

CONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 2/2020

HELD ON

FRIDAY 3 JULY 2020

AT 10.00AM

(VIA ZOOM)

CHAIR

Councillor Chris Hazelman

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 2 for 2020

This is the first Development Hearings Panel conducted via Zoom as per the new regulations due to Covid-19.

Please be patient with us as we navigate this new form of meeting practice

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

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

"We 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 and recorded and a recording of the meeting and minutes will be published on Council's website.
- and that out of courtesy for all other attendees any recording devices should be turned off during the course of the hearing unless the chair has been formally advised that a party wishes to record proceedings.

COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Chris Hazelman (Chair) – **Via Zoom**
- Colin Kalms, Manager, Building, Planning & Compliance, Greater Shepparton City Council – **Via Zoom**
- Jonathan Griffin – Team Leader, Development Engineering, Greater Shepparton City Council – **Via Zoom**
- Joel Ingham – Planning Coordinator – Benalla Rural City Council – **Via Zoom**
- Melissa Crane – Principal Planner - Strathbogie Shire Council - **Via Zoom**

OFFICERS AND OTHERS PRESENT

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

- Andrew Dainton – **In Bruce Wilson Community Meeting Room**
- Tracey Mercuri - **In Bruce Wilson Community Meeting Room**
- Sally Edmunds – **Presenting from Zoom**

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

APOLOGIES

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- Minutes of DHP meeting No. 01/2020 held on Friday 29 May 2020. Minutes have been circulated.

Moved by Colin Kalms, and **seconded** by Joel Ingham that the minutes of the meeting held on 29 May 2020 be adopted.

Carried

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 is 1 item listed for consideration in this session of the DHP:

1. Planning Permit application 2019-303 – Buildings and works associated with an existing rural industry in the Farming Zone

We will now move on to the items for consideration

Item 1 - planning permit application 2019-303

Planning Officer – Sally Edmunds (Presenting from Zoom)

1. I will now hand it over to **Sally** to explain her recommendation.
2. **Once completed ask are there any questions from the panel (including the chair)?**

Thank you Sally

Objector 1 & 2 – Allan Ciancio & Barrister (Bruce Wilson Community Meeting Room) Anthony Ciancio (Zoom)

1. Do I have the objector present? If so, get them to introduce themselves and determine if they would like to make a submission.
2. Once this has been determined hand it over to the objector to present their submission or move straight to 3 if no submissions, or straight to **Applicant** if none present.
3. **Once completed ask are there any questions from the panel (including the chair)?**

Thank you objector

Applicant – Peter Radevski and Neville Goddard (Via Zoom)

1. Do I have the applicant present? If so, get them to introduce themselves and determine if they would like to make a submission.
2. Once this has been determined hand it over to the applicant to present their submission.
3. ***Once completed ask are there any questions from the panel (including the chair)?***

Thank you Applicant

Once all questions/points of clarification have been dealt with

1. Do I have a motion from the panel in regards to the proposal before us for consideration today?
2. Is there a seconder for the motion?
3. Do any of the panel members wish to speak to the motion?
4. Do any of the panel members wish to speak against the motion?
5. If yes to above need to offer the original mover of the motion a right of reply. If no to above move to 6.
6. Motion put to vote for/against – motion carried or lost

Thank you very much, as you may be aware there are appeal rights available at the Victorian Civil and Administrative Tribunal (VCAT) in relation to this decision. For any questions on this or if you have any further questions you can contact the planning officer and arrange a time to meet to discuss.

10. LATE REPORTS

None

11. NEXT MEETING

To be determined

Thank you - That now concludes today's DHP.

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<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2019-303	360 Midland Highway, Orrvale	Buildings and works associated with an existing rural industry in the Farming Zone	3

Application Details:

Responsible Officer:	Sally Edmunds
Application Number:	2019-303
Applicants Name:	P Radevski
Date Application Received:	28 October 2019
Statutory Days:	0
Land/Address:	360 Midland Highway ORRVALE VIC 3631
Zoning and Overlays:	Farming Zone Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	35.07-4 Buildings and works in the Farming Zone
Are there any Restrictive Covenants on the title?	No

Proposal

The application seeks permission to construct an extension to the existing cool rooms and plant room and the buildings and works for a machinery shed.

The site is within the Farming Zone and requires planning permit permission pursuant to Clause 35.07-4 as the buildings and works are over 200sqm in size for a rural industry and is within 100m of a dwelling not in the same ownership.

