

UNCONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 3/2021

**HELD ON
FRIDAY 6th AUGUST 2021
at 9.00AM**

(VIA ZOOM)

CHAIR

Councillor Shane Sali

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 3 for 2021.

This Development Hearings Panel will be 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 issues 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, Greater Shepparton City Council, acknowledge the Yorta Yorta Peoples of the land which now comprises Greater Shepparton, we pay our respect to their tribal elders, we celebrate their continuing culture and we acknowledge the memory of their ancestors.

COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Shane Sali (Chair) – **Via Zoom**
- Colin Kalms, Manager, Building & Planning - Greater Shepparton City Council – **Via Zoom**
- Jonathan Griffin – Team Leader, Development, Greater Shepparton City Council – **Via Zoom**
- Nilesh Singh – Manager Development – Benalla Rural City Council – **Via Zoom**
- Andrew Fletcher – Planning and Building Manager - Campaspe Shire Council - **Via Zoom**

OFFICERS AND OTHERS PRESENT

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

- Andrew Dainton – **Presenting via 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.1/2021 held on Friday 12 February 2021. Minutes have been circulated.

***Moved** by Nilesh Singh and **seconded** by Colin Kalms that the minutes of the meeting held on 12 February 2021 be adopted.*

- Minutes of DHP meeting No.2/2021 held on Friday 18 June 2021. Minutes have been circulated.

***Moved** by Nilesh Singh and **seconded** by Colin Kalms that the minutes of the meeting held on 18 June 2021 be adopted.*

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 proceeding is being minuted and recorded and a recording of the meeting and minutes will be published on Council's website.
- and 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.
- 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 3 minutes per person with 1 extension.

MATTERS FOR CONSIDERATION

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

1. Planning Permit application 2021-150 – Building & Works in the Commercial 1 Zone and Floodway Overlay and Creation of Access to a Road Zone Category 1 associated with a KFC – 148 McLennan Street, Mooroopna

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>
2021-150	148 McLennan Street, Mooroopna	Buildings & Works in the Commercial 1 Zone and Floodway Overlay and creation of access to a Road Zone 1 Category associated with a KFC	3

Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2021-150
Applicant Name:	Retzos Holdings Pty Ltd
Date Received:	16-Apr-2021
Statutory Days:	77
Land/Address:	148 McLennan Street MOOROOPNA VIC 3629
Zoning & Overlays:	Commercial 1 Zone Floodway Overlay Land Subject to Inundation Overlay Specific Controls Overlay 3 Abuts RDZ1
Why is a permit required (include Permit Triggers):	Buildings and works in the C1Z under 34.01-4 Buildings and works in the FO under 44.03-2 Business identification signage under 52.05-11 Creation of access to a RDZ1 under 52.29-2
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No
Was the correct application fee paid?	Yes \$3,413.70 – Development \$659.05 – Creation of access Total - \$4,072.75
Disclosures of conflicts of interest in relation to advice provided in this report	No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Proposal

The application seeks planning permission to develop a KFC restaurant in Mooroopna. The building is about 315sqm in size and provides for a 44 seat restaurant.

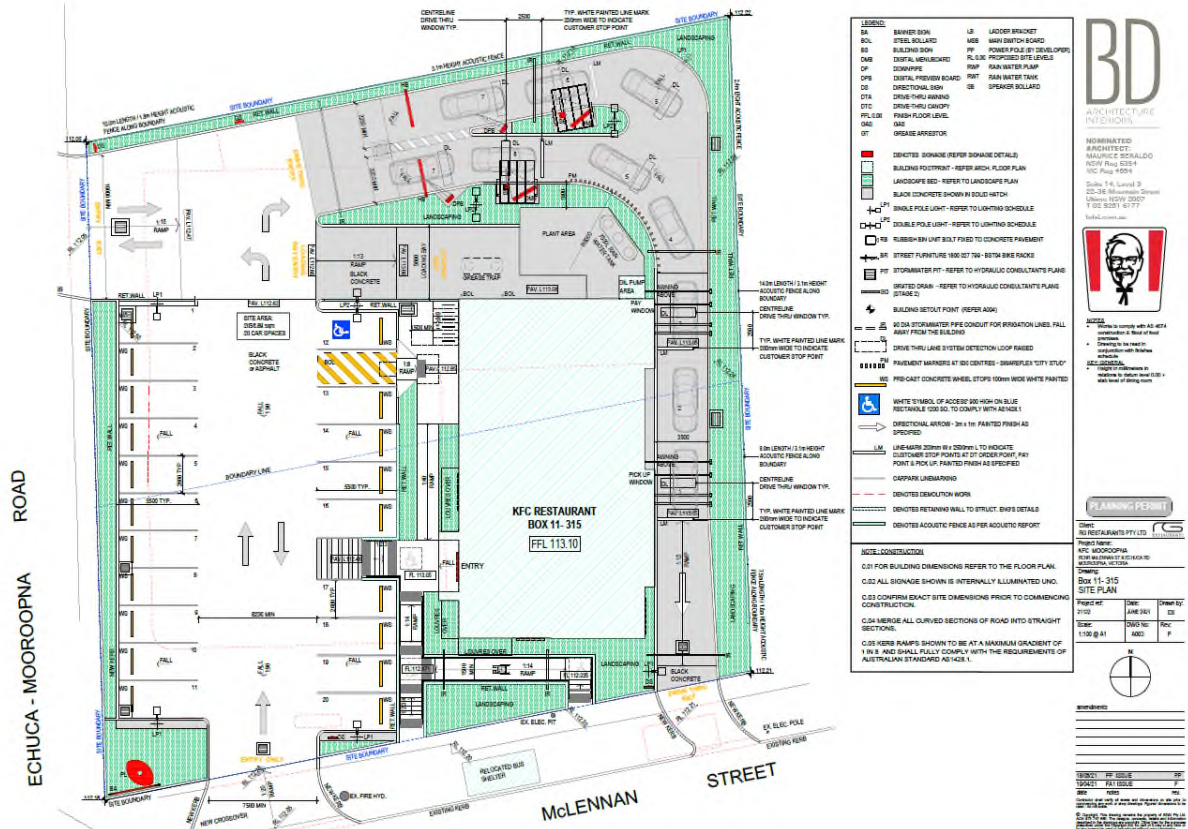
Vehicle access to the land is from the Echuca Road service road and McLennan Street. To enable the drive through exit to McLennan Street it is proposed to shift an existing bus stop slightly to the west.

