when the use hereby permitted is operated to receive and process waste, together with a sufficient number of staff to ensure its satisfactory operation of the site;
- b) provides for measures to prevent litter arising from the operations at all times is confined within the boundaries of the subject land and disposed of to the satisfaction of the responsible authority;
- c) provides for measures to prevent paper and other light materials being blown from the subject land;
- d) provides for measures to prevent dust arising from operations associated with the use or development hereby permitted from extending beyond the

boundaries of the site;

- e) ensures that an adequate water supply and distribution system is available at all times so that sufficient water may be discharged by means of a hose to extinguish a fire on any part of the site;
- f) ensures that the exterior finish of all buildings and works are non- reflective and coloured or painted in muted shades of colours approved by the responsible authority and then maintained in good visual order and condition to its satisfaction.

The use and development hereby permitted must be managed and maintained in accordance with the approved Environmental Management Plan at all times to the satisfaction of the Responsible Authority.

6. General Amenity

The use 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, artificial light, 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.

7. Goulburn Valley Region Water Corporation Requirements

- a) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;

- b) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement

The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted.

8. Environment Protection Authority

- a) Wastewater generated at the premises must be connected to a reticulated sewer.
- b) Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises.
- c) Pollution control devices including bunds and cut-off drains must be installed around the boundary of the operational areas to prevent contaminated run-off entering into a waterway or stormwater system.

EPA Note

The permit operator (occupier) must comply with the Waste Management Policy (Combustible Recyclable and Waste Materials), as published in Government Gazette No. S397 on 28 August 2018 to ensure that combustible and recyclable waste materials are managed and stored in a manner that minimises the risks of harm to human health and environment. Non-compliance with this policy could lead to sanctions under the *Environment Protection Act 2018*.

9. 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) Cleanaway discontinue the use of the land.