

UNCONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 1/2022

HELD ON

FRIDAY 4TH MARCH 2022

at 10.00AM

(Boardroom & Via Zoom)

CHAIR

Councillor Shane Sali

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 1 for 2022.

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) – **Boardroom**
- Geraldine Christou, Director, Sustainable Development - Greater Shepparton City Council – **Boardroom**
- Joel Ingham– Planning Co-Ordinator – Benalla Rural City Council – **Via Zoom**
- Braydon Aitken – Manager Planning and Investment – Strathbogie Shire Council – **Boardroom**
- Colin Kalms – Manager Building, Planning & Compliance - Greater Shepparton City Council – **Boardroom**

OFFICERS AND OTHERS PRESENT

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

- Andrew Dainton - **Boardroom**
- Quinn Maguire – **Boardroom**

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.4/2021 held on Friday 12 November 2021. Minutes have been circulated.

***Moved** by Geraldine Christou and **seconded** by Joel Ingham that the minutes of the meeting held on 12 November 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 are 3 items listed for consideration in this session of the DHP:

1. Planning Permit application 2021-212 – **WITHDRAWN**
2. Planning Permit application 2021-333 - 3 lot subdivision and building and works in the Commercial 1 Zone and Land Subject to Inundation Overlay and associated waiver of car parking requirements at 1-3 Branditt Avenue, Shepparton

3. Planning Permit application 2021-413 – **DEFERRED** Use and development for a medical centre in the Neighbourhood Residential Zone and Heritage Overlay at 88 Corio Street, Shepparton

LATE REPORTS

None

NEXT MEETING

To be determined

INDEX

<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2021-212	12-24 Murrays Lane, Murchison WITHDRAWN PRIOR TO HEARING	7 lot subdivision in the Township Zone and Bushfire Management Overlay	3
2021-333	1-3 Branditt Avenue, Shepparton	3 lot subdivision and building and works in the Commercial 1 Zone and Land Subject to Inundation Overlay and associated waiver of car parking requirements	44
2021-413	88 Corio Street, Shepparton DEFERRED	Use and development for a medical centre in the Neighbourhood Residential Zone and Heritage Overlay	66

Application Details: Proposal – **WITHDRAWN**

It is proposed to subdivide the existing parcel of land, which currently totals 14.70 hectares into seven lots. Proposed Lots 1 to 6 are north facing between 1670 m² and 1830 m², with the balance of the original land parcel forming lot 7 at 13.65 hectares in size.

It is proposed to install 3 shared access crossings between neighbouring lots 1 to 6 to minimise impacts on the roadside native vegetation. It is proposed a new access for lot 7 off Hammond Road, again to minimise impacts on native vegetation.

The proposed subdivision is shown below:

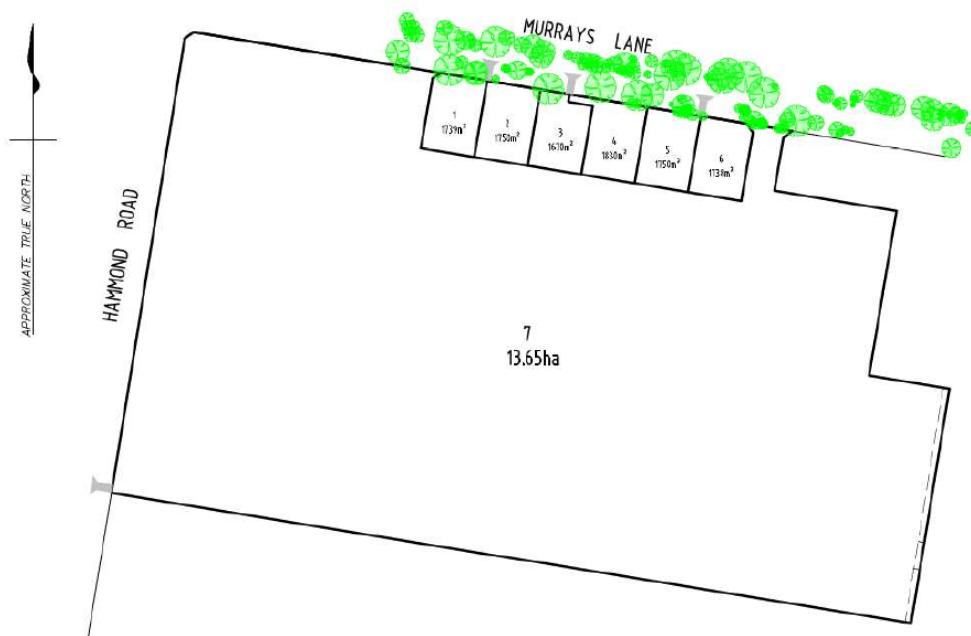


Figure 5 – Proposed Subdivision Layout

Planning permit permission is required for a 7-lot subdivision in the TZ and for subdivision of land in the BMO.

As the proposed new house lots are outside the BMO, the BMO application requirements are waived in accordance with Clause 44.06-3. The application was referred to the CFA and they have acknowledged and supported the responsible authority's decision to waive the application requirements of Clause 44.06-3. In addition, CFA does not require the mandatory condition of Clause 44.06-5 to be applied to this proposal. Part of the CFA response is shown below.

CFA acting as a Referral Authority pursuant to Section 55 of the *Planning and Environment Act, 1987 (Act)* has considered and does not object to the grant of a permit for the above proposal.

CFA has no conditions

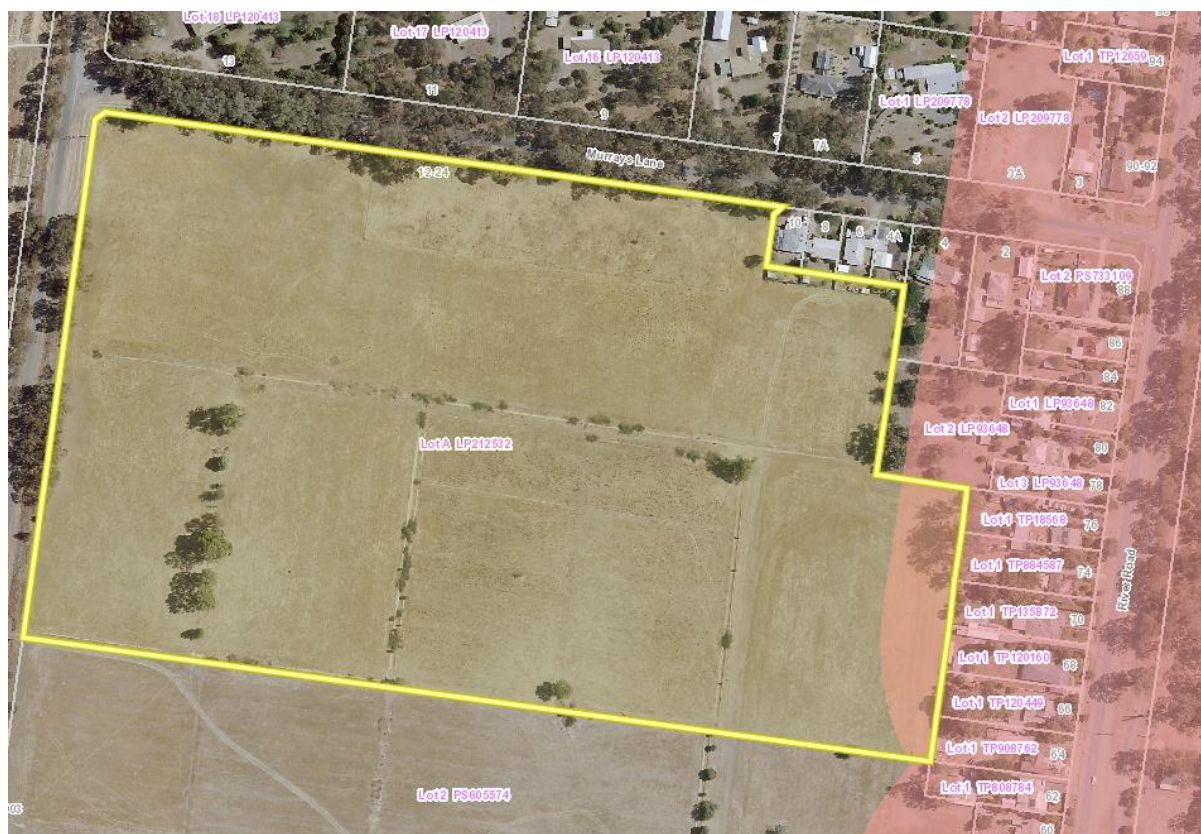
Further Comments

CFA acknowledge and support the responsible authority's decision to waive the application requirements of Clause 44.06-3 in this instance.

CFA does not require the mandatory condition of Clause 44.06-5 to be applied to this proposal.

The existing fire hydrants located in Murrays Lane would appear to provide the necessary fire hydrant coverage in accordance with Standard C29 of Clause 56.09-3.

The aerial below shows the location of the BMO marked in red.



Pre-application discussions have been held between planning officers and the applicant around the need to ensure any new vehicle access points avoid the need for the removal of any native vegetation within the road reserve.

The applicant has taken these discussions into consideration. Should a planning permit issue, conditions will require a detailed survey be undertaken to ensure that the location of the three proposed vehicle access points will avoid the need for native vegetation removal.

The application is not seeking approval for the removal of any native vegetation.

Subject Site & Locality

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

Date: 23 February 2022

The site has a total area of 14.70ha and currently contains:

- The site is flat and is currently being farmed in conjunction with neighbouring farm allotments.
- There are currently two dirt accesses to this property. They are likely to be removed as the locations are not where the new crossovers are.
- There is currently no footpath along the front of this property at either Hammond Road or Murrays Lane.
- The lot shares a frontage with both Murrays Lane and Hammond Road, which are substantially vegetated.

The main site/locality characteristics are:

- The site is located at Murrays Lane, Murchison which is in the northern region of the Murchison Township within close access to the Goulburn River.
- Surrounding area to the north and south is zoned Township.
- Farm Zone is to the west.
- A small section of Township Zone is to the east before the Goulburn River Reserve.
- The existing dwellings are a mix of modern and older style single storey dwellings constructed of generally brick veneer with tiled or Colorbond roof, on allotments of similar size to the proposed subdivision.
- Traffic counts were undertaken in Murrays Lane on 30 and 31 August 2016 which found 65 and 83 vehicles per day using Murrays Lane (trimmed to M17/22394).

The Photos below show the existing site:





Pre-Application Meeting Details

As there been a pre-application meeting? Yes

If yes with whom? Braydon Aitken

What advice was given by the Council Officer? Planning Permit required. Pre-application discussions have been held between planning officers and the applicant around the need to ensure any new vehicle access points avoid the need for the removal of any native vegetation within the road reserve.

The applicant has taken these discussions into consideration. Should a planning permit issue, conditions will require a detailed survey be undertaken to ensure that the location of the three proposed vehicle access points will avoid the need for native vegetation removal.

The application is not seeking approval for the removal of any native vegetation.

Permit/Site History

There is no relevant planning permit history.

Further Information

Is further information required for the application? No

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description a seven lot subdivision, 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 11 July and 25 July 2021.

The application was exempt from being advertised in accordance with Clause 44.06-7 of the planning scheme.