KFC is a convenience restaurant, which is nested within the retail premises group.

A retail premises is a section 1 use in the C1Z, therefore no use permission is required.

Planning permission is required for:

- Buildings and works in the C1Z
- Buildings and works in the FO
- Erection and display of business identification signage, including a 12m high sign (officers consider that the sign should be reduced to 10m in height)
- Creation of access to a RDZ1



The application was advertised and three objections were lodged with Council. These objections raised concern about noise and odour emissions and traffic movements.

Permission is not required to use the land for a KFC, permission is required for buildings and works in the C1Z and FO, display of signage and creation of access to a RDZ1.

The recent McDonalds application in Mansfield was also within a C1Z. VCAT made the following comments about what needed to be considered in Mansfield:

Having regard to the planning controls which apply to the land, what needs to be determined is whether the proposed development represents an acceptable built form (and landscaping) outcome, whether sufficient car parking is provided and whether the associated traffic will have an unacceptable impact on the road network.

What we are unable to consider is whether the use is appropriate for the site, and whether any impacts associated with the use are acceptable. In addition to health concerns associated with the consumption of food sold from the proposed convenience restaurant, these impacts include matters such as litter, odours, patron behaviour and noise¹.

Officers consider that the objections do not warrant refusal of the application given the application includes an acoustic wall to reduce noise emissions and DoT have consented to the vehicle access arrangements.

Officers consider that the application produces acceptable planning outcomes by developing appropriately located land in the C1Z abutting two RDZ1's for a KFC. Officers recommend that a NOD issue by the Development Hearing Panel.

Summary of Key Issues

- Permission is sought to develop the land for a convenience restaurant.
- Public notice of the application was given and three objections were lodged. The objections raised concern about noise, traffic and odour. Officers consider that the objections do not warrant refusal of the application subject to the acoustic wall being increased in height to 3.1m.
- Officers consider that the proposal implements planning policy by developing land within a C1Z for a KFC which will generate new employment.
- DoT acting as a determining referral authority consented to the creation and alteration of accesses to the Midland Highway and Echuca Road.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2021-150 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 34.01-4, 44.03-2, 52.05-11 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 148 McLennan Street

¹ 140 High Street Pty Ltd v Mansfield SC [2021] VCAT 291 (20 April 2021)

Mooroopna, for the buildings and works in the Commercial 1 Zone and Floodway Overlay and creation of access to a Road Zone Category 1 associated with a KFC in accordance with the Notice of Decision and the endorsed plans.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2021-150 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 34.01-4, 44.03-2, 52.05-11 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 148 McLennan Street Mooroopna, for the buildings and works in the Commercial 1 Zone and Floodway Overlay and creation of access to a Road Zone Category 1 associated with a KFC in accordance with the Notice of Decision and the endorsed plans.

Moved: Colin Kalms

Second: Nilesh Singh

CARRIED

Subject Site & Locality

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

Date: 8 June 2021

The site has a total area of 2062 square metres and currently contains:

- The land is cleared and in recent times three underground fuel tanks have been removed from the land. Redundant vehicle access exists to the land from Echuca Road and McLennan Street.

The main site/locality characteristics are:

- The land is on the western entry to the McLennan Street commercial precinct and abuts a motel to the east and a dwelling to the north.
- McLennan Street forms part of the Midland Highway and is a four lane divided road. Echuca Road is a main north south road that provides a service road on the eastern side of Echuca Road.

The Photos below show the existing site:



View of dwelling abutting the land on Echuca Road



Shared path under construction in the Echuca Road outer separator



View of the land from Echuca Road looking east



Footpath in McLennan Street abutting the land looking east towards the Rodney Motor Inn