The site coverage of the buildings and works include:

- Extension to the existing building of 3,000sqm for the storage of crates and this area will not be used for cool storage.
- Extension to the plant room approximately 62sqm to enclose the water tank and machinery associated with the existing plant room.
- Machinery shed 240sqm.

The nearest residential zoned land is setback about 228m from the land on the northern side of the Midland Highway. Under 66.02-7 an application is required to be referred to the EPA where the threshold distance for a rural industry under 53.10 is not met. 53.10 requires a 300m buffer between the use and the nearest residential zone, as the threshold is not met the EPA are a referral authority.

The land is partly within an area of aboriginal cultural heritage, however the area of works is well outside the area. Therefore the application does not trigger the need for a CHMP.

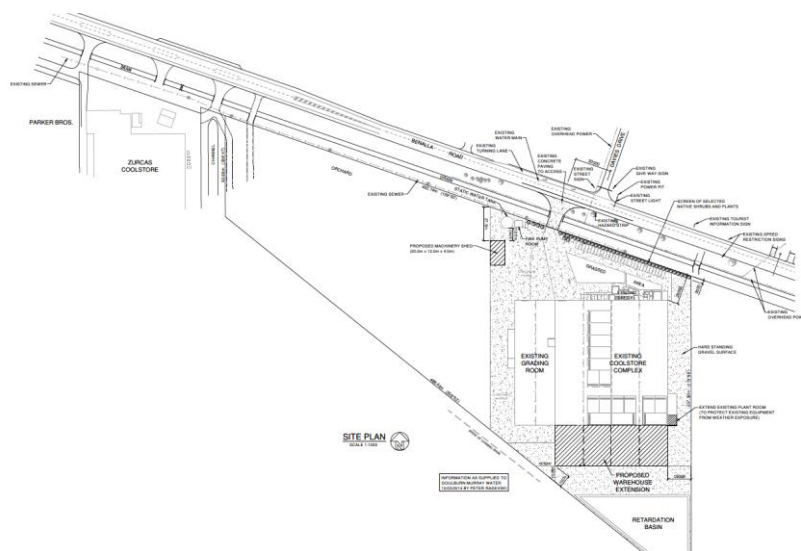
A drainage plan has been provided with the site plan and elevations which indicates that the buildings and works are to connect to existing drainage infrastructure and the creation of a grate pit to the south east side of the proposed cool room extension.

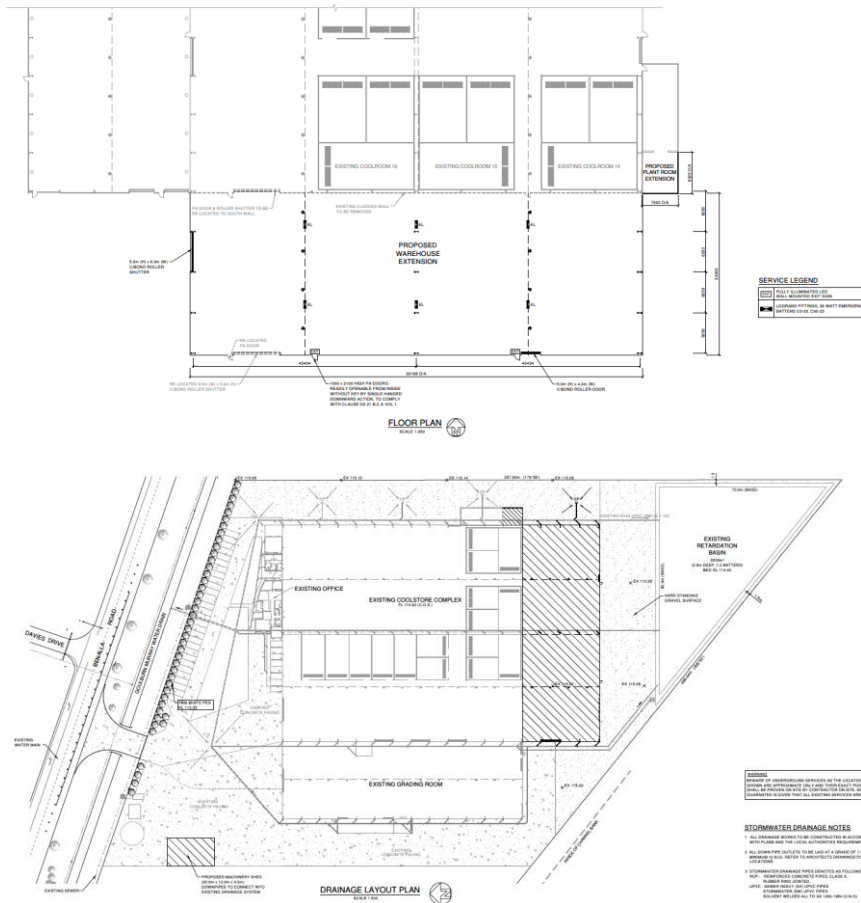
An acoustic assessment has been undertaken and has determined that the noise emitted from the cool store complies with the day period Noise from Industry in Regional Victoria

