

UNCONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 4/2025

HELD ON

Friday 27 June 2025

at 10am

(Boardroom & Via Teams)

CHAIR

Councillor Shane Sali

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 4 for 2025.

Any technical issues that may result in the Teams 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**
- Jennifer Brewis – Team Leader – Strategic Planning - Greater Shepparton City Council – **Boardroom**
- Colin Kalms – Manager – Building, Planning & Compliance - Greater Shepparton City Council – **Boardroom**
- Kahlia Reid - Manager - Building and Planning – Campaspe Shire Council – **Teams**
- Joel Ingham - Planning Co-Ordinator - Benalla Rural City Council – **Teams**

OFFICERS AND OTHERS PRESENT

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

- Ally Cook

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.2/2025 held on 7 March 2025, Minutes have been circulated.

Moved by Colin Kalms, **seconded** by Joel Ingham that the minutes of the meetings held on 7 March 2025 be adopted.

Carried

- Minutes of DHP meeting No.3/2025 held on 2 May 2025, Minutes have been circulated.

Moved by Kahlia Reid **seconded** by either Joel Ingham that the minutes of the meetings held on 2 May 2025 be adopted.

Carried

DECLARATIONS OF CONFLICTS OF INTEREST

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

ORDER OF PROCEEDINGS

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

- The proceeding is being minuted and recorded.
- 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 submission in support of their objection (should they wish to)
 - The applicant or representatives on behalf of the applicant to present in support of the application
- For the purpose of today's hearing the officer, objectors and applicant will be limited to a maximum of 6 minutes per person with no extension.

MATTERS FOR CONSIDERATION

There are 2 items listed for consideration in this session of the DHP:

- 1 Planning Permit Application – 2024-268 – 355 New Dookie Road, Lemnos - Use of the land for materials recycling (dismantling of earthmoving machines) and associated buildings and works and alteration to a Transport Road Zone 2

10. LATE REPORTS

None

11. NEXT MEETING

TBC

Thank you - That now concludes today's DHP.

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<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2024-268	355 New Dookie Rd LEMNOS	Use of the land for materials recycling (dismantling of earthmoving machines) and associated buildings and works and alteration to a Transport Road Zone 2	3

Application Details:

Responsible Officer:	Ally Cook
Application Number:	2024-268
Applicant Name:	Durnthaler Design Consulting Engineers
Owner Name:	Doyles Road Pty Ltd
Cost of works:	\$750,000
Correct application fee paid?	Use \$1453.40 (half) Reduction car parking 1453.40 (half) Development \$ 1706.50
Land/Address:	355 New Dookie Road, Lemnos
Date Received:	25 September 2024, s.57A amended application submitted on 10 April 2025.
Statutory Days?	55 days as at 4 June 2025 (based on s.57A amended application).
Zoning?	Industrial 1 Zone (IN1Z) Abuts Transport Road Zone 2 - Principal Road Network (TRZ2)
Overlay(s)	Public Use Zone 1 (service and utility) (PUZ1) Specific Control Overlay Schedule 3 (SCO3)
What is proposed?	Use of the land for materials recycling (dismantling of earthmoving machines) and associated buildings and works and alteration to a Transport Road Zone 2
Why is a permit required?	Clause 33.01-1 Use (Materials Recycling) Clause 33.01-4 Buildings and works Clause 52.06-3 Reduction in car parking requirements Clause 52.29 Alteration to a Transport Road Zone 2
Are all plans provided?	Yes
MPS Provisions:	02.03-5 Built form and heritage 02.03-6 Economic development 02.03-8 Infrastructure
PPF Provisions:	Clause 13.05-1S Noise management Clause 13.06-1S Air quality management Clause 13.07-1S Land use compatibility Clause 15.01-1L-01 Urban design Clause 15.01-1L-02 Industrial urban design Clause 15.03-2S Aboriginal cultural heritage Clause 17.01-1S Diversified economy Clause 17.03-1L Industry Clause 17.03-2S Sustainable industry
Any application history?	Yes (see below)
Date referred/notified:	28 November 2024
Further Information?	Yes
Lapse date?	20 January 2025
Notice/Referral?	DoT, EPA, GVW, GMW, Engineering and Health Department
Number of Notice Responses?	Four (4) from external authorities and Engineering.
Key Response Considerations?	Details of the use, operation, impact on nearby Sensitive uses, built form and siting on the site, existing use and operation of buildings, impact on Transport Road Zone and internal traffic arrangement, etc.
Title details – any:	
o Restrictive Covenant?	No
o Section 173 agreement?	No
o Caveat?	No
o Easement?	Yes (State Rivers and Water Supply Commission and Section 98 of the Transfer of Land Act 1954)
o Building Envelope?	No