Footpath in Echuca Road looking north



Echuca Road service road looking north



Existing bus stop in McLennan Street which is proposed to shift west



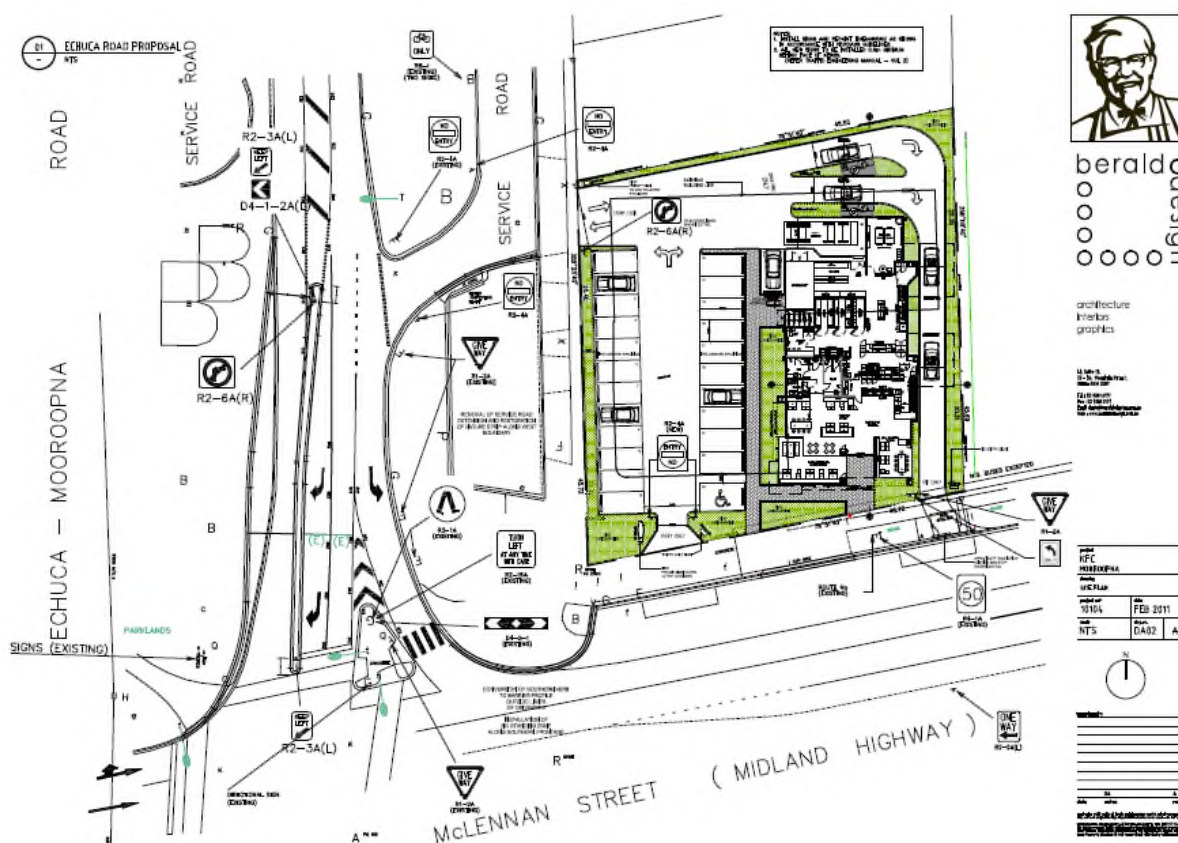
Bathroom windows overlooking the proposed development site

For comparison sake below are land sizes of other like developments:

- KFC Numurkah Road, Shepparton is 2651sqm in size.
- McDonalds, Mooroopna is 4069sqm in size.

Permit/Site History

- In November 2011, planning permit 2011-40 was issued allowing a KFC. The permit was not acted on and subsequently expired.



Further Information

Was further information requested for this application? Yes on 20 May 2021. The RFI sought the following:

An updated Traffic Impact Assessment Report that addresses the following:

- Consideration of queuing requirements at the McLennan Street access in accordance with AS2890.1 Parking facilities Part 1: Off-street car parking.
- Two way movements at the McLennan Street access nearest to Echuca-Moorookna Road is not supported and an alternate single two way access at the eastern boundary of the property must be considered.
- Prevention of right turn movements from Echuca-Moorookna Road into the service road exit.

- Removal of the parking area located at the southern end of the existing service road extension.
- Review lane modifications for McLennan Street east bound lanes proposed as part of the fruit processing development located on Doonan Street.

Preliminary comments

The Head, Transport for Victoria also wishes to provide the following preliminary comments:

- The site layout submitted with the application reduces the offset of parking bays from the property boundary which impacts on available space for queuing vehicles and could result in vehicles reversing onto the footpath along the front of the property increasing the risk for pedestrians being hit and may impede vehicles entering the property.
- The previous proposal proposed entry only access which would reduce conflict at the access in close proximity to the Echuca-Mooroopna Road intersection with vehicles exiting either via the drive through or the service road. Two way access at this location is not supported. Consideration of a single two way entry/exit at the eastern boundary of the property providing room for vehicles to store off the through lane when turning left of McLennan Street.
- The proposed two way access to the southern end of the Echuca-Mooroopna Road service road may result in vehicles undertaking a right turn movement into the service road exit. The previous application proposed mitigating works to prevent right turn movements into the service road exit.
- The existing parking area at the southern end of the Echuca-Mooroopna Road service road will result in unsafe access by customers to the service road and adversely impact on the operation of the service road.
- Modifications of the McLennan Street east bound lane configuration are proposed as part of the fruit processing development located on Doonan Street and should be considered as part of this application.

The RFI included a lapse date of 20 June 2021, the information was submitted to Council on 2 June 2021.

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 Commercial 1 Zone for a KFC, by:

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



Officers on 8 May 2021 undertook a sign onsite inspection and observed that the sign was displayed on the land.



The application was exempt from being advertised in accordance with Clause 44.03-5 and 52.29-5 of the planning scheme.

Objections

The Council has received three objections to date. The below plan shows the location of the three objectors (two objections were received from 4 Echuca Road, being the owner and occupier.



The key issues that were raised in the objections are.