(NIRV) The acoustic report also stated that noise due to the pumps outside the plant room emitted noise potentially exceeding the NIRV. The acoustic report also states that enclosing the plant machinery will result in an “effective means of controlling noise emission from these pumps to below the NIRV RMNLs at the nearby house.”

The application was publicly advertised and three objections from neighbouring properties were received. All three objections raised concerns regarding noise and the use of the warehouse as a cool store. The acoustic report has adequately addressed the noise concerns and the use of the warehouse for a cool store would trigger planning permit permission, which would be addressed when the application for the cool store was submitted.

Plans of the buildings and works are below:





Summary of Key Issues

The application seeks permission to construct an extension to the existing cool rooms and plant room and the buildings and works for a machinery shed.

The application was advertised and three objections were received. The objections raised concerns about noise emission and not enough detail on the use of the plant room once it is extended.

The main assessment concern with this application is potential amenity impacts to nearby dwellings, particularly noise emissions from the site. An acoustic report has been provided which determined that the noise emitted from the cool store complies with the day period Noise from Industry in Regional Victoria (NIRV). The acoustic report also stated that noise due to the pumps outside the plant room emitted noise potentially exceeding the NIRV.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2019-303** 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** of the Greater Shepparton Planning Scheme in respect of the land known and described as **360 Midland Highway ORRVALE VIC 3631**, for the **Buildings and works associated with an existing rural industry in the Farming Zone** in accordance with the Notice of Decision and the endorsed plans.

Moved by Andrew Fletcher.

Seconded by Colin Kalms

That Council having caused notice of Planning Application No. 2019-303 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 of the Greater Shepparton Planning Scheme in respect of the land known and described as 360 Midland Highway ORRVALE VIC 3631, for the Buildings and works associated with an existing rural industry in the Farming Zone 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: **14 November 2019** Time: **2:30PM**

The site has a total area of **33.41ha** and currently contains:

- A large warehouse, which is used as a cool store for produce. Vehicle access to the land is via Midland Highway to the north.

The main site/locality characteristics are:

- The land is within a farming district with rural industries to the west and farming enterprises to the east.
- Midland Highway is an arterial road and freight route.

The Photos below show the existing site:





Permit/Site History

The history of the site includes:

- 2003-355 Cool store and reduction in car parking requirements
- 2003-355/A Cool store and reduction in car parking requirements
- 2014-16 Buildings and works in the Farming Zone 1 for extension to an existing rural industry and associated reduction in car parking and loading requirements
- 2016-260 Buildings and works in the Farming Zone for a cool store expansion and variation to access to a Road Zone Category 1

Further Information

Was further information requested for this application? **Yes, an acoustic report**

What date was the further information requested?: **7 November 2019**

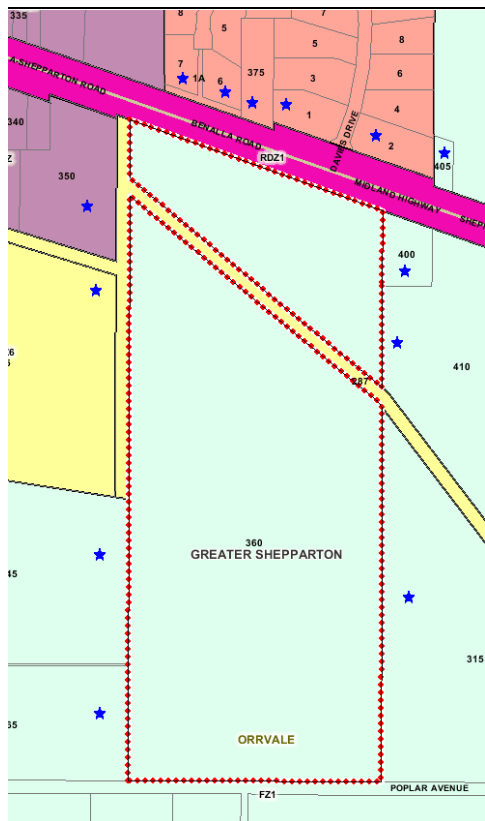
What date was the further information received?: **12 June 2020**

Commented [AD1]: Complete

Public Notification

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

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



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 20 November 2019 to 5 December 2019.