o Access restrictions?	No
Is a CHMP required?	Yes
Garden area provisions?	N/A
Is the site contaminated?	No
Is the site in a BMO or BPA?	No
Is Cl. 13.01-2 Bushfire applicable:	No
Cl. 71.02-3 'Integrated Decision Making' assessment:	Whether the use is compatible with adjoining sensitive uses based on use, hours of operation, car parking, traffic and network movement within the site and on the surrounding Transport Road Zone 2
Cl. 71.03-2 Acceptable Outcomes:	Officers have undertaken an assessment of the application and found that the proposal achieves acceptable planning outcomes.
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.
Key Planning Considerations:	The appropriateness of the proposed land use having regard to the MPS, PPF and industrial zoning of the land, amenity impacts, compatibility with adjoining sensitive uses, hours of operation, built form, adequate provision of vehicle parking, authority comments and access onto the TRZ2.
Recommendation:	Approval – Notice of Decision to Grant a Permit to issue.

Proposal

- It is proposed to use and develop the land associated with materials recycling (dismantling of earthmoving machines) as follows;
 - Earthmoving spare parts associated with used and remanufactured components
 - Hours of operation 8am to 5pm Monday to Friday
 - Will employ six people including admin and technical staff
 - Send components once a day
 - Earthmoving components or complete machines coming in twice a month
- It is proposed to construct a building, including an office, associated with the use as follows;
 - The building will be located 30m from the south-western boundary and 127.4m to the southern (front) boundary.
 - The building has an area of 62m x 30m (including an office) and awning located on the eastern and western elevation.
 - The office is located at the southern (front) of the building 8m x 30m. The building will have an overall height of 11.5m and will be constructed of colorbond, etc. the office component is contemporary in design with an awning and express wall sheeting.
 - The building will typically be metal cladding (typical industrial style building) with feature canopies and blade walls around the office which will be cladded in express wall sheeting.
 - The building will be constructed using steel portal frames with no internal columns to provide a fully open area for the internal operations.
 - Landscaping will be provided around the perimeter of the occupied site. The landscaping zones will include combinations of Native Trees and Shrubs to provide additional screening and noise filtering. A watering system and maintenance schedule for the landscaped area will be included with the final landscape plan.
 - An existing shed at the front of the site will remain for personal storage only and will not be used on operations on site.
 - Total building area on site is 2407m² (office 230m² and warehouse 2177m²).
- The existing dwelling is proposed to be demolished (crossover to be removed and reinstated to prevent access).
- 14 car spaces have been provided to the south and west of the site.
- A new vehicle crossover is located within the south-east corner of the site with a width of 10.5m.
- An effluent disposal field is located to the northern rear setback 60m from the channel
- Landscaping is proposed on the northern (5m width) and eastern boundary 1.5m wide trees.
- An acoustic barrier fence is proposed on part of the western boundary in accordance with an Acoustic Report that was prepared by a suitably qualified consultant in support of the application.

The applicant has stated that they currently operate from 5 Moller St Shepparton and the business is part of a Earthmoving spare parts company which sell New, Used & remanufactured spare parts with four branches around Australia carrying out the retail sales.