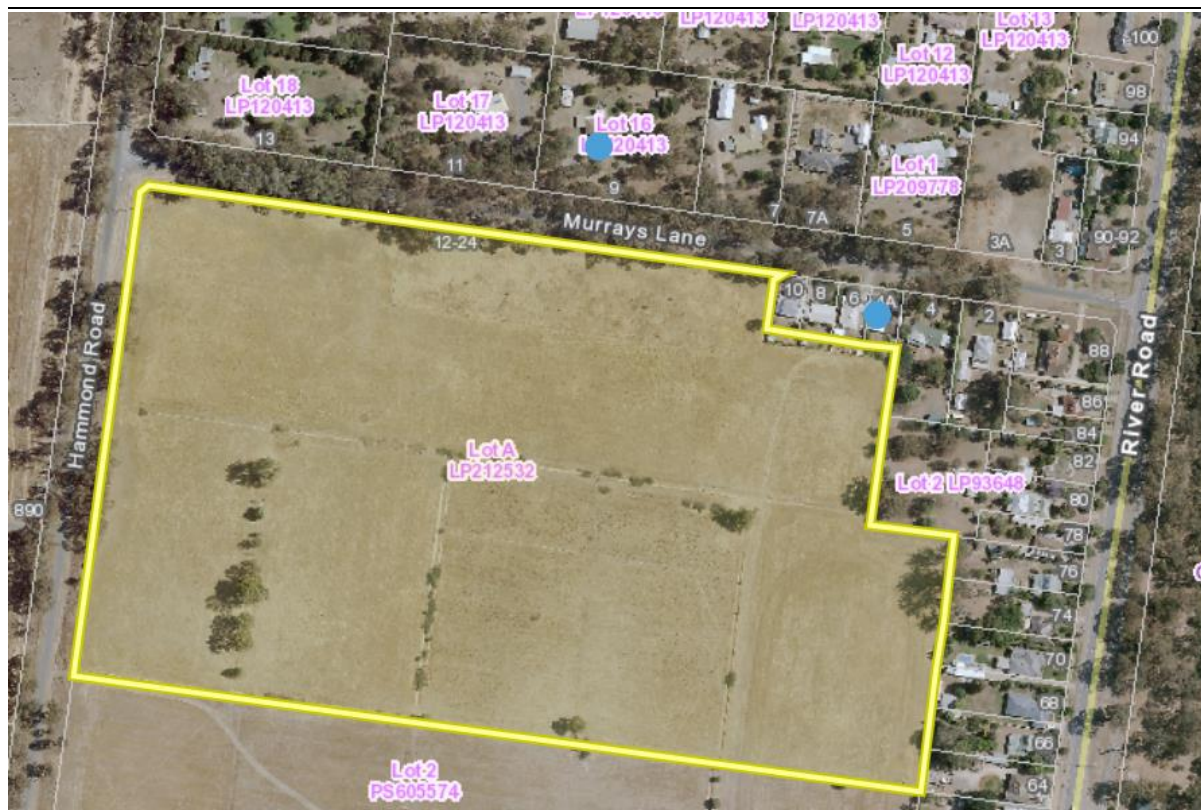
Objections

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

- Will there be easements on these properties to install shared trench for services?
- If services are put along the road reserve / nature strip this will require the removal of established native trees and, or damage to the tree root systems and the natural appeal of the area.
- Speed of traffic in Murrays Lane.
- With the extra traffic on this Lane a set of three speed humps should be installed to keep traffic at a safe speed.
- Do not install foot paths and street lighting.
- Existing road is narrow and dangerous and creates dust in summer and holds water in winter.
- Existing roads and pathways should be updated.
- How will the building of residences be controlled? e.g. Caveats Etc. to keep the aesthetics of the lane.
- Vehicle access to Murrays Lane from River Road is a concern because of the enclosed system of storm water pits and open drainage pipes at the intersection of River Rd. and Murrays Lane both North and south sides are obstructed by the storm water pipes, access cover lid and open drainage.

Suggestion for consideration - If the open drain on the south side is to be piped and enclosed, a gravel pathway would be appropriate.

Objector Location Plan



Title Details

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

Consultation

Consultation was not undertaken. Relevant aspects of consultation, included:

Referrals to Authorities

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
CFA	44.06-6	Recommending	<p>CFA does not object to the grant of a permit.</p> <p>CFA has no conditions</p> <p>Further Comments</p> <p>CFA acknowledge and support the responsible authority's decision to waive the application requirements of Clause 44.06-3 in this instance.</p> <p>CFA does not require the mandatory condition of Clause 44.06-5 to be applied to this proposal.</p>

			<p>The existing fire hydrants located in Murrays Lane would appear to provide the necessary fire hydrant coverage in accordance with Standard C29 of Clause 56.09-3.</p> <p>Certification and Statement of Compliance</p> <p>CFA consents under Section 9 of the <i>Subdivision Act 1988</i> to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the <i>Subdivision Act 1988</i>.</p> <p>CFA also consents to the Statement of Compliance for Subdivision under the <i>Subdivision Act 1988</i>.</p>
GVW	66.01	Determining	<p>GVW does not object to the granting of a permit, providing the following specified conditions are placed on the permit:</p> <ul style="list-style-type: none"> (a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment; (b) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment; (c) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (d) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property; (e) The land to be included in an extension of the Sewer and Water Supply District and the owner agree to contribute to the actual cost to extend the District Boundary necessary to provide reticulated sewer and water to this development. Such amount being determined by the Authority at the time of payment; (f) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation

			<p>relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;</p> <p>(g) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.</p> <p>Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.</p>
Powercor	66.01	Determining	<p>Powercor does not object subject to the following conditions:</p> <ol style="list-style-type: none"> 1. This letter shall be supplied to the applicant in its entirety. 2. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act. 3. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. <i>Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.</i> 4. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). <i>Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.</i>

			<p>5. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations. <i>Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:</i></p> <ul style="list-style-type: none"> • <i>RESERVES established by the applicant in favour of the Distributor.</i> • <i>SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.</i> <p><i>The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.</i></p> <p>6. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new power lines to service the lots or adjust the positioning existing easements. <i>Notes:</i></p> <ul style="list-style-type: none"> • <i>Existing easements may need to be amended to meet the Distributor's requirements</i> • <i>Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:</i> <p style="text-align: center;"><i>Purpose - Power Line</i></p> <p style="text-align: center;"><i>Origin - Section 88 – Electricity Industry Act 2000</i></p> <p style="text-align: center;"><i>Land Benefited / In Favour Of - Powercor Australia Ltd</i></p>
APA	66.01	Determining	No response has been received from APA.

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GMW	<p>GMW has no objection subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Any Plan of Subdivision lodged for certification must be referred to Goulburn- Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act. 2. All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004. 3. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority. 4. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council engineers consented to the application subject to standard drainage and crossover conditions. Council engineers did not require a footpath abutting the land on Murrays Lane as the footpath would not connect with existing footpath infrastructure.
Health	<p>No objection subject to the following condition:</p> <ul style="list-style-type: none"> • All allotments in the subdivision must be connected to the reticulated sewerage system, in accordance with Goulburn Valley Water's specifications.

Assessment

The zoning of the land

32.05 Township Zone

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations

32.05 -13 Decision Guidelines

Before deciding on an application to use land or 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 Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.
- The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.
- The design, height, setback and appearance of the proposed buildings and works including provision for solar access.
- The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.
- Provision of car and bicycle parking and loading bay facilities and landscaping.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The scale and intensity of the use and development.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.
- 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.
- Any other decision guidelines specified in a schedule to this zone.

Subdivision Issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.
- Any other decision guidelines specified in a schedule to this zone.

OFFICER COMMENTS - TZ

- Planning permission is required to subdivide land in the TZ
- Proposal must meet relevant requirements of Clause 56. An assessment against the relevant provision of Clause 56 is contained within the Particular Provisions Section of this report.
- Key purpose of the zone is to provide for new residential development that respects the existing neighbourhood character.
- Key decision guidelines are:
 - The pattern of subdivision and its effect on the spacing of buildings.

- The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- No native vegetation is proposed to be removed and this will be reinforced by permit condition.

Relevant overlay provisions

44.06 BUSHFIRE MANAGEMENT OVERLAY

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

44.06-3 Application Requirements

Unless a schedule to this overlay specifies different requirements, an application must be accompanied by:

- A **bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.
- A **bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.
- A **bushfire management statement** describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective. If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

44.06-4 Requirements of Clause 53.02

An application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay.

A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02.

44.06-5 Mandatory Condition

Subdivision

A permit which creates a lot for a single dwelling on land zoned for residential or rural residential purposes must include the following condition:

“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- *State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the [*insert name of applicable planning scheme] Planning Scheme.*
- *Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
- *State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

This does not apply:

- If a schedule to this overlay specifies that a Section 173 Agreement is not required.
- Where the relevant fire authority states in writing the preparation of an agreement under Section 173 of the Act is not required for the subdivision.
- For the subdivision of the land into lots each containing an existing dwelling or car parking space.

A permit to subdivide land must include any condition specified in a schedule to this overlay.

44.06-8 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any other matters specified in a schedule to this overlay.

OFFICER COMMENTS - BMO

- A permit is required to subdivide land in the BMO.
- CFA has agreed to waive the application requirements of Clause 44.06-3.
- CFA does not require the mandatory condition of Clause 44.06-5 to be applied to this proposal.

Planning Policy Framework (PPF)

11.01-R Settlement Hume

Key Strategies

- Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.

11.02-1S – Supply of Urban Land

Key Strategies

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.
- Planning for urban growth should consider:
 - Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
 - Neighbourhood character and landscape considerations.
 - The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

11.03-6S Regional and Local Places

Key Strategies

- Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.

12.01-2S Native Vegetation Management

Objective

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Strategies

Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with *the Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017):

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

13.02-1S Bushfire Planning

Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies

Protection of human life

Give prior to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- Applying the best available science to identify vegetation, topographic and climate conditions that create a bushfire hazard.
- Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.
- Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.
- Considering and assessing the bushfire hazard on the basis of:
 - Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
 - Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;
 - Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
 - The site for the development.
- Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.
- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.
- Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.

15.01-3S Subdivision design

Objective

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing native habitat.
- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.
- Reduce car dependency by allowing for:
 - Convenient and safe public transport.
 - Safe and attractive spaces and networks for walking and cycling.
 - Subdivision layouts that allow easy movement within and between neighbourhoods.
 - A convenient and safe road network.
- Being accessible to people with disabilities.
- Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.

15.01-5S Neighbourhood character

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies

- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Ensure the preferred neighbourhood character is consistent with medium and higher density housing outcomes in areas identified for increased housing.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - Pattern of local urban structure and subdivision.
 - Underlying natural landscape character and significant vegetation.
 - Neighbourhood character values and built form that reflect community identity.

16.01-1S Housing Supply

Key Strategies

- Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas
- Identify opportunities for increased residential densities to help consolidate urban areas.