Ground of objection	Officers Response
<p>Noise and odour emissions</p>	<p>The KFC is for 24/7 trading. The application has been accompanied by an acoustic report which concludes subject to a combination of physical and operational measures the noise emissions to neighbouring properties are acceptable. These measures include:</p> <ul style="list-style-type: none"> • Acoustic fence of varying heights on the lands northern and eastern boundary • Limitations on waste collection to 7am to 10pm and deliveries to the KFC • Detailed design of the mechanical plant to limit noise spill <p>Odour emissions from cooking oils and the like are managed through a regularly maintenance program that is a franchise requirement of KFC.</p>
<p>Relocation of bus stop</p>	<p>It is proposed that the bus stop will be shifted to the west, which ensures the bus</p>

	stop will about the KFC not the Rodney Park Motor Inn.
Light spill	Light spill from vehicles will be limited by the acoustic fence. It is recommended that permit conditions require the submission of a lighting plan to show that external lighting of the land will not spill onto neighbouring properties.
Soil contamination from underground fuel tanks	<p>It is acknowledged that underground fuel tanks have been removed from the land by the applicant as shown by the below photo.</p>  <p>Edwards Environmental have undertaken a soil validation assessment of the land. The report finds:</p> <p><i>It can be concluded that the former UPSTs and infrastructure has not caused any soil contamination at the site and the site is suitable for ongoing commercial use.</i></p> <p>On this basis officers are satisfied that soil contamination is not a reason to refuse the application.</p>
Provision of car parking and impact of staff and customers parking on street	The development does not require permission for a reduction in car parking. Officer's assessment is that the development provides onsite car parking in excess of the KFC's statutory parking requirement.
Trading hours	The application proposes to allow 24/7 trading which is consider reasonable in a C1Z.

The objection from 4 Echuca Road, is largely based on loss of amenity. It needs to be recognised that a dwelling in the C1Z cannot expect the same residential amenity that would be expected in a pristine residential estate.

In Burwood Road P/L v Boroondara, Senior Member Monk made the following comment:

'The tribunal has consistently found that a different level of residential amenity must be anticipated by persons whose homes abut a commercial zone. This is doubly the case, I would suggest, for persons whose homes are in fact zoned for commercial purposes'

Despite this, efforts have been made to provide a reasonable level of amenity to the dwelling through the installation of an acoustic fence on the shared boundary between the dwelling and proposed KFC.

Title Details

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

Consultation

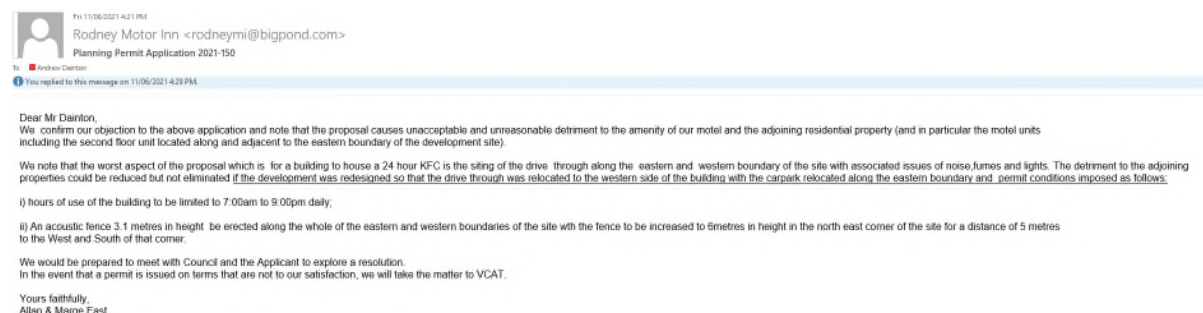
Consultation was undertaken.

A meeting was held on 8 June 2021 between the Rodney Motor Inn and Andrew Dainton.

The outcomes of the meeting were:

- The acoustic fence abutting the motel should be a consistent height of 3.1m
- Post occupancy acoustic testing should be undertaken to confirm or otherwise if KFC is achieving compliance with the noise emission requirements.

Following this meeting the objector provided the following email to Council.



A second meeting is scheduled with the Rodney Motor Inn on 28 July 2021 subject to the Victorian Covid Lockdown ending.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
GBCMA	44.03-6	Recommending	CMA consented to the application subject to a floor level requirement.

DoT	52.29-4	Determining	DoT consented to the proposal subject to conditions all of which are included in the NOD.
TfV*	66.02-11	Determining	TfV did not respond to the application.

*TfV are a referral authority as the application proposes to shift an existing bus stop to the west to enable an exit from the KFC drive through to McLennan Street.

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVW	GVW consented to the proposed development subject to standard conditions.

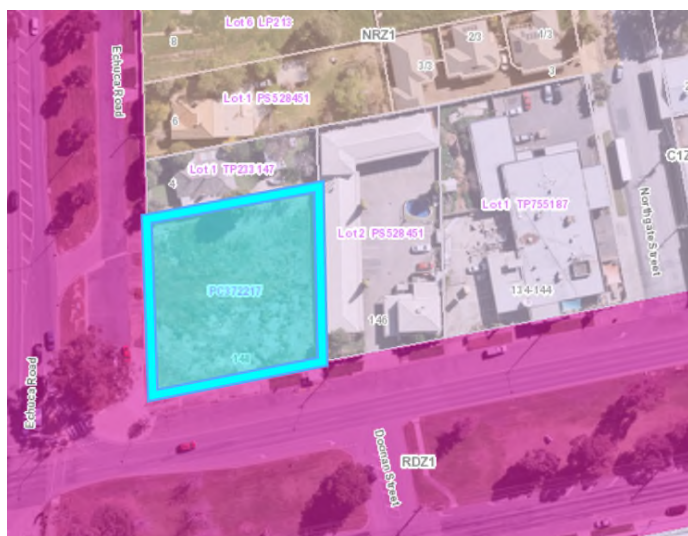
Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council's development engineers have consented to the application subject to standard civil works conditions.
EHO	The EHO's require that standard Food Act conditions be included in the permit.

Assessment

The zoning of the land

C1Z



Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Decision guidelines are at 34.01-8 and include:

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The interface with adjoining zones, especially the relationship with residential areas.

Building and works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

Relevant overlay provisions

The land is within the FO and LSIO as shown on the below plan.



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.

44.03-7

Decision guidelines

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

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

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.

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.

- Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.

- Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.

- Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.
- Create and reinforce settlement boundaries.