The Shepparton premises carry out the Used & Remanufactured components and store them until their retail sales team sell the component and advise where to send it to. They are looking to relocate because of storage room. 5 Moller St is industrial, but does have some residential houses close by, but the applicants claim they have never had a compliant of any sort whatsoever and have been on this site for approximately 27 years.

Components are sent out once a day which is a pickup for the likes of TNT couriers. They have Earthmoving components or complete Machines coming in approximately twice a month. The bulk of the work is Mechanics refurbishing components inside the building and then storage of components until sold and picked up by couriers.

A section 57A application was submitted on 10 April 2025 amending the application following the EPA response and further acoustic evaluation to address the relevant requests for further information. As a result, the acoustic consultant recommended changes to the building height and relocation of the washbay, paintbay and loading area to the eastern side of the building.

PLANNING SUMMARY

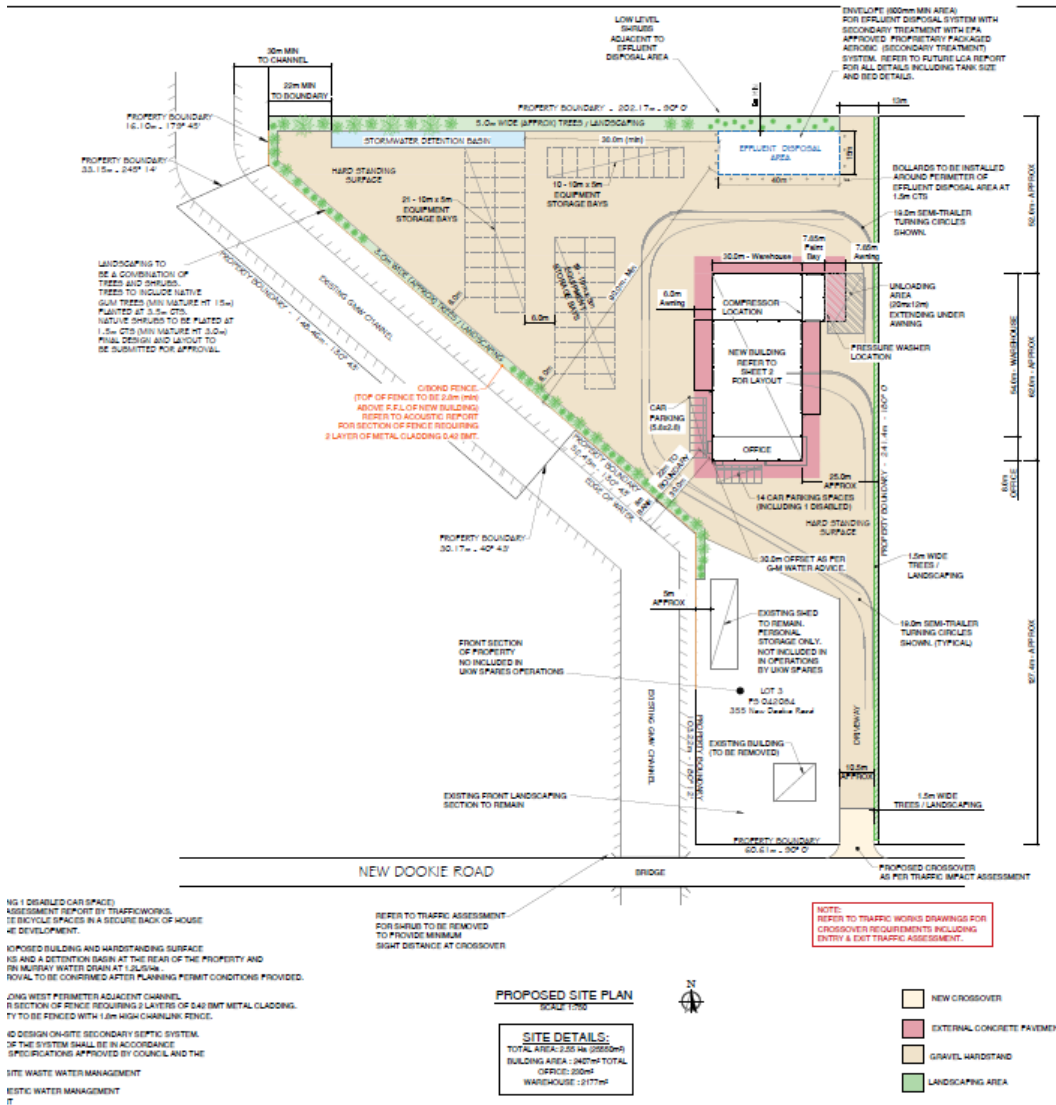
ON-SITE CARPARKING - 14 SPACES (INCLUDING 1 DISABLED CAR SPACE)
REFER TO TRAFFIC ASSESSMENT REPORT BY TRAFFICWORKS.
PROVIDE 2 EMPLOYEE BICYCLE SPACES IN A SECURE BACK OF HOUSE
LOCATION WITHIN THE DEVELOPMENT.