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

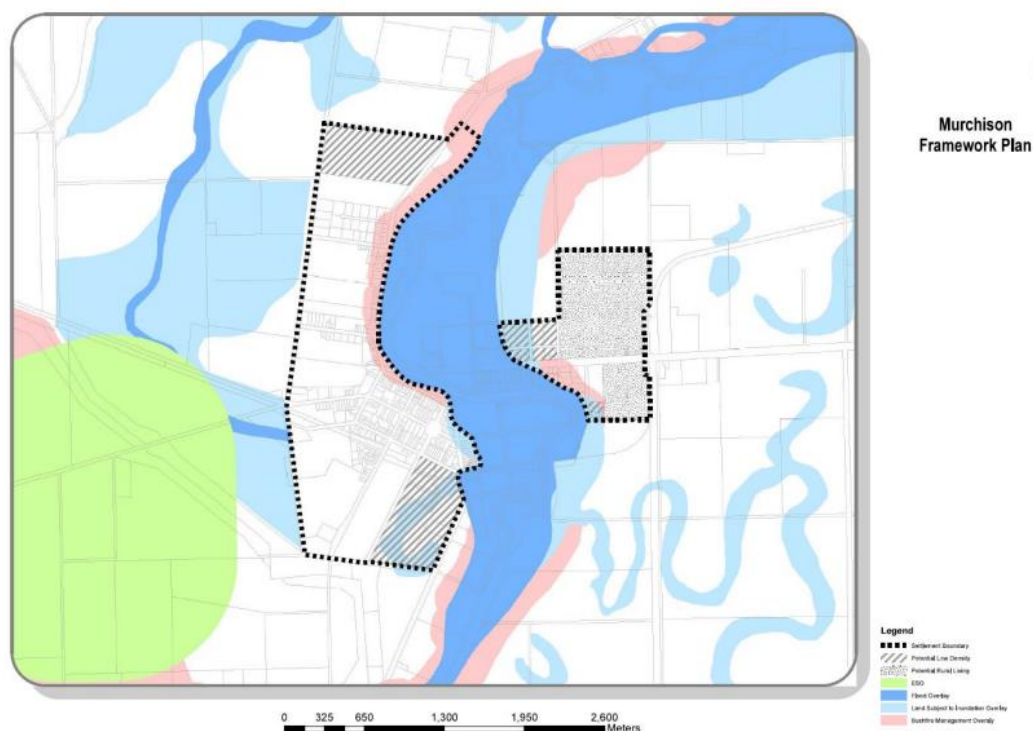
21.04 Settlement

21.04-1 Urban Consolidation and Growth

It is expected that the urban areas of Shepparton and Mooroopna along with the four major growth areas will accommodate the majority of new residential development, with remaining growth distributed throughout Tatura, Murchison, Merrigum, Dookie, Congupna, Katandra West, Tallygaroopna, Toolamba, and Undera.

Settlement Boundaries

The land is shown within the Murchison Township Settlement Boundary.



A draft Murchison Outline Development Plan (plan) was prepared on behalf of Council in September 2008. The plan has no formal status. Within this plan the land is shown as being within the Murchison North Growth Area.

This document identified the importance of the retention of native vegetation within Murrays Lane.



The proposed subdivision layout will still allow for the two main north south roads on the above plan to be achieved, and the proposed lot sizes are in line with the lot sizes sought for the plan up to 2000sqm's.

Objectives - Urban Consolidation and Growth

- To contain urban growth to identified growth areas in order to protect higher quality and intact agricultural areas and achieve a more compact built up area.
- To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.
- To provide a greater range of housing choices to attract more people to live in the Shepparton CBD which will support the vibrancy and economy of the CBD.
- To make better use of available land by allowing higher scale built form in appropriate locations within the CBD.
- To minimise the impacts of housing on the natural environment.
- To release land efficiently in terms of location, supply of services and infrastructure and in accordance with land capability.
- To support increased residential densities, such as 15 dwellings per hectare, in established areas and the conventional living growth areas.
- To increase the supply of medium density housing in appropriate locations.
- To provide land for small township expansion, subject to a supply and demand analysis.
- To coordinate the assessment, planning, development and servicing of identified investigation areas in an integrated manner.
- To ensure any small township expansion occurs without impacting on the long-term growth potential of urban centres or productive agricultural land.

- To ensure any small township expansion is dependent on land capability where no reticulated sewer is available.
- To balance the need to achieve urban consolidation with the need to respect and retain the valued characteristics of existing neighbourhoods.
- To ensure that land proposed for residential purposes is not contaminated.
- To ensure protection of ground water and natural systems.
- To ensure that provision is made for community infrastructure.
- To ensure that a Precinct Structure Plan and, where relevant, a Development Contributions Plan are prepared for land in the Urban Growth Zone.
- To provide for the appropriate development of Investigation Areas generally where the Investigation Area Study has been completed.

Strategies - Urban Consolidation and Growth

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

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

OFFICER COMMENTS

The proposed subdivision is consistent with the objectives and strategies in the PPF and LPPF as follows:

- It can be provided with appropriate services.
- It supports the long-term growth potential of the township.
- It is consistent with the neighbourhood character of the immediate areas.
- There is no loss of native vegetation.
- There are no bushfire impacts.
- The proposal is consistent with the Murchison ODP, particularly as :
 - It protects native vegetation along Murrays Lane
 - The layout will still allow for the two main north south roads to be achieved, and the proposed lot sizes are in line with the lot sizes sought for the plan up to 2000sqm's.

Relevant Particular Provisions

53.01 - Public Open Space

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the

land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both).

<p>31/07/2018 VC148</p> <p>1.0 31/07/2018 VC148</p>	<p>SCHEDULE TO CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION</p> <p>Subdivision and public open space contribution</p>								
<table border="1"> <thead> <tr> <th style="background-color: #333; color: white;">Type or Location of Subdivision</th> <th style="background-color: #333; color: white;">Amount of Contribution For Public Open Space</th> </tr> </thead> <tbody> <tr> <td>Land in a Residential, Commercial, Industrial or Activity Centre Zone</td> <td>5% of site value</td> </tr> <tr> <td>Land in a Rural Living or Low Density Residential Zone</td> <td>3% of site value</td> </tr> <tr> <td style="background-color: yellow;">Land in Township Zone</td> <td style="background-color: yellow;">3% of site value</td> </tr> </tbody> </table>		Type or Location of Subdivision	Amount of Contribution For Public Open Space	Land in a Residential, Commercial, Industrial or Activity Centre Zone	5% of site value	Land in a Rural Living or Low Density Residential Zone	3% of site value	Land in Township Zone	3% of site value
Type or Location of Subdivision	Amount of Contribution For Public Open Space								
Land in a Residential, Commercial, Industrial or Activity Centre Zone	5% of site value								
Land in a Rural Living or Low Density Residential Zone	3% of site value								
Land in Township Zone	3% of site value								

Clause 56 – Residential Subdivision

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>C6</p> <p>Neighbourhood Character objective</p> <p>To design subdivision that respond to neighbourhood character.</p>	<ul style="list-style-type: none"> • Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme. • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. 	<p>Complies</p> <p>The subdivision has been designed to minimise the impact on existing native vegetation within the Road Reserve. The native vegetation within the Murrays Lane Road reserve is the key neighbourhood character feature of the area.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>C7</p> <p>Lot diversity and distribution objectives</p> <p>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</p> <p>To provide higher housing densities within walking distance of activity centres.</p> <p>To achieve increased housing densities in designated growth areas.</p> <p>To provide a range of lot sizes to suit a variety of dwelling and household types.</p>	<ul style="list-style-type: none"> • Implement any relevant housing strategy, plan or policy for the area. • Lot sizes and mix should achieve the average net residential density specified by the zone 	<p>Complies</p> <p>There is no average lot size specified by the zone.</p> <p>The proposed lot sizes will be in accordance with the draft Murchison Outline Development Plan.</p>
<p>C8</p> <p>Lot area and building envelopes objective</p> <p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> - Contain a building envelope that is consistent with a development of the lot approved under this scheme, or <p>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</p>	<p>Complies</p> <p>The northerly orientation and size of the lots will allow for appropriate siting and construction of dwellings</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p>	
<p>C9</p> <p>Solar Orientation of lots</p> <p>To provide good solar orientation of lots and solar access for future dwellings.</p>	<ul style="list-style-type: none"> • Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. • Lots have appropriate solar orientation when: <ul style="list-style-type: none"> - The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. • Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. • Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street 	<p>Complies</p> <p>All lots have a northerly orientation.</p>
<p>C10</p> <p>Street Orientation Objective</p> <p>To provide a lot layout that contributes to community social interaction, personal safety and property security.</p>	<p>Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> • Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads. • Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space. 	<p>Complies</p> <p>The lots have all been designed to front the road.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<ul style="list-style-type: none"> Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries. Providing roads and streets along public open space boundaries. 	
<p>C11</p> <p>Common Area</p> <p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<ul style="list-style-type: none"> An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: <ul style="list-style-type: none"> The common area to be owned by the body corporate, including any streets and open space. The reasons why the area should be commonly held. Lots participating in the body corporate. <p>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</p>	<p>N/A</p> <p>No common property provided.</p>
<p>C12</p> <p>Integrated urban landscape objectives</p> <p>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p> <p>To protect and enhance native habitat and discourage the</p>	<p>An application for subdivision that creates streets or public open space should be accompanied by a landscape design.</p>	<p>Complies</p> <p>Conditions of the planning permit will ensure that roadside vegetation, which provide the character of the area, is retained.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>planting and spread of noxious weeds.</p> <p>To provide for integrated water management systems and contribute to drinking water conservation.</p>		
<p>C15</p> <p>Walking and cycling network objectives</p> <p>To contribute to community health and well-being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution.</p>	<p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme. • Link to any existing pedestrian and cycling networks. • Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. • Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. • Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling. • Ensure safe street and road crossings including the provision of traffic controls where required. • Provide an appropriate level of priority for pedestrians and cyclists. • Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. 	<p>Complies</p> <p>There is currently no footpath along the front of this property at either Hammond Road or Murrays Lane. Officers consider a footpath is not required, as the footpath would not connect with the existing footpath network.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<ul style="list-style-type: none"> • Be accessible to people with disabilities. 	
<p>C17</p> <p>Neighbourhood street network objective</p> <p>To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.</p>	<p>The neighbourhood street network design and safety requirements are listed.</p>	<p>N/A</p> <p>Streets are existing, no new proposed roads or public space.</p>
<p>Standard C18</p> <p>Walking and cycling network detail objectives</p> <p>To design and construct footpaths, shared path and cycle path networks that are safe,</p> <p>comfortable, well constructed and accessible for people with disabilities.</p> <p>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	<p>Footpaths, shared paths, cycle paths and cycle lanes design requirements.</p>	<p>Complies</p> <p>There is currently no footpath along the front of this property at either Hammond Road or Murrays Lane.</p> <p>Officers do not require footpath construction as part of this subdivision as the footpath would not connect with existing footpath infrastructure.</p>
<p>C20</p> <p>Neighbourhood street network detail objective</p> <p>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</p>	<p>The design of streets and roads requirements.</p>	<p>N/A</p> <p>Streets are existing, no new proposed roads.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>C21</p> <p>Lot Access</p> <p>To provide for safe vehicle access between roads and lots.</p>	<ul style="list-style-type: none"> • Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. • Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	<p>Complies</p> <p>The crossovers to be constructed to Council standard as required by conditions.</p>
<p>C22</p> <p>Drink Water supply</p> <p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water.</p>	<ul style="list-style-type: none"> • The supply of drinking water must be: <ul style="list-style-type: none"> - Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. - Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<p>Complies</p> <p>The proposed lots will have independent connections to reticulated town water to the satisfaction of Goulburn Valley Regional Water Corporation.</p>
<p>C23</p> <p>Reused and recycled water</p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<ul style="list-style-type: none"> • Reused and recycled water supply systems must be: <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. <p>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>Complies</p> <p>All proposed lots will be connected to the reticulated water and sewer or effluent disposal systems so as to make efficient use of existing infrastructure to the satisfaction of the Goulburn Valley Regional Water Corporation and Council's Environmental Health Team.</p>
<p>C24</p> <p>Waste Water Management</p>	<ul style="list-style-type: none"> • Waste water systems must be: <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with 	<p>Complies</p> <p>To be provided in accordance with Goulburn Valley Regional</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<p>the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</p> <ul style="list-style-type: none"> - Consistent with any relevant approved domestic waste water management plan. <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>Water Corporation and Council Environmental Health Team requirements which will be included as conditions of permit.</p>
<p>C25</p> <p>Urban Run-off Management</p> <p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> - Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. - Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. - Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. - Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. <p>The stormwater management system should be integrated with the overall development</p>	<p>Complies</p> <p>A condition placed on permit will require a drainage plan and provision of water sensitive urban design to be incorporated on site or as otherwise agreed to in writing by the Responsible Authority.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<p>plan including the street and public open space networks and landscape design.</p> <ul style="list-style-type: none"> - Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. - Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. 	
<p>C26</p> <p>Site Management</p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<ul style="list-style-type: none"> • A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: <ul style="list-style-type: none"> - Erosion and sediment. - Dust. - Run-off. - Litter, concrete and other construction wastes. - Chemical contamination. - Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>Complies</p> <p>The proposed subdivision will require the construction of minor works only. Submission of a construction management plan is not considered necessary; however a condition of the associated development permit requires site management to the Council's satisfaction (eg dust, mud, erosion and sediment control).</p>
<p>C27</p>	<ul style="list-style-type: none"> • Reticulated services for water, gas, electricity and telecommunications should 	<p>Complies</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>Shared Trenching</p> <p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<p>be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p>Services should be connected to the site and undergrounded using shared trenching as required by a condition on permit.</p>
<p>C28</p> <p>Electricity, Telecommunications and Gas</p> <p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<ul style="list-style-type: none"> • The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. • Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. • The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority. • Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the 	<p>Complies</p> <p>Service to be connected to the satisfaction of the relevant authorities.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	subdivision to the satisfaction of the relevant gas supply agency.	
<p>C29</p> <p>Fire hydrants objective</p> <p>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water</p> <p>safely, effectively and efficiently.</p>	<p>Standard C29</p> <p>Fire hydrants should be provided:</p> <ul style="list-style-type: none"> • A maximum distance of 120 metres from the rear of the each lot. • No more than 200 metres apart. <p>Hydrants and fire plugs must be compatible with the relevant fire service equipment.</p> <p>Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.</p>	<p>Complies</p> <p>CFA has advised that the existing fire hydrants located in Murrays Lane would appear to provide the necessary fire hydrant coverage in accordance with Standard C29.</p>
<p>C30</p> <p>Public lighting objective</p> <p>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</p> <p>To provide pedestrians with a sense of personal safety at night.</p> <p>To contribute to reducing greenhouse gas emissions and to saving energy.</p>	<p>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</p> <p>Public lighting should be designed in accordance with the relevant Australian Standards.</p> <p>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p>	<p>Complies</p> <p>To be to the satisfaction of the relevant authorities.</p>