Objections

The Council has received **3** objections to date. The key issues that were raised in the objections are.

Objection	Officer Assessment
Noise emissions	<p>Officers have required the applicant to undertake an acoustic assessment of the site to determine if the noise levels comply with the NIRV.</p> <p>The report concluded that the noise emissions could potentially be greater at night the enclosure of the pumps outside the</p>

	plant room will reduce the level of noise to within the NIRV.
Rental income	VCAT has consistently held that property de-valuation as a result of planning applications is not a relevant planning consideration.

Title Details

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

The land is within a Crown Grant which refers to the sinking of wells and springs, mining and pipelines. As the application does not relate to any of these works, officers do not consider that the application breaches the Crown Grant.

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- 14 November 2019

Officers met the landowner on site to determine the extent of the buildings works and the purpose of the extension to the cool store. The landowner explained that the extension was necessary for the function of the cool stores and space was becoming an issue.

More room was required to store the fruit boxes used to house produce. No cool storage was proposed in the extension, rather it is to be used as a storage area. The purpose of the plant room extension is to enclose and safeguard the existing equipment in the corner as weather and breakings in the past had been an issue.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
EPA	Consented to the application without conditions.
Goulburn Murray Water	Did not respond to the referral request.
Regional Roads Victoria	Consented to the application without conditions.

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>Consented to the application with the following conditions:</p> <p>Drainage Discharge Plan Before any of the development starts a properly prepared drainage discharge plan (by a suitably qualified person or organisation) with computations to the satisfaction of the responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. <i>The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.</i></p> <p>The information and plan must include:</p> <p>a) details of how the works on the land are to be drained and/or retarded.</p>

	<p>b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority</p> <p>c) underground pipe drains conveying stormwater to the legal point of discharge</p> <p>d) measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;</p> <p>e) maximum discharge rate shall be retained to the pre-development flows;</p> <p>f) documentation demonstrating approval from the relevant authority for the legal point of discharge. (If not council)</p> <p>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 any type may be allowed to enter the Council's stormwater drainage system.</p> <p>h) 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>i) 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>
Environmental Health Officers	Consented to the application without conditions.

Assessment

Assessment

The zoning of the land

35.07 FARMING ZONE 1

The subject land is in the Farming Zone. The purpose of the Farming Zone is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To protect and enhance natural resources and the biodiversity of the area.

Rural industry (other than Abattoir and Sawmill)	<p>Must not have a gross floor area more than 200 square metres.</p> <p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none">■ The threshold distance, for a purpose listed in the table to Clause 53.10.■ 30 metres, for a purpose not listed in the table to Clause 53.10. <p>Must not:</p> <ul style="list-style-type: none">■ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012.■ Require a notification under the Occupational Health and Safety Regulations 2017.■ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.■ Require a licence under the Dangerous Goods (HCDG) Regulations 2018.
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35.07-6 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying 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.

Relevant overlay provisions

There are no relevant overlays

The State Planning Policy Framework (SPPF)

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 AGRICULTURE

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.

17.01-1S

Diversified economy

Objective

To strengthen and diversify the economy.

Strategies

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.
- Support rural economies to grow and diversify.

17.01-1R

Diversified economy - Hume

Strategy

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

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

21.06-4 – INDUSTRY

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.

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.

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.

Policy Guidelines – Industrial Development in Rural Areas

It is policy to:

- Discourage industrial use and development (other than rural industry) in rural areas, except where:
 - It is unable to be accommodated in existing industrial zoned areas;
 - It does not compromise the surrounding existing and future agricultural practices;
 - It adds value to the agricultural base of the municipality; and
 - It is a rural-based enterprise; or
 - It provides for the reuse of existing large scale packing sheds and cool stores.

21.06-1 AGRICULTURE

Irrigated primary production and the processing of that product underpin the municipality and the Region's economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production.

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

There are no relevant particular provisions.

Officer Assessment:

The application proposed to extend the existing cool store to make more room for storage of pallets, the extension to the plant room to protect and safeguard the existing equipment and a machinery shed for storage. The proposal does not include the expansion of a cool store.