DRAINAGE - ALL NEW DRAINAGE FOR THE PROPOSED BUILDING AND HARDSTANDING SURFACE
IS TO BE DISCHARGED INTO TANKS AND A DETENTION BASIN AT THE REAR OF THE PROPERTY AND
DISCHARGED INTO THE GOULBURN MURRAY WATER DRAIN AT 1.2L/S/Ha .
STORMWATER DESIGN AND APPROVAL TO BE CONFIRMED AFTER PLANNING PERMIT CONDITIONS PROVIDED.

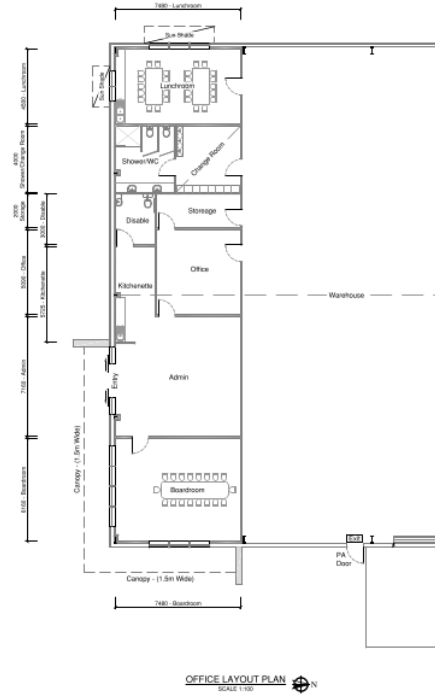
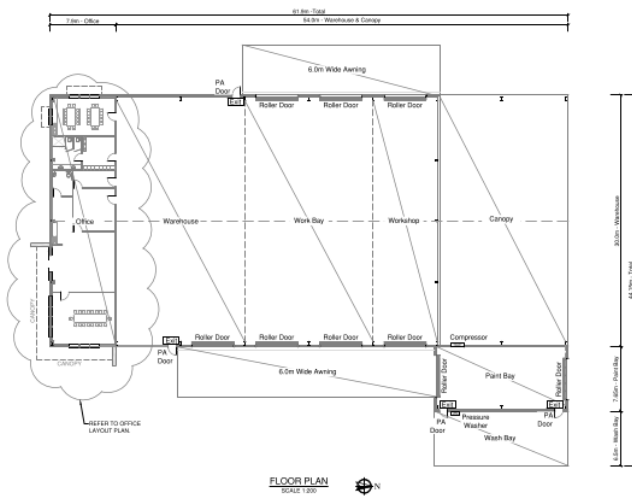
FENCING - 2.1m HIGH COLORBOND FENCE ALONG WEST PERIMETER ADJACENT CHANNEL
REFER TO ACOUSTIC REPORT FOR SECTION OF FENCE REQUIRING 2 LAYERS OF 0.42 BMT METAL CLADDING.
REMAINING SECTION OF PROPERTY TO BE FENCED WITH 1.8m HIGH CHAINLINK FENCE.