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

65.02 Approval of an application to subdivide land

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.

- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Relevant incorporated or reference documents

IDM.

Other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

There are no other relevant Planning Scheme Amendments that relate to the application.

Are there any significant social & economic effects?

There are no significant social and economic effects that relate to the application.

Discuss any other relevant Acts that relate to the application?

Subdivision Act.

The Aboriginal Heritage Act 2006

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

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

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

Charter of Human Rights and Responsibilities

The application is not considered to impinge on the Charter of Human Rights and Responsibilities.

Summary of Key Issues

- The application was advertised and two objections to the application have been received. In response to these objections:
 - There is no proposed removal or disruption to the native vegetation within the Road Reserve and this will be reinforced by planning condition.
 - The proposal will create a further 6 lots in Murrays Lane. Traffic volumes are considered appropriate for the role and function of the road, however future development of Lot 7 in Murrays Lane should be accompanied by a Traffic Impact Assessment.
 - Council's engineers do not require the construction of a 1.5m concrete footpath along lots 1-6.
 - Vehicle crossings and drainage will be required as conditions of permit.
 - No street lighting is proposed.
 - No development of the lots are proposed and therefore no conditions are proposed over the design of future dwellings. Given the land is in a Township Zone there are no valid reasons to apply covenants on title. ResCode and Building Act requirements will govern design aspects.

- The TZ and PPF and LPPF Policy provisions contain a number of decision guidelines which are relevant to the application. Assessments have found that the application positively responds to the decision guidelines and acceptable planning outcomes are achieved.
- Assessment against Clause 56 (Residential Subdivision) demonstrates full compliance with all relevant Standards.
- All internal and external referral authorities support the proposal subject to conditions which will be included in the permit.
- The development involves a 7-lot subdivision in an existing residential area.
- The site can be serviced.
- No native vegetation is proposed to be removed and this will be reinforced by permit condition.
- The proposal supports the long-term growth potential of the township.
- The subdivision is consistent with the neighbourhood character of the immediate areas.
- There are no bushfire impacts.
- The proposal is consistent with the draft Murchison ODP.

Conclusion

Officers have undertaken an assessment of the application and found that the proposed subdivision achieves acceptable planning outcomes. It is recommended that a Notice of Decision to Grant a Permit issue.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2021-212 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clauses 32.05-5 and 44.06-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 12-24 Murrays Lane Murchison VIC 3610, for the 7 Lot Subdivision in accordance with the Notice of Decision and the endorsed plans.

Draft Notice Of Decision

APPLICATION NO: 2021-212
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: 12-24 MURRAYS LANE MURCHISON VIC 3610

WHAT THE PERMIT WILL ALLOW: 7 LOT SUBDIVISION IN THE TOWNSHIP ZONE
AND BUSHFIRE MANAGEMENT OVERLAY

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Plans Required

Before the certification of the Plan of Subdivision, plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions to show:

- The location of the three proposed vehicle access points to each allotment that avoids removal of any native vegetation
- Detailed design of the vehicle access to the lots generally in accordance with IDM SD255

2. Layout Not Altered

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

3. Feature Survey

The plans submitted for endorsement pursuant to Condition 1 must be accompanied by a detailed feature survey to ensure that the location of the three proposed vehicle access points will avoid the need for native vegetation removal.

4. Drainage Requirements

Before the plan of subdivision is certified under the *Subdivision Act 1988*, 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 then will form part of the permit. The plans must be drawn by a suitably qualified person or organisation to scale with dimensions. The plans must include

- a) direction of stormwater run off, demonstrated by contours or levels;
- b) stormwater to be retarded on site and discharged to the legal point of discharge to pre-development flows;
- c) independent drainage for each lot to the legal point of discharge
- d) how the discharge rate from the new properties has no detrimental effect on the adjacent properties
- e) property connections discharging to the table drain must do so to the side of the endwall (driveway) and not directly to the table drain

Before the issue of a statement of compliance, the drainage works shown on the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

5. Vehicle Crossing Requirements

Before the Statement of Compliance is issued, the vehicle crossings must be constructed in accordance with the endorsed plans and to the satisfaction of the responsible authority.

6. Payment in Lieu of Open Space

Before the statement of compliance is issued under the *Subdivision Act 1988*, the owner must pay to the responsible authority a sum equivalent to 3 per cent of the site value of all land in the subdivision.

The owner must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

7. Powercor Requirements

- a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- b) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- c) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

- d) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

RESERVES established by the applicant in favour of the Distributor.

SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

- e) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- a) *Existing easements may need to be amended to meet the Distributor's requirements*
- b) *Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:*
 - 1. *Purpose - Power Line*
 - 2. *Origin - Section 88 – Electricity Industry Act 2000*
 - 3. *Land Benefited / In Favour Of - Powercor Australia Ltd*

8. Goulburn Valley Region Water Corporation Requirements

- a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- c) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- d) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- e) The land to be included in an extension of the Sewer and Water Supply District and the owner agree to contribute to the actual cost to extend the District Boundary necessary to provide reticulated sewer and water to this development. Such amount being determined by the Authority at the time of payment;
- f) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;

- g) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

9. Goulburn Murray Water Requirements

- a) Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- b) All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.
- c) Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
- d) All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

10. Telecommunications Referral Condition

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

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

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

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

11. Form 13

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

12. Time for Starting and Completing a Subdivision

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

- a) the subdivision is not started (certification) within **two (2)** years of the date of this permit;
- b) the subdivision is not completed (statement of compliance) within **five (5)** years of the date of certification.

NOTATIONS

Native Vegetation Control

A planning permit is required to remove, destroy or lop native vegetation on the land, except in accordance with an exemption specified in the Planning Scheme.

Application Details:

Responsible Officer:	Quinn Maguire
Application Number:	2021-333
Applicants Name:	MAAPS Planning Services
Date Application Received:	19 August 2021
Statutory Days:	189

Land/Address:	1-3 Branditt Avenue SHEPPARTON VIC 3630
Zoning and Overlays:	Commercial 1 Zone (C1Z) Land Subject to Inundation Overlay (LSiO)
Why is a permit required (include Permit Triggers):	34.01-3 Subdivision in C1Z 34.01-4 Buildings and Works in CZ1 44.04-3 Subdivision of land in the LSiO 52.06-3 Waiver of Car Parking
Are there any Restrictive Covenants on the title?	Yes - Covenant
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 proposed development involves a three lot subdivision and building works.

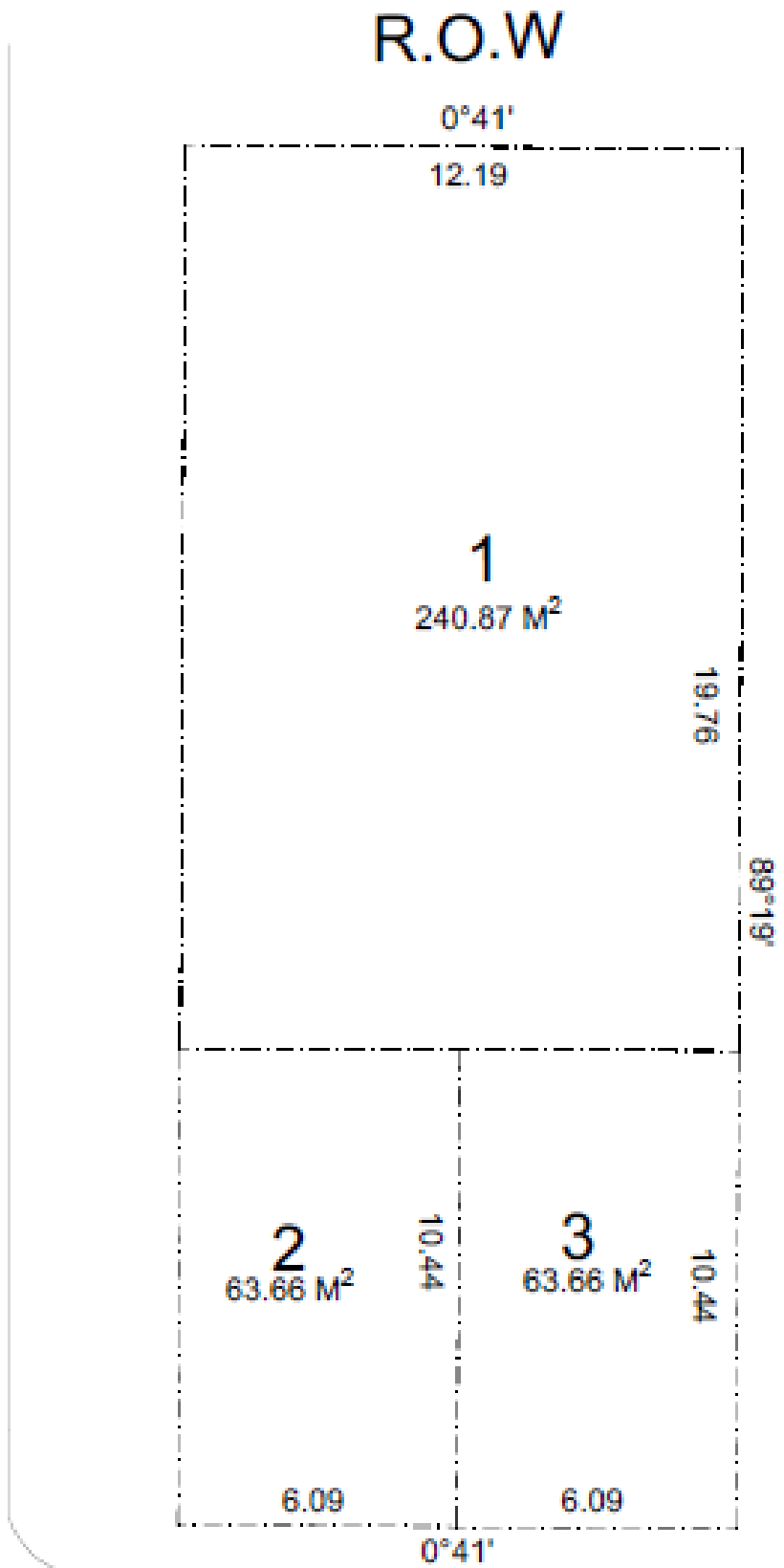
The application also requires a permit for subdivision under the provisions of the LSiO.