- Provide for growth in population and development of facilities and services across a regional or sub-regional network.

- Plan for development and investment opportunities along existing and planned transport infrastructure.

- Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.

- Strengthen transport links on national networks for the movement of commodities.

- Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:
 - Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
 - Developing settlements that will support resilient communities and their ability to adapt and change.
 - Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
 - Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
 - Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.
 - Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
 - Improving transport network connections in and between regional cities, towns and Melbourne.

- Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.

- Limit urban sprawl and direct growth into existing settlements.

- Promote and capitalise on opportunities for urban renewal and infill redevelopment.
- Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
- Ensure retail, office-based employment, community facilities and services are concentrated in central locations.
- Ensure land that may be required for future urban expansion is not compromised.

11.01-1R

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.

11.03-1S

Activity centres

Objective

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

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.

13.07-1S

Land use compatibility

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

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.

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.

17.02-1S Business

Objective

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

Strategies

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

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

18.02-4S

Car parking

Objective

To ensure an adequate supply of car parking that is appropriately designed and located.

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

21.04-4 Urban Design

Objectives - Urban design

- To achieve a high standard of sustainability in the design and development of new buildings and subdivision.
- To promote a high standard of architectural, landscaping and urban design for built form and public spaces throughout the municipality.
- To ensure development implements the “Urban Design Framework- Shepparton North and South Business Areas”.
- To improve the amenity and image of the Shepparton CBD through the quality of its streetscape design, thereby creating an attractive CBD in which to work, study and live.
- To develop an image for Shepparton as a municipality that fosters innovative and sustainable contemporary design, particularly within the Shepparton CBD.
- To support public art in the Shepparton CBD that projects the character and uniqueness of Shepparton, enlivens public spaces and raises awareness of the indigenous and post-settlement history.
- To promote the principles of environmentally sustainable design.
- To control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment or the built form in the municipality.

Strategies - Urban Design

- Promote the highest design standards of residential development.
- Ensure the design of new development contributes to local character and enhances the public realm while minimising impacts on neighbouring properties.
- Promote energy efficient and sustainable designs for subdivision, new development and redevelopment of existing buildings and spaces.
- Encourage Water Sensitive Urban Design features in new and existing residential areas.

- Ensure development within the five designated precincts in the “Urban Design Framework- Shepparton North and South Business Areas” implements the directions of the framework.
- To ensure development implements the Shepparton CBD Strategy October 2008 and the Design and Development objectives and requirements of Schedule 1 to the ACZ.
- Promote architectural and urban design excellence throughout the CBD to improve its image as a regional centre.
- Facilitate landmark architecture on gateway sites and key sites in the CBD.
- Define gateways to the CBD through urban design and architecture, signage, complementary landscaping and public art.
- Ensure that buildings in the vicinity of the river are oriented towards the riverside environment.
- Design building frontages in the core retail areas and along main pedestrian streets to have 75 per cent ‘active’ frontages to add to the activity and vitality of the streets. This can be achieved through clear glazing, locating entrances off principal street spaces and providing balconies or terraces at the upper levels.
- On larger sites, avoid expanses of blank walls. Provide visual interest through a range of colours or textures, installing displays or through variations in the form of the building.
- Ensure the scale, mass and height of new commercial developments respects the prevailing neighbourhood character.
- Ensure building frontages avoid long expanses of solid walls and incorporate design elements and a variety of materials that create articulation and visual interest.
- Protect vistas to historic or significant buildings forming part of the streetscape.
- Ensure the creation of ‘walkable neighbourhoods’ that afford priority to pedestrians and provide safe and sheltered pedestrian routes within and through residential neighbourhoods and commercial centres.
- Ensure a high degree of connectivity and access within and between neighbourhoods for all modes of transport.
- Ensure subdivision design incorporates a variety of high-quality and useable open spaces that are well integrated with surrounding development.
- Ensure the design of new development contributes to the safety of its surroundings.
- Ensure new subdivisions respect and respond to valued local ecological qualities.
- Encourage landscaping of sites to retain existing vegetation where practical.
- Encourage the use of indigenous and low maintenance plant species.
- Ensure that the location, form and size of signs complement the dominant character of any urban or rural landscape, building, site or area on which they are erected.

Control the location, size and scale of advertising signage, especially in key precincts of the Shepparton CBD and town centres.

Relevant Particular Provisions

21.06-5

Commercial/Activity Centres

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

by between 35,000 and 55,000 square metres between 2015 and 2036. The *Commercial Activity Centres Strategy November 2015* identifies the following updated Activity Centre Hierarchy:

Activity Centre Hierarchy Description

Level in Hierarchy	No. of Centres in Shepparton	Centre
Shepparton Central Activities District	1	Shepparton CBD
Regional Retail Centre	1	Shepparton Marketplace
Sub-Regional Centre	3	Riverside, Mooroopna CBD, Shepparton North
Neighbourhood Centre or Town Centre	3	Echuca Road (Mooroopna North), Rowe Street East (Shepparton Plaza), Tatura
Local Centre or Township Centre	29	Branditt Ave, Graham St, Parkside Drv, King St, Dunkirk Ave, Conifer St, Parker St, Macintosh St, Swallow St, Michel St, Poplar Ave, Archer St, Colliver Rd, Guthrie St, Longstaff St, Kialla Lakes, Joseph St, MacIsaac Rd, St Georges Road, Murchison, Dookie, Toolamba, Tallygaroopna, Undera, Shepparton East, Lemnos, Congupna, Katandra West, Merrigum
Enterprise Corridor	3	Benalla Road, Gateway North (Numurkah Road), Gateway South (Melbourne Road)