SEWER - FUTURE LCA REPORT TO DETAIL AND DESIGN ON-SITE SECONDARY SEPTIC SYSTEM.
INSTALLATION AND MAINTENANCE OF THE SYSTEM SHALL BE IN ACCORDANCE
WITH THE FINAL APPROVAL PLANS, SPECIFICATIONS APPROVED BY COUNCIL AND THE
FOLLOWING:

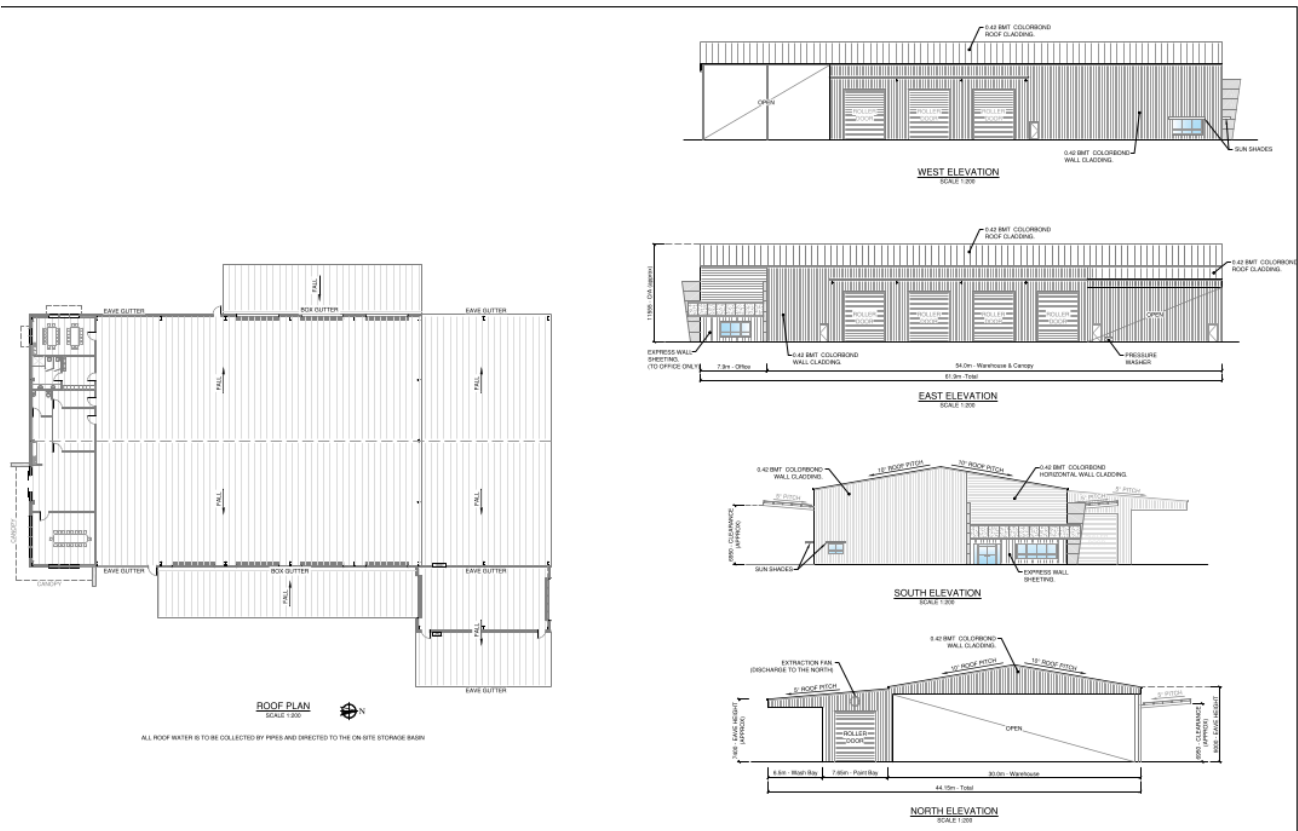