The site is currently comprised of two equally sized lots. The applicant proposes a three lot subdivision of the site, creating a lot for the existing dwelling and two commercial lots. Lot 1 (dwelling lot) is proposed to be 240m², the two commercial lots will be 63.7m² respectively.

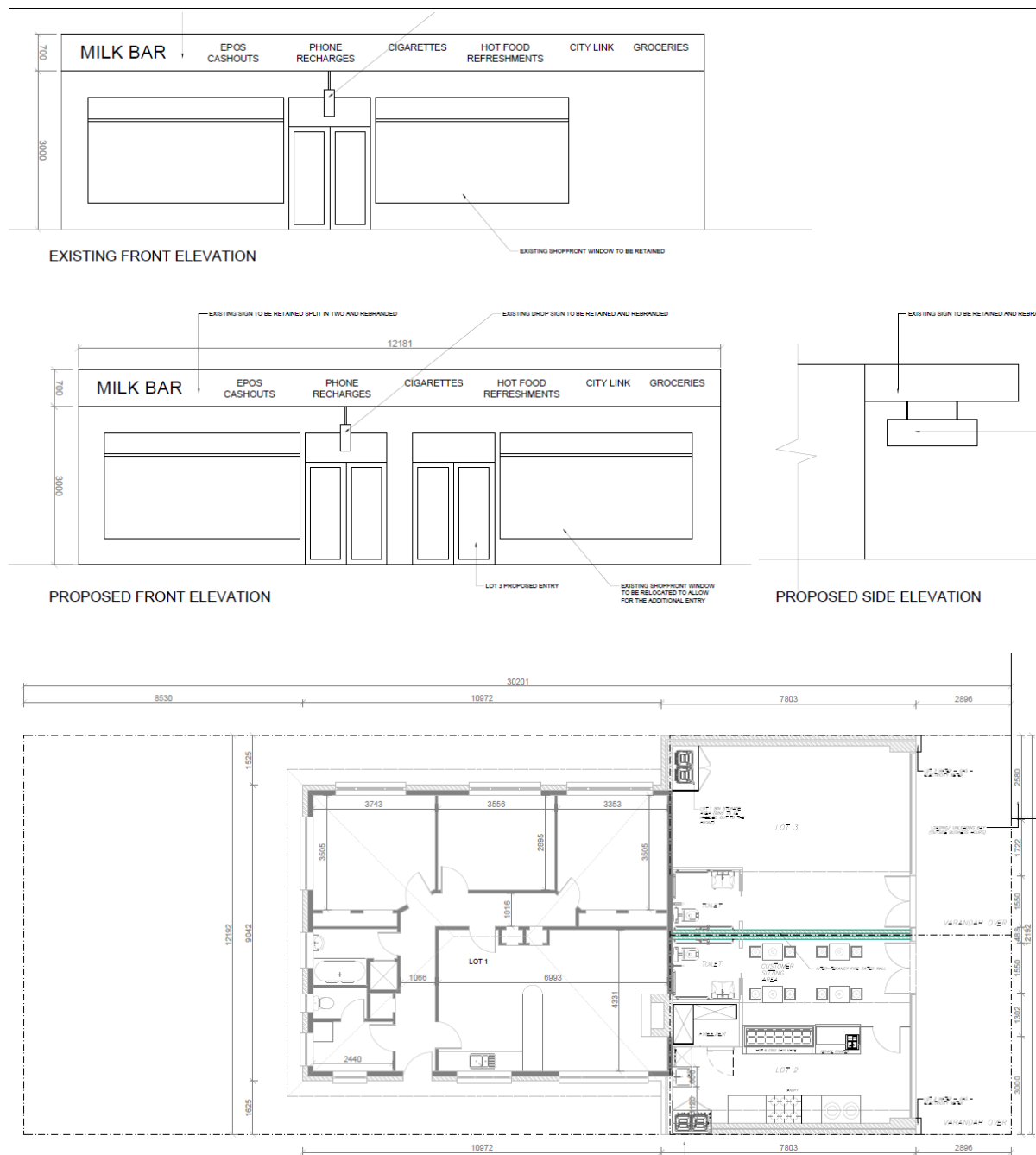
Building works are proposed to ensure appropriate fire separation between buildings and create two independent commercial tenancies.

A car parking waiver is proposed for the future tenancy for lot 2 (food business), no waiver proposed for Lot 3.

MALCOLM CRES



BRANDITT AVE



Summary of Key Issues

- Whether the proposal is consistent with the purposes of Commercial 1 Zone
- Whether the proposal meets the objectives of Land Subject to Inundation Overlay.
- Whether the proposal meets the objectives of Clause 52.06 Car Parking.
- Whether the proposal meets the relevant objectives of State and Local Planning Policies.

- Whether the proposal will achieve an acceptable planning outcome.
-

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2021-333 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 34.01-3, 34.01-4, 44.04-3 and 52.06-3 of the Greater Shepparton Planning Scheme in respect of the land known and described as 1-3 Branditt Avenue Shepparton, for the Three Lot Subdivision including associated buildings and works and a waiver of car parking in the Commercial 1 Zone and Land Subject to Inundation Overlay 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. 2021-333 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 34.01-3, 34.01-4, 44.04-3 and 52.06-3 of the Greater Shepparton Planning Scheme in respect of the land known and described as 1-3 Branditt Avenue Shepparton, for the Three Lot Subdivision including associated buildings and works and a waiver of car parking in the Commercial 1 Zone and Land Subject to Inundation Overlay in accordance with the Notice of Decision and the endorsed plans.

Moved: Geraldine Christou

Second: Braydon Aitken

CARRIED

Subject Site & Locality

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

Date: 16/09/2021

Time: 3: 30pm

The site has a total area of approximately 330 square metres and currently contains:

- A brick building with a single commercial tenancy and attached dwelling
- A garage

The main site/locality characteristics are:

- Site is within a small cluster of local shops, properties to the east predominantly commercial premises
- Development to the north, south and west predominantly residential, generally low scale, single dwellings.

The Photos below show the existing site:



Permit/Site History

The history of the site includes:

- Nil

Further Information

Was further information requested for this application? Yes - Amended plans or additional information must be provided addressing reduction in window area, details on loading or unloading facilities for the commercial premises, details for storage of rubbish and materials for recycling for the commercial premises.

What date was the further information requested?: 15/09/2021

What date was the further information received?: 25/11/2021

Public Notification

The application will be advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **three lot subdivision and building works**, 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 29/09/2021-15/12/2021

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

Objections

The Council has received one objection to date. The key issues that were raised in the objection is.

Ground of objection	Officers Response
Impact on the streetscape	The proposed development is not foreseen to have significant impacts on the streetscape for the following reasons:

	<ul style="list-style-type: none"> • The commercial frontage will not reduce the window area of the existing façade • The current commercial frontage is across two titles, it is double the width of all other tenancies in this group of shops. Creating two tenancies will be consistent with the other adjacent shops.
<p>Future food business (kebab shop) will compete with existing food business</p>	<p>As the site is within the Commercial 1 Zone use of the property for a food and drink business would not require a Planning Permit. While the applicants have included some information on how they intend to use the site, as the use does not require a permit this is not a relevant consideration for this assessment.</p> <p>Additionally, commercial competition concerns are not a relevant planning consideration.</p>

Title Details

The title contains a restrictive covenant.

Advice was provided by Holding Redlich and based on this advice it is considered that the application does not breach the restrictive covenant for the following reasons:

The land at 1-3 Branditt Avenue, Shepparton (**Land**) is encumbered by covenant A647346. The covenant relevantly provides that the historical owners' heirs, executors, administrators, and transferees:

... will not build construct or erect or cause or permit to be built constructed or erected on the land sold any building not built constructed or erected in accordance with plans and specifications to be submitted to and approved by the [Housing] Commission...

The Housing Commission no longer operates but its successor in law is the Director of Housing.

*The current owners of the Land have applied for a planning permit for a three-lot subdivision and use and development of proposed lot 2 for the purpose of kebab takeaway (**Proposal**). As part of the Proposal, a brick, fire-rated wall is proposed to be constructed within the existing building on the Land between proposed lots 2 and 3.*

As the approval of the plans and specifications has not been obtained from the Director of Housing, the grant of a permit may result in a breach if the applicant were to commence construction before approval is given or without approval from the Director of Housing. However, it cannot be said that the grant of a permit would result in a breach of the covenant.

Accordingly, our view is that section 61(4) does not prohibit the grant of a permit for the Proposal.

Whether the covenant applies to the wall is a separate matter that is not required to be considered for the purposes of assessing the permit. As restrictive covenants are a creature of private property law, it is up to the applicant to seek its own independent legal advice to ensure the provisions of the covenant are not breached, should Council determine to grant a permit for the Proposal.