There no change in use to the land which is currently used as a rural industry.

As there is no change in the use of the land and the number of employees is not proposed to increase due to the application, officers consider that there is sufficient car parking on site to not warrant a reduction in car parking provisions.

Officers, as part of their initial assessment consider further information was required to be able to determine whether noise emissions from the site will have an adverse effect on the amenity of the area. An acoustic report was requested on 7 November 2019 and provided on 12 June 2020 the report determined that the daily noise levels comply with the NIRV, however the night levels could potentially be above the NIRV. The acoustic report also says that by enclosing the external pump, the noise level could then decrease to below the NIRV.

The existing use of the site is cool stores for local produce. The produce is picked elsewhere and delivered to the premises where it is stored and distributed in timber fruit boxes.

To the east of the building is a plant room, which houses the pumping and equipment to refrigerate the cool store. There is also a tank and pump located externally and to the rear of the plant room, it is this pump and tank that is proposed to be enclosed with the application.

Officers consider that the application will provide incremental growth for farming enterprises by allowing the expansion of a warehouse used to store fruit crates. This was determined during the site visit conducted by officers on 14 November 2019.

One of the primary concerns of the application was whether the amenity impact due to noise emissions of the property would affect neighbouring dwellings. The Policy Guidelines under Clause 21.06-4 stipulate that rural industries should add value to the agricultural base of the

municipality without compromising surrounding existing and future agricultural practices. Officers consider that the application benefits the agricultural practices within the municipality by provided the existing cool stores with the proposed expanded warehouse which will allow for more space within the building, allowing more products to be stored at the facility.

The expansion of the warehouse is supported and encouraged by the state and local policy which allows for rural industry with the purpose of facilitating agriculture. Officers consider that the buildings and works achieve acceptable planning outcomes when assessed against the relevant policies of the Planning Scheme.

Relevant incorporated or reference documents

Rural Regional Land Use Strategy

Other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

There is no PSA's to the application.

Are there any significant social & economic effects?

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

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 development site within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Discuss any other relevant Acts that relate to the application?

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

Conclusion

Officers consider that the application complies with the relevant policies within the Planning Scheme and recommend that a Notice of Decision to grant a permit be issued.

Draft Notice Of Decision

APPLICATION NO: 2019-303

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: 360 MIDLAND HIGHWAY ORRVALE VIC 3631

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND WORKS ASSOCIATED WITH AN EXISTING RURAL INDUSTRY IN THE FARMING ZONE

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. **Layout Not Altered**
The 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 buildings are 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. **Drainage Discharge Plan**
Before any of the development starts, a properly prepared drainage discharge plan (by a suitably qualified person or organisation) with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. ***The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.***
The information and plan must include:
 - a) Details of how the works on the land are to be drained ***and/or*** retarded.
 - b) Computations ***including total energy line and hydraulic grade line*** for the existing and proposed drainage as directed by Responsible Authority

- c) Underground pipe drains conveying stormwater to the legal point of discharge
- d) Measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- e) Maximum discharge rate shall be retained to the pre-development flows;
- f) Documentation demonstrating approval from the relevant authority for the legal point of discharge. **(If not council)**
- 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 any type may be allowed to enter the Council's stormwater drainage system.
- h) The details of the incorporation of water sensitive urban design, designed in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.
- i) Maintenance schedules for treatment elements.

Before the buildings are occupied, all works constructed or carried out must be in accordance with those plans to the satisfaction of the responsible authority

4. Noise Control

Before the use of the warehouse begins, works must be completed to reduce noise emissions from the site. These works include:

- a) The implementation of fan speed control on the heat rejection plant must be completed in compliance with the Noise from Industry in Regional Victoria (NIRV) and Recommended Maximum Noise Levels (RMNLs). This can be achieved through the table below:

Operating period	Maximum heat rejection plant operating speed, % of full speed
Monday to Saturday, 07:00 to 18:00	100
Monday to Saturday, 18:00 to 22:00 and Sunday 07:00 to 22:00	83
All nights 22:00 to 07:00	66

- b) Before the use of the warehouse begins, construction of the new enclosed plant room to house the pumps currently located outdoors on the concrete pad south of the existing enclosed refrigerated plant room must be completed.

These works must be undertaken and completed to the satisfaction of the responsible authority.

5. **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.

6. **Time for Starting and Completion**

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

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