Source: Essential Economics

Relevant Particular Provisions

52.05 Signs

Purpose

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

52.05-11

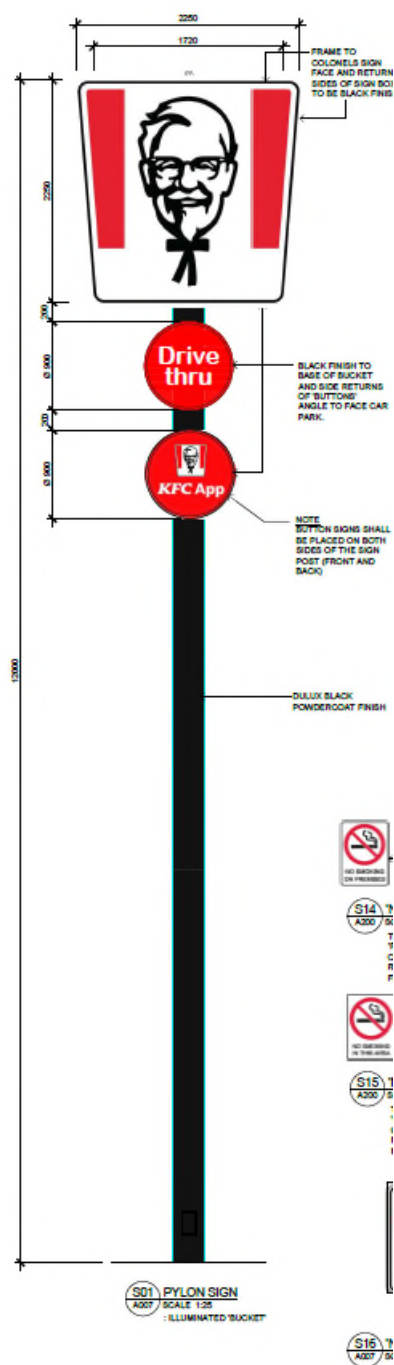
Category 1 - Commercial areas

Minimum limitation

Purpose

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

Included within the signage proposal is a 12m high KFC bucket sign as shown by the below plan. This sign is sited in the McLennan Street frontage on the corner with Echuca Road.



The application includes a 12m high sign as shown above. In comparison the Numurkah Road, Shepparton KFC provides a 9.5m high sign and Mooroopna McDonalds has a 10m high sign. Officers consider that the sign should be reduced to 10m in height so that it is consistent with other similar signs.

Officers consider that the proposed signage package, which is for business identification purposes, is reasonable as it alerts passing motorists to the KFC. Substantial signage is required for vehicles travelling west on the Midland Highway to see the site and to access

the land. The proposed signage is an expected signage outcome associated with a KFC and the level of proposed signage is acceptable.

52.06 Car Parking

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.

Decision guidelines are at 52.06-10.

52.29

LAND ADJACENT TO A ROAD ZONE, CATEGORY 1, OR A PUBLIC ACQUISITION OVERLAY FOR A CATEGORY 1 ROAD

Purpose

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

52.29-6

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.

52.34

BICYCLE FACILITIES

Purpose

To encourage cycling as a mode of transport.

To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

The decision guidelines of Clause 65

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

65.01 Approval of an application or plan

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

The matters set out in section 60 of the Act.

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

Officers Assessment

1. The PPF seeks to focus investment and growth in places of state significance such as Shepparton. Officers consider that Shepparton's suburbs being Kialla, Mooroopna and Shepparton North are also a focus for this investment and growth. Clause 11.01-1R reinforces the policy direction to facilitate growth and development specifically in Shepparton.
2. 13.03-1S and 21.05-2 seek to manage flooding within the community. The proposed development is proposed to be constructed to the flood protection level. The CMA have consented to the proposed development in an area of flooding.
3. 13.05-1S (Noise) and 13.07-1S (Land use compatibility) purposes are to manage amenity conflicts between land uses. The land is within a C1Z and is setback about 15m to the nearest residential zoned land. Officers acknowledge that no use

permission is triggered, despite this officers consider that the separation between the use and residential zoned land is appropriate. The main amenity impact is noise disturbance from the drive through including speakers for ordering, payment, collection of food and activities within the car park such as customers leaving at night time.



4. An acoustic report was submitted with the application. This report made the following conclusions:

Clarity Acoustics has carried out an environmental noise assessment of the proposed convenience restaurant in accordance with the relevant Victorian EPA legislation, guidelines and accepted industry practice. Based on the proposed design of the development, the relevant noise criteria for the site can be met by implementing the following:

- Installing a perimeter acoustic fence to the northern and eastern site boundaries comprising sections with heights of 1.8, 2.4, 2.8 and 3.1 m
- Restricting waste collection from the subject site to the NIRV day and evening periods (0700-2200 hours, 7 days a week).
- Restricting deliveries during the morning shoulder period (i.e., between 0600-0700 hours) by HRVs/MRVs to a maximum of two (2). Deliveries during the remainder of the night time (2200-0600 hours) should be limited to LRVs or vans
- Designing all mechanical plant associated with the site to achieve a cumulative level of 44 dB L_{eff} at the nearest affected receiver location.

6. 17.01-1S (Diversified economy) and 17.02-1S (Business) are economic based policies such as 'support rural economies to grow and diversify' and 'locate commercial facilities in existing or planned activities centres'. Officers consider that this proposed KFC implements policy direction of these clauses by providing improved commercial options in McLennan Street.

Decision Guidelines C1Z

The interface with adjoining zones, especially the relationship with residential areas.

7. The land is within the C1Z and is setback about 15m to the nearest residential zone (NRZ). Separating the subject site to the residential zone is a dwelling in the C1Z.

The effect that existing uses may have on the proposed use.

8. No use permission is required for the proposal. Despite this officers consider that existing uses which are mainly commercial will not impact on the development.