Consultation

Consultation was not undertaken.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	
GBCMA	<p>The Goulburn Broken CMA's assessment of the above information has determined that the proposed development location is covered by the Commercial 1 Zone and Land Subject to Inundation Overlay in the Greater Shepparton Planning Scheme.</p> <p>The Authority's best estimate of the 100-year ARI flood level for the location described above is 111.58 metres AHD, which was established from Shepparton Mooroopna 1% AEP Flood Mapping Project (2021).</p> <p>Based on available ground surface level information (LiDAR 2019), the property would flood between 300 to 400 millimetres deep in a 100-year ARI flood event and the accessway to the property would flood between 320 to 460 millimetres deep during the same event.</p> <p>It is noted that this forms part of an existing group of shops along Branditt Avenue.</p> <p>In the light of the above information and pursuant to <i>Section 56 of the Planning and Environment Act 1987</i>, the Goulburn Broken CMA does not object to the granting of a permit.</p>
PowerCor	<p>Subject to the following conditions, Powercor Australia Ltd (the Distributor) does not object to the issue of a planning permit for the abovementioned application.</p> <p>Conditions Required By the Distributor</p> <ol style="list-style-type: none">1. This letter shall be supplied to the applicant in its entirety.2. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.3. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.4. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

<p>GVW</p>	<p>The Corporation has investigated the Planning Permit Application forwarded under Section 55 of the Planning and Environment Act 1987, and considers that both water and wastewater facilities should be provided to the proposed development. These services could be satisfactorily provided to this land.</p> <p>Pursuant to Section 56(1)(B) of the Planning and Environment Act, the Corporation does not object to the granting of a permit, providing the following specified conditions are placed on the permit:</p> <ul style="list-style-type: none"> (h) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment; (i) Provision of one water tapping per lot and/or Common Property at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (j) Provision of separate water supply meters to each allotment within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation; (k) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation; (l) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (m) 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. <p>All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;</p> <ul style="list-style-type: none"> (n) Provision of easements in favour of the Goulburn Valley Region Water Corporation over any proposed sewer mains located within private property; (o) Pursuant to Section 36 of the Subdivision Act, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is, any land not owned by the Developer through which a sewerage extension servicing the development is to be located, easements shall be created in favour of the Corporation; (p) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement <p>The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted;</p> <ul style="list-style-type: none"> (q) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;
------------	--

	(r) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.
APA	No response

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council's engineers consented without requiring any conditions.
Environmental Health	<p>Council's Environmental Health Department has no objections to the Planning permit being issued provided the following conditions are included in the permit:</p> <ol style="list-style-type: none"> 1. Based on the plans provided there appears to be insufficient space on Lot 2 for the activities proposed to be conducted on the food premises and for the fixtures, fittings and equipment used for those activities. The plans provided do not show the provision for a separate bin storage area, grease trap, food preparation benches, double bowl sink, cleaning equipment storage area, cold food storage equipment, shelving for storage of dry foods, packaging etc. 2. Based on the plans provided, there appears insufficient space on Lot 2 to appropriately fit out the food premises. Has consideration been given to increasing the size of Lot 2 to ensure adequate space for the activities proposed to be conducted on the food premises and for the fixtures, fittings and equipment used for those activities? 3. Provide an updated detailed floor plan for Lot 2 showing the location and size of the rubbish/recycling bin storage area, grease trap, food preparation benches, hand wash basin, double bowl sink, cleaning equipment storage area, cold food storage equipment, shelving for storage of dry foods, packaging etc. Please note it is strongly recommended the bin storage area and grease trap be located outside the food premises. If the bin storage area is located inside the premises, specific fit out requirement apply for the bin storage room including adequate ventilation. 4. Contact Goulburn Valley Water Trade Waste Department to determine the grease trap requirements. They can be contacted on 5832 0600 5. The applicant shall lodge with Council's Environmental Health Department detail plans demonstrating that the area of the building proposed to be used for storage, preparation and sale of food are adequate for the type of food to be sold at the premises and that the structure and fittings installed complies with the requirements of Food Standards Australia and New Zealand Food Safety Standards 3.2.3 – Food Premises and Equipment. 6. Prior to commencing construction of any food preparation area, the owner must seek the advice of the Council's Environmental Health Officer. 7. 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. 8. 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.

Assessment

The zoning of the land

34.01 COMMERCIAL 1 ZONE

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

- Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
 - **General**
 - The Municipal Planning Strategy and the Planning Policy Framework.
 - The interface with adjoining zones, especially the relationship with residential areas.

Subdivision

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

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

44.04 LAND SUBJECT TO INUNDATION OVERLAY

Purpose

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

To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To minimise the potential flood risk to life, health and safety associated with development.

To reflect a declaration under Division 4 of Part 10 of the *Water Act, 1989*.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

44.04-8 Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- Alternative design or flood proofing responses.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development.

Flood risk factors to consider include:

- The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
- The flood warning time available.
- Tidal patterns.
- Coastal inundation and erosion.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.
- Any other matters specified in a schedule to this overlay.

Planning Policy Framework (PPF)

11.02-1S Supply of urban land

Objective

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.

- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
- Planning for urban growth should consider:
- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.
- Monitor development trends and land supply and demand for housing and industry.
- Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.
- Restrict rural residential development that would compromise future development at higher densities.

16.01-3S Housing diversity

Objective

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

Strategies

Ensure housing stock matches changing demand by widening housing choice.

Facilitate diverse housing that offers choice and meets changing household needs through:

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

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

21.06-5 Commercial/Activity Centres

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

Both the Shepparton CBD Strategy October 2008 and Commercial Activity Centres Strategy November 2015 identify Shepparton CBD as the principal retail centre in the region. The primary issue confronting the CBD's retail sector is competition from sub-regional centres, principally Shepparton Marketplace, and from land outside the traditional retail core (Precinct 1) that is commercially zoned.

In particular, the location of uses such as supermarket and cinema within the Shepparton North and South Enterprise Corridors (Commercial 2 Zone land), could potentially undermine the retail hierarchy and the primacy of the retail core. To address this issue in the Benalla Road Enterprise Corridor, the Activity centre Zone has been applied. The challenge for the Shepparton CBD is to maintain its attraction as a retail centre and the range and mix of retail offer including national brand retailers, boutique retailing, and enhance the offer of fresh food, specialty and convenience food and the dining/café experience. A continued focus of specialty retailing and entertainment within the traditional retail core will be important to achieving the objectives of the Shepparton CBD Strategy October 2008 and the Commercial Activity Centres Strategy November 2015.

Council is committed to limiting the development of free standing centres to specified locations in the municipality's urban growth corridors and in a number of limited locations which also meet the requirements of the dynamic retail sector (such as bulky goods retailing).

Further expansion of retail and commercial facilities may be needed to serve the residents in the north to reflect the sub-regional role of the Shepparton North activity centre. Riverside will continue to serve as the sub-regional centre for the south with a focus on 'core' retail uses, including supermarkets and speciality shops. An additional convenience local shopping centre or mixed use precinct may be suitable for development on the aerodrome site, if the aerodrome is relocated and this location is redeveloped for residential purposes. Peripheral sales (bulky goods) uses are directed to existing highway locations. The activity centre hierarchy identified in the Commercial Activity Centres Strategy November 2015 recognises the role and function of different activity centres and provides a framework for the growth of existing centres and the development of new centres to meet urban growth.

Relevant Particular Provisions

52.06 CAR PARKING

Purpose

To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.

To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

To support sustainable transport alternatives to the motor car.

To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

To ensure that car parking does not adversely affect the amenity of the locality.

To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

The decision guidelines of Clause 65

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

65.02 Approval of an application to subdivide land

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.

- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Officers Assessment

The proposed development involves a three lot subdivision, buildings and works to create three independent tenancies and a waiver of car parking requirements. The existing lot features one commercial premises and a residential dwelling. The development will result in three lots, one residential and two commercial.

The development is within the Commercial 1 Zone, the proposal is considered to be consistent with the provisions of the zone for the following reasons:

- It will allow for the existing residential dwelling to be separated from the commercial tenancies
- It will result in a more orderly subdivision pattern – the existing lot layout features a boundary through the centre of the buildings onsite
- The existing dwelling and rear lot do not address the active frontage for the community shops (it is sited behind the existing commercial building), for this reason it is considered unlikely this portion of the site would be utilised for commercial uses
- Separating the existing commercial tenancy into two is more consistent with the development pattern of neighbouring shops as the existing tenancy is twice as wide
- It will allow for two smaller commercial tenancies which may be more attractive to small businesses
- The 240m² residential lot will allow for small scale residential development, softening the interface of the commercial premises and neighbouring residential uses

The site is within the LSIO, for this reason the development was referred to the Goulburn Broken Catchment Management Authority (GBCMA). The GBCMA did not object to the development, raise any concerns or highlight any impacts. The proposal will not alter the total building area onsite; there are no impacts to the flow or direction of floodwaters

expected as a result of the proposal. The development is not foreseen to have any impact on flood risk to life, health or safety on site or in the vicinity. As such, the development is considered to be consistent with the aims and objectives of the LSIO.

The proposal includes an application for a waiver of car parking requirements for a kebab shop on Lot 2.

The parking rate for a food and drink premises pursuant to Clause 52.06 is 4 spaces per 100m². No onsite parking is proposed to be provided, based on a floor area of 64m² a waiver of 2 car parking spaces is required.

The site is close to public transport, with bus stops located directly to the west of the site. Timed public parking is available along Branditt Avenue, there is provisions for untimed parking along Malcolm Crescent. It is expected that due to the location of the development (being within a group of neighbourhood shops) and the nature of the business that a large portion of the customers to the subject site will walk or cycle to the site from nearby residences. For the above reasons, it is considered reasonable to allow for a waiver of car parking for a takeaway food business (kebab shop).

The proposal will result in three regularly shaped lots of varying sizes and will increase the variety of both residential and commercial options in the vicinity. While one lot will contain an existing residential dwelling, the site will not be prevented from potentially being used as a commercial site in the future. All lots will have frontage to a Council roads/footpath areas, there are no access issues foreseen. The rear site has direct access to a Council laneway and adequate space for parking onsite. The building do share a common wall; however, works will be undertaken to ensure compliance with relevant building regulation in regard to safety and the risk of spread of fire. All lots have access to utility services, including water, sewerage, drainage, electricity and gas.

Relevant incorporated or reference documents

IDM

Other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments that relate to this application for a planning permit.

Are there any significant social & economic effects?

There are no relevant significant social or economic effects that relate to this application for a planning permit.

Discuss any other relevant Acts that relate to the application?

There are no relevant Acts.

The Aboriginal Heritage Act 2006

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

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

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

Charter of Human Rights and Responsibilities

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

Conclusion

Officers have undertaken an assessment of the application against the Planning Policy Framework, Local Planning Policy Framework, and Heritage Overlay. Officers consider that the application does not comply with the Planning Scheme and recommend that a permit be issued.

Notice Of Decision

APPLICATION NO: 2021-333
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: 1-3 BRANDITT AVENUE SHEPPARTON VIC 3630

WHAT THE PERMIT WILL ALLOW: THREE LOT SUBDIVISION AND BUILDINGS AND WORKS IN THE COMMERCIAL 1 ZONE AND LAND SUBJECT TO INUNDATION OVERLAY AND ASSOCIATED WAIVER OF CAR PARKING REQUIREMENTS

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 three 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 detailed floor plan for Lot 2 showing location and size of the rubbish/recycling bin storage area, grease trap, food preparation benches, hand wash basin, double bowl sink, cleaning equipment storage area, cold food storage equipment, shelving for storage of dry foods, packaging etc. Please note it is strongly recommended the bin storage area and grease trap be located outside the food premises. If the bin storage area is located inside the premises, specific fit out requirement apply for the bin storage room including adequate ventilation.

2. **Layout Not Altered**

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

3. **Urban Vehicle Crossing Requirements**

Before the statement of compliance is issued vehicular crossings for Lot 1 shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the responsible authority, and must:

- a) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);
- b) be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree; and/or
- c) be at least 9 metres apart.

4. Drainage Discharge Plan

Before the certification of the Plan of Subdivision, a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a) Details of how the works on the land are to be drained and/or retarded incorporating the existing drainage system.
- b) Underground pipe drains conveying stormwater to the legal point of discharge which is nominated as the existing side entry pit fronting to the property.
- c) Maximum discharge rate shall be in accordance with Infrastructure Design Manual (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;

Prior to the issue of the statement of compliance all drainage works constructed or carried out must be in accordance with the endorsed plans to the satisfaction of the responsible authority.

5. Goulburn Valley Region Water Corporation

- a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) Provision of one water tapping per lot and/or Common Property at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- c) Provision of separate water supply meters to each allotment within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;

- d) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;
- e) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- f) 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;

- g) Provision of easements in favour of the Goulburn Valley Region Water Corporation over any proposed sewer mains located within private property;
- h) Pursuant to Section 36 of the Subdivision Act, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is, any land not owned by the Developer through which a sewerage extension servicing the development is to be located, easements shall be created in favour of the Corporation;
- i) 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;

- j) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;
- k) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

6. **Powercor**

- a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.

- b) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- c) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR). Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

7. Telecommunications Referral Condition

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

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

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

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

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

8. Time for Starting and Completing a Subdivision

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

NOTATIONS

Building Approval Required

Prior to the commencement of works approved by this permit, building approvals must be obtained.

Works within Road Reserves Permit Required

A permit must be obtained from the responsible authority prior to carrying out of any work within Road Reserve.

Environmental Health Comments

The applicant shall lodge with Council's Environmental Health Department detail plans demonstrating that the area of the building proposed to be used for storage, preparation and sale of food are adequate for the type of food to be sold at the premises and that the structure and fittings installed complies with the requirements of Food Standards Australia and New Zealand Food Safety Standards 3.2.3 – Food Premises and Equipment.

Prior to commencing construction of any food preparation area, the owner must seek the advice of the Council's Environmental Health Officer.

Prior to commencing the use of Lot 2 for a food business the applicant shall make application to the Council Environmental Health Department for the registration of the premises under the Food Act 1984.

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.

Contact Goulburn Valley Water Trade Waste Department to determine the grease trap requirements. They can be contacted on 5832 0600

Application Details: DEFERRED

Responsible Officer:	Quinn Maguire
Application Number:	2021-413
Applicants Name:	Bruce Mactier Building Designers
Date Application Received:	15 October 2021
Statutory Days:	119
Land/Address:	88 Corio Street SHEPPARTON VIC 3630
Zoning and Overlays:	Neighbourhood Residential Zone Heritage Overlay Parking Overlay - Precinct 1 Schedule
Why is a permit required (include Permit Triggers):	32.09-2 – Use of land for a medical centre in the NRZ 32.09-9 – Buildings and works in the NRZ 43.01-1 – Buildings and works in the HO
Are there any Restrictive Covenants on the title?	No
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

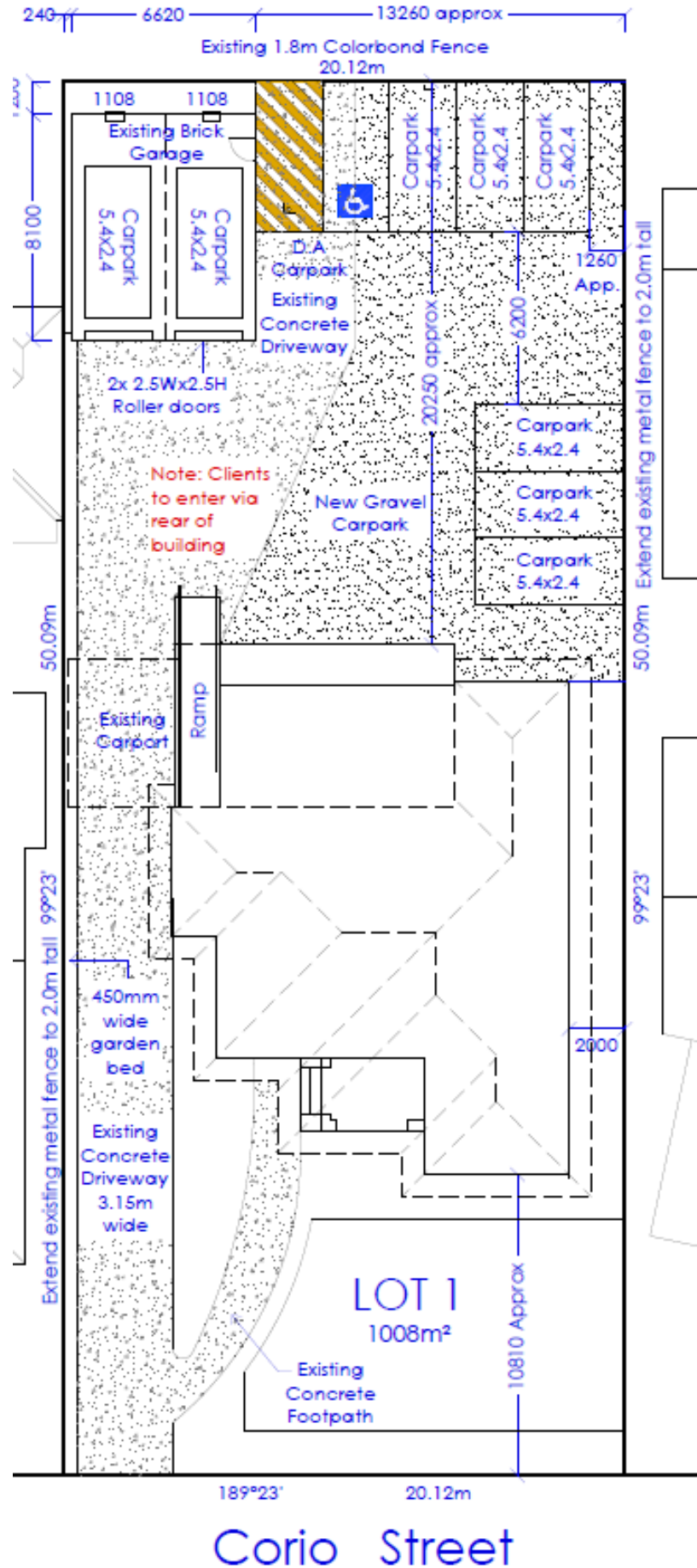
Application proposes to use land in the NRZ for a medical centre for an occupational therapy business.

The applicant proposes the medical centre will have one Occupational Therapist and an office manager, in addition to this there will also be allied health workers who visit client's homes using the site as an office.

The business is to have 7 staff members in total, with 2-4 staff in the office at any one time.

The provided information states that the occupational therapist working at the business will predominately provide treatments to clients in their own homes, as such they will have generally not have clients coming to the medical centre for treatment. Staff also conduct equipment trials also off site at various medical equipment providers stores.

The application also proposes buildings and works for a new balustrade on the existing deck and the construction of a gravel carpark at the rear of the site, a permit required for these works under the provisions of the NRZ and HO.



Summary of Key Issues

- Whether the proposal is consistent with the purposes of Neighbourhood Residential Zone
- Whether the proposal meets the objectives of Heritage Overlay
- Whether the proposal meets the relevant objectives of State and Local Planning Policies.
- Whether the proposal will result in any unacceptable offsite amenity impacts on adjoining or nearby properties.
- Whether the proposal will achieve an acceptable planning outcome.

Recommendation

Refusal

That the Council having caused notice of Planning Application No. 2021-413 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to Grant a Permit under the provisions of 32.09-2, 32.09-9 and 43.01-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 88 Corio Street Shepparton, for the use and development of a medical centre in the Neighbourhood Residential Zone and Heritage Overlay.

For the following reasons:

The proposed medical centre fails to achieve acceptable planning outcomes under policy including clause 11.03-1 and 21.04-6 and the purposes and decision guidelines of the Neighbourhood Residential Zone, by:

- The application is not in accordance with the objective of Clause 11.03-1 – Activity Centre. It is considered that development will undermine the Planning Policy provisions supporting the Activity Centre Zone by allowing for commercial development to be established in areas close to but not within the Activity Centre Zone. This will undermine the Activity Centre Zone provisions.
- The application is not in accordance with the purpose of Clause 32.09 as:
 - the use of the site for a medical centre is not considered to be consistent with the established neighbourhood character, being that of a predominantly residential area comprised of predominantly single dwellings
 - the proximity of the site to the Activity Centre Zone is not considered to be an appropriate location for a medical centre. The proposal is considered to weaken the distinction between the Neighbourhood Residential Zone and

Activity Centre Zone, which may incentivise further commercial development in the vicinity and as a result discourage residential uses.

- The application is not in accordance with the objective of Clause 21.04-6 – Non Residential Uses as the proposed use, being a commercial use is in an established residential area and is isolated from other community based uses.

Subject Site & Locality

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

Date: **24/01/2022**

Time: **11:00** am

The site has a total area of **990** square metres and currently contains:

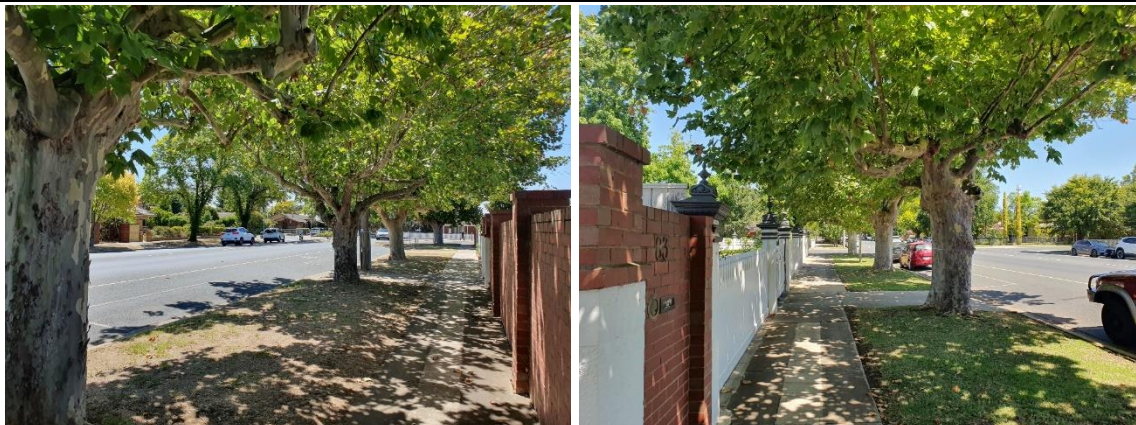
- A single storey brick dwelling
- Brick garage

The main site/locality characteristics are:

- Site within an established residential area
- Surrounding development predominantly single dwellings

The Photos below show the existing site:





Permit/Site History

The history of the site includes:

- 2018-133 Planning permit issued for external works to building (painting and rendering)

Further Information

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

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description Change of use to a medical centre, 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 29/11-13/12/2021



Objections

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

Ground of objection	Officers Response
Amenity impacts to residential dwellings	<p>It is considered unlikely that the proposed medical centre will have significant amenity impacts. Based on the information provided, the use of the site will be similar to an office space and all work will be undertaken within the building, no significant noise or visual impacts are foreseen because of this. Limited patient visits to the site will reduce potential land use conflicts associated with traffic and privacy.</p>
Parking impacts	<p>The applicant proposes 9 parking spaces at the rear of the site, including 2 covered spaces and one disabled space.</p> <p>The provisions of the Parking Overlay specify a parking rate of 5 spaces to each practitioner, as the proposal specifies only one practitioner will provide services from the site at any one time 9 spaces is considered suitable to provide for both potential patients and any workers using the other four consult rooms as office space.</p> <p>It is considered unlikely that the development as proposed will have any significant impacts on parking in the vicinity.</p>
Impacts to neighbourhood character	<p>The proposal is foreseen to have impacts on the neighbourhood character of the area. The site is within an established area of predominantly residential uses. The introduction of a commercial use (medical centre) is considered to be a significant change in the established use pattern in the area. It is considered that if commercial uses are permitted to permeate this area the role of the CBD would be undermined.</p>
Impacts of potential growth/intensification of the use	<p>It is considered that there is limited scope for any potential growth on the site. Any additional intensification would require an application for waiver of parking and may result in additional amenity impacts to neighbours.</p>

<p>An approval will incentivise in more commercial development in the vicinity</p>	<p>It is considered that the proposal could result in more commercial development being attracted to the vicinity. The site is within an area in close proximity to the CBD and Activity Centre Zone, the site has convenient access to public transport, because of this the area is considered to be susceptible to the further encroachment of businesses such as medical centres and offices looking for more affordable land.</p>
--	--

Title Details

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

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

Meeting onsite 24/01/2022 at 11:00am

Attended by Assessing Officer, Property Owner and Objectors

- Objectors provided additional clarification on their concerns, their predominant concern being the suitability of the use within the context of the established neighbourhood
- The property owner provided additional information on operations of the proposed medical centre

As a result of this meeting additional information was provided by the property owner on the 31/01/22. This information was provided to the objector, their objection still stands.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	Nil

Internal Council Notices	Advice/Response/Conditions
Development Engineering	<p><u>Car Park Construction Requirements</u></p> <p>Before construction works start associated with the provision of carparking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions.</p> <p>Before the use or occupation of the development starts, the areas set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:</p> <ol style="list-style-type: none"> surfaced with an all-weather seal coat; constructed and completed to the satisfaction of the Responsible Authority; line-marked to indicate each car space and all access lanes; measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;

	<p>e) Provision of traffic control signage and or structures as required; f) Provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. This sign must not exceed 0.3 square metres.</p> <p>to the satisfaction of the responsibility authority. The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.</p> <p><u>NOTATIONS</u></p> <p><u>Works within Road Reserves Permit Required</u> A permit must be obtained from the responsible authority prior to carrying out of any work within Road Reserve.</p> <p><u>Building Approval Required</u> Prior to the commencement of works approved by this permit, building approvals must be obtained.</p>
Heritage Advisor	No objections to proposal

Assessment

The zoning of the land

32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Purpose

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

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.09-13 Decision guidelines

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

General

The Municipal Planning Strategy and the Planning Policy Framework.