The drainage of the land

9. Council's drainage engineers have reviewed the proposal and the drainage network within the catchment. Those officers are satisfied that acceptable drainage solutions are achievable. Permit conditions will require the submission of a detailed drainage plan dealing with retention, water treatment and connection to Council's drainage network.

The availability of and connection to services

10. The land is within the existing built up area of Mooroopna and has access to all services. Permit conditions will require that the electricity connection to the building be undergrounded.

The effect of traffic to be generated on roads

11. Vehicle access to the land is to the Echuca Road service road and McLennan Street, both of these roads are within the RDZ1. To access the site from Echuca Road it will be necessary to enter the service road at Alexandra Street which is about 120 north of the land.

DoT are a determining referral authority for the creation of vehicle access to these RDZ1's.

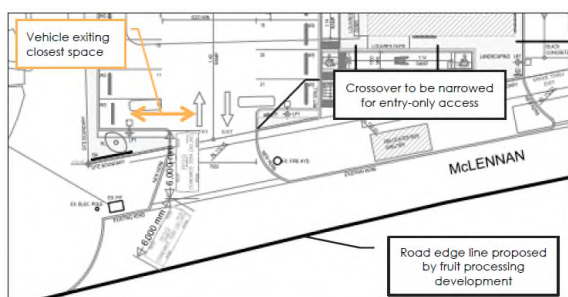
The application was accompanied by a traffic report.

In response to a DoT request revisions have been made to address road safety concerns, being:

- Installation of a concrete island to physically prevent right turns from Echuca Road service road



- Provision for entry only to the KFC from McLennan Street and removal of first car parking bay adjoining this vehicle entry



DoT acting as a determining referral authority decided that vehicle access arrangements are acceptable subject to a number of conditions all of which are within the NOD.

The interim use of those parts of the land not required for the proposed use

12. The proposal seeks to develop all of the site.

The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

13. The submitted plans provide for a footpath connecting the car park to the store entry and McLennan Street to the store entry. On site facilities are proposed for waste bins, loading bays and mechanical plant.

The provision of car parking

14. The submitted plans show 20 on site car parking spaces.
15. 52.06-5 requires that the KFC provide 0.3 of a car parking space to each patron permitted. Based on a 44 seat restaurant the development has a statutory parking requirement of 13 spaces.
16. A total of 20 on site spaces are proposed, compliance with the statutory parking rate is achieved.

The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.

17. The application has been accompanied by properly prepared plans which demonstrate that the proposed building will positively contribute to Mooroopna. Officers consider that the mix of building materials, creation of interest points on what would otherwise be blank walls and the use of landscaping produce an acceptable design response to the site.

The storage of rubbish and materials for recycling

18. Submitted plans show an internal refuse room.

Defining the responsibility for the maintenance of buildings, landscaping and paved areas

19. Officers consider the ongoing maintenance of the land will be a responsibility of the KFC. Permit conditions will require that landscaping be maintained to the satisfaction of the responsible authority.

The availability of and connection to services

20. All urban services are available and appropriate conditions would be included in any permit for development.

Landscaping

21. Permit conditions will require the submission of a landscape plan for the site, including the use of canopy trees and an irrigation system.

Bicycle Parking

22. 52.34-1 requires that the floor area of an existing use must not be increased until the required bicycle facilities has been provided on the land. 52.34-5 requires bicycle spaces for a convenience restaurant being 1 space to each 25sqm available to the public for staff and 2 for shoppers.

Based on 100sqm of the KFC being available to the public, 4 spaces are required for staff and 2 for shoppers, being a total of 6 spaces.

Plans indicate the provision of 8 on site bicycle spaces.

End of trip facilities are not required as less than 5 bicycle spaces are required for staff.

Relevant incorporated or reference documents

Local Floodplain Development Plan

IDM

Other relevant adopted State policies or strategies policies

Nil

Relevant Planning Scheme amendments

Nil

Are there any significant social & economic effects?

Within Council, particularly Councillors have raised concern about another fast food tenancy in Mooroopna and the associated social harm of obesity.

Officers note that the use of land for KFC is a section 1 use in the C1Z.

Mansfield recently dealt with a similar application which was ultimately decided by VCAT (140 High Street Pty Ltd v Mansfield SC [2021] VCAT 291 (20 April 2021).

The Members made the following comments in the Mansfield case, these same principles can be applied to the Mooroopna KFC application:

It follows, for example, that it is not the role of a planning decision-maker to consider the broader impacts on society of obesity, when making a decision about the development of land for a particular fast food outlet. The Tribunal has held that it is not its role to consider the potential health effects of electromagnetic radiation from a telecommunications facility that otherwise complies with relevant Australian safety standards, and a planning decision-maker should not pioneer its own separate standards. Similarly, therefore, it is not the role of a planning decision-maker to consider the broader impacts of the abuse or misuse of alcohol in a society, or to pioneer its own standards about the accessibility of alcohol generally in the community, when making a decision about the use or development of land for a liquor outlet. These are all relevant societal concerns, but they are not necessarily relevant planning considerations to a particular statutory planning decision at a local level.

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.

Discuss any other relevant Acts that relate to the application?

Food Act

Conclusion

Officers having undertaken an assessment of the application consider that the application produces acceptable planning outcomes and achieves a net community benefit by developing C1Z land for a KFC and associated employment generation. Officers recommend that a NOD issue.

Draft Notice Of Decision

APPLICATION NO: 2021-150
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: 148 MCLENNAN STREET MOOROOPNA VIC 3629

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND WORKS IN THE COMMERCIAL 1 ZONE AND FLOODWAY OVERLAY AND CREATION OF ACCESS TO A ROAD ZONE CATEGORY 1 ASSOCIATED WITH A KFC

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) Modification of the height of acoustic fence to 3.1 metres except for the 1.8m high sections of the fence which are to be 7.5m in length from the lands boundary to Echuca Road and Midland Highway
- b) Details of screening of roof plant
- c) Removal of car space 20 and increase landscaping to this car parking bay

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 buildings 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. Hours of Operation

The KFC must not operate after 11.00PM to the satisfaction of the responsible authority.

5. Noise Control

- a) 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.
- b) Not more than six months after the occupation of the development noise measurements of actual in operation noise levels must be undertaken at the permit holders expense to determine if the use is achieving compliance with NIRV. If the monitoring finds compliance is not being achieved with NIRV additional noise mitigation measures must be implemented without delay to the satisfaction of the responsible authority.
- c) In the event of unreasonable noise 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 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.

6. Landscape Plan

Before the development starts a landscape plan prepared by a suitably qualified landscape designer must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided to show:

- a) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- b) street trees abutting the land.

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

All trees planted as part of the landscape works must be a minimum height of 1.2

metres at the time of planting.

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

Once planted the landscaping including the replacement of any dead plants must be maintained to the satisfaction of the responsible authority.

7. Drainage Discharge Plan

Before the development starts, a properly prepared drainage 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.

The information and plan must include:

- a) details of how the works on the land are to be drained and retarded
- b) underground pipe drains conveying stormwater to the legal point of discharge
- c) maximum discharge rate shall not be more than 65 lit/sec/ha with 15 litres (Tank/Basin) or 17 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)
- 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) 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.

Before the building is occupied, all drainage works constructed or carried out must be in accordance with the endorsed drainage plans to the satisfaction of the responsible authority.

8. Car Park, Acoustic Fence and Loading Bay Construction Requirements

Before construction works start associated with the provision of car parking and loading bays detailed civil plans demonstrating compliance with the IDM and to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions and show.

- a) car parking areas providing at least 19 car parking spaces, eight bicycle

spaces, circulation lanes and access shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'

- b) detailed construction plans of the on site loading bays
- c) electricity connection to the buildings is to be undergrounded and any on site substation is to be screened
- d) an external lighting plan demonstrating that light spill does not extend to neighbouring properties to the north and east
- e) screened on site waste disposal areas
- f) construction details of the acoustic fence

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

9. Health Requirements

- a) Prior to commencing construction of any food preparation area, the owner must seek the advice of the Council's Environmental Health Officer.
- b) Prior to commencing the business the applicant shall make application to the Council Environmental Health Department for the registration of the premises under the *Food Act 1984*.
- c) At the time of making application for registration under the *Food Act 1984*, the applicant shall lodge a copy of their food safety program as required by the Act and the name and accreditation details of their nominated Food Safety Supervisor.

10. VicRoads Requirements

- a) Only two direct accesses shall be permitted from the subject land to McLennan Street. The accesses will be restricted to left turn ingress and left turn egress from the subject land to McLennan Street located as follows:
 - Left turn ingress only centred at approximately 11m east of the western boundary of the subject land.
 - Left turn egress only centred at approximately 41 metres east of the western boundary of the subject land.
- b) Direct access from the subject land to Echuca Road will not be permitted. The access must be via the service road and located at the existing access as shown on the plan appended to the application.
- c) Before the development starts a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans date stamped June 2021 and annotated KFC Mooroopna Site

Plan Drawing No. A003 Rev P but modified to show:

- Left turn ingress only access from McLennan Street centred at approximately 11m east of the western boundary of the subject land.
 - No entry signs at the left turn ingress only from McLennan Street located on the road reserve boundary facing the subject land.
 - All Traffic Turn Left sign R2-14(L) at the left turn egress only from the subject land to McLennan Street.
 - A concrete median island extending 55 metres north from the McLennan Street/ Echuca Road intersection including pavement widening to maintain a 5 metre wide northbound traffic lane.
 - Removal of the existing service road extension south of the proposed Echuca Road access.
 - Removal of parking spaces numbered 12 and 21 or increase offset of parking spaces from property boundary to reduce risk of vehicles reversing onto footpath within the road reserve.
- d) Prior to commencement of any roadworks within the arterial road reserve the following must be submitted to and approved by the Head, Transport for Victoria:
- Detailed design plans must be prepared generally in accordance with the endorsed Functional Layout Plan.
 - A Detailed Design Road Safety Audit. The road safety audit must be undertaken by a suitably qualified road safety auditor and the design must address recommendations arising from the road safety audit.
- e) Prior to development coming into use, the applicant must complete the following roadworks at no cost to and to the satisfaction of the Head, Transport for Victoria:
- Construct driveway crossovers including traffic management signs.
 - Construct a concrete median island extending 55 metres north from the McLennan Street/ Echuca Road intersection including pavement widening to maintain a 5-metre wide northbound traffic lane.
 - Remove the existing service road extension south of the proposed Echuca Road access and the area reinstated.
 - Redundant accesses to the subject land other than those shown on the endorsed Functional Layout Plan that provide access to McLennan Street and Echuca Road, must be removed to prevent further vehicular access and the area reinstated

11. Goulburn Broken Catchment Management Authority Requirements

The finished floor level of the proposed KFC restaurant must be constructed at least 300 millimetres above the 100-year ARI flood level of 112.5 metres AHD, i.e., 112.8 metres AHD, or higher level deemed necessary by the responsible authority.

12. 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.

Please note:

The new crossover in Echuca Road will pass over an existing 100mm dia. water reticulation main and those in McLennan Street will pass over an existing 150mm dia. water reticulation main. Please supply detailed civil works plans of these crossings to Goulburn Valley Water for comment.

13. Time for Starting and Completion

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

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

NOTATIONS