- The purpose of this zone.
- The objectives set out in the schedule to this zone.
- Any other decision guidelines specified in a schedule to this 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.

Non-residential use and development

In the local neighbourhood context:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.

- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Relevant overlay provisions

43.01 HERITAGE OVERLAY

Purpose

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

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Scope

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

43.01-8 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 significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.

Planning Policy Framework (PPF)

11.01-1S Settlement

Objective

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

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.

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

21.04-2 Housing Change Areas Objective - Housing Change Areas

To manage the impacts of change in the established neighbourhoods and ensure that residential development contributes to the character of residential areas rather than undermining them.

21.04-6 Non Residential Uses

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

Objectives – Non-Residential Uses

To ensure that non residential uses are appropriately located.

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

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

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

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

Strategies – Non-Residential Uses

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

Medical Centres/Veterinary Clinics

- The location of the centre should be on a through road and adjacent to other community based uses.
- Car parking should be provided at the rate of five spaces per practitioner operating from the premises at any one time.
- The hours of operation should be 8.00am to 9.00pm Monday to Saturday and 9.00am to 1.00pm Sunday.
- A 2 metre wide landscape strip along the street frontage should be provided.

Relevant Particular Provisions

52.06 CAR PARKING

Purpose

To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.

To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

To support sustainable transport alternatives to the motor car.

To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

To ensure that car parking does not adversely affect the amenity of the locality.

To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

52.06-5 Number of car parking spaces required under Table 1

Medical centre:

- 5 To the first person providing health services plus
- 3 To every other person providing health services

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

Officers Assessment

This application seeks permission to use an existing dwelling for a medical centre for an occupational therapy business including the development of land to the rear of the site for car parking and works for a safety handrail.

The site is in the Neighborhood Residential Zone and affected by the Heritage Overlay and Parking Overlay.

The land contains a single-storey brick dwelling with associated outbuildings to the rear.

The proposal will see the existing dwelling on the site altered to provide four consulting rooms, store room, reception/waiting room/consulting room, a kitchen and bathroom facilities.

The applicant has provided additional information stating that the medical centre will only have a single practitioner providing services to patients' onsite, all other practitioners will provide off site services like home consultations.

The site is within the Parking Overlay, nine car spaces are proposed to the rear of the building. The car parking requirement under Clause 52.06-5 for five spaces per practitioner, as only one practitioner will be providing services to patients and it is considered that the proposal only requires five spaces.

As such the application is considered to proposed adequate parking with five spaces to the practitioner providing consultations from the site and one space for each of the four medical practitioners operating offsite.

There is no proposed physical alteration to the facade of the property.

No signage is proposed as part of the development. As such there are no significant concerns regarding the Heritage Overlay provisions. The application was referred to Council's Heritage Advisor who did not raise any concerns or objection regarding the works proposed to the balustrade at the rear of the building.

The proposal was notified to adjoining neighbours and a sign was placed on site, one objection was received. The grounds for objection can be summarised as follows:

- Increased demand on limited on-street parking;
- The impacts of a commercial use in a residential area – loss of residential neighbourhood character and amenity impacts;
- Potential for expansion of the practice to more than one practitioner as five consulting rooms are proposed to be established

It is considered unlikely that the development would have any significant impacts on residents in the area:

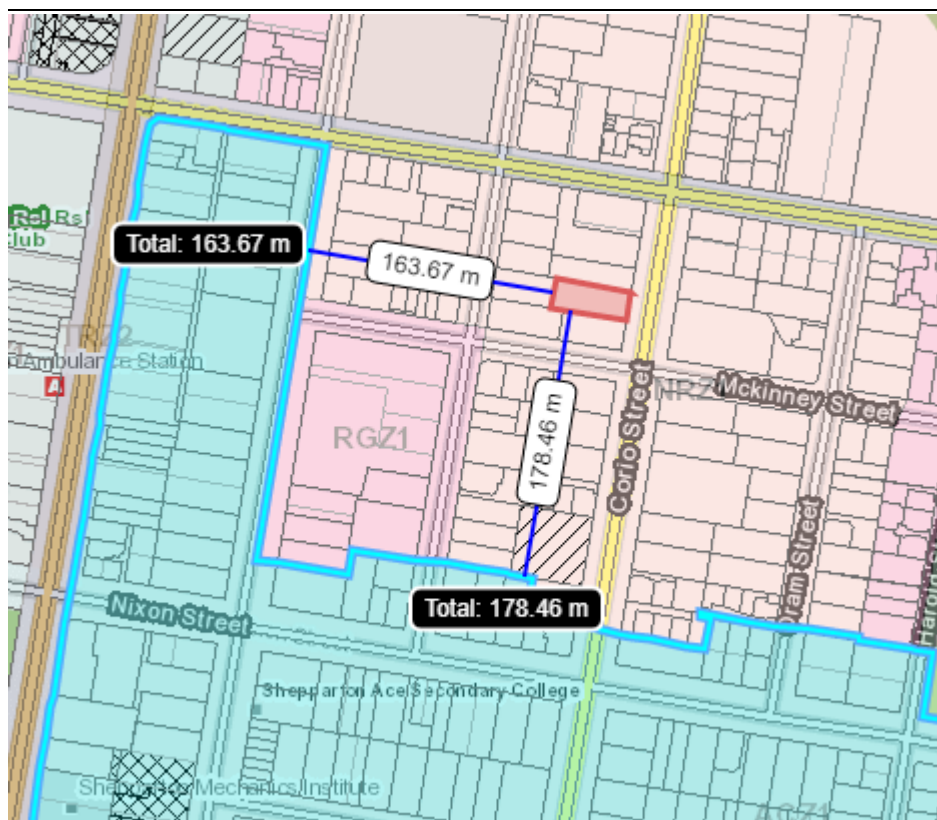
- the medical centre will have adequate parking onsite for practitioners and patients as proposed
- all onsite work will be undertaken within the building, no significant noise or visual impacts are foreseen because of this
- Limited patient visits to the site will reduce potential land use conflicts associated with traffic and privacy

The site is within an area in close proximity to the CBD and Activity Centre Zone, the site has convenient access to public transport, because of this the area is considered to be susceptible to the further encroachment of businesses such as medical centers and offices looking for more affordable land.

It is considered that if commercial uses are permitted to permeate the area that the price of property within this area could increase further and disincentivise use of properties in the vicinity for residential use. As such, it is considered that the proposed development will not support the objectives of the Neighborhood Residential Zone or the planning policy provisions for settlement.

Clause 21.04-6 sets out aims and objectives for non-residential uses in residential areas. The use of the existing building with minimal changes is considered to result in a development which is appropriately integrated with and responds to the surrounding housing and streetscape. However, the proposed use, being a commercial use in an established residential area isolated from other community based uses is not considered appropriately located.

The site is within 180m of the edge of the Activity Centre Zone, Precinct 3 to the west and Precinct 5 to the south. The objectives of both Precinct 3 and 5 prioritise office development, as such offices, and by association medical centers, are a Section 1 use in these precincts. The proposal is foreseen to contribute to a dilution of the distinction between of the Activity Centre Zone and Neighborhood Residential Zone by allowing a medical centre.



It is considered that the proposed development would be better suited within the Activity Centre Zone where commercial uses are supported by the zoning provisions and planning policy. If Council were to support the proposed use on the current site it would result in an undermining of the provisions which support the Activity Centre Zone including 11.03-1S by:

- Allowing for commercial development in a residential zone with limited policy support
- By promoting commercial development outside the areas identified as preferred locations for investment
- Allowing for commercial development outside of the CBD potentially increasing the number of private motorised trips
- The proposal will not support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.

Relevant incorporated or reference documents

CBD Strategy

IDM

Other relevant adopted State policies or strategies policies

No relevant policies

Relevant Planning Scheme amendments

No relevant amendments

Are there any significant social & economic effects?

The proposal may result in negative social or economic effects as it may incentivise additional commercial investment in a residential area by diluting the Activity Centre Zone.

Discuss any other relevant Acts that relate to the application?

No other relevant acts

Conclusion

Officers have undertaken an assessment of the application against the Planning Policy Framework, Local Planning Policy Framework, and Heritage Overlay. Officers consider that the application does not comply with the Planning Scheme and recommend that a refusal to grant a permit be issued.

DRAFT

REFUSAL TO GRANT A PERMIT

APPLICATION NO:	2021-413
PLANNING SCHEME:	GREATER SHEPPARTON PLANNING SCHEME
RESPONSIBLE AUTHORITY:	GREATER SHEPPARTON CITY COUNCIL
ADDRESS OF THE LAND:	88 Corio Street SHEPPARTON VIC 3630
WHAT HAS BEEN REFUSED:	Use and development for a medical centre in the Neighbourhood Residential Zone and Heritage Overlay

WHAT ARE THE REASONS FOR THE REFUSAL?

The proposed medical centre fails to achieve acceptable planning outcomes under policy including clause 11.03-1 and 21.04-6 and the purposes and decision guidelines of the Neighbourhood Residential Zone, by:

- The application is not in accordance with the objective of Clause 11.03-1 – Activity Centre. It is considered that development will undermine the Planning Policy provisions supporting the Activity Centre Zone by allowing for commercial development to be established in areas close to but not within the Activity Centre Zone. This will undermine the Activity Centre Zone provisions.
- The application is not in accordance with the purpose of Clause 32.09 as:
 - the use of the site for a medical centre is not considered to be consistent with the established neighbourhood character, being that of a predominantly residential area comprised of predominantly single dwellings
 - the proximity of the site to the Activity Centre Zone is not considered to be an appropriate location for a medical centre. The proposal is considered to weaken the distinction between the Neighbourhood Residential Zone and Activity Centre Zone, which may incentivise further commercial development in the vicinity and as a result discourage residential uses.
- The application is not in accordance with the objective of Clause 21.04-6 – Non Residential Uses as the proposed use, being a commercial use is in an established residential area and is isolated from other community based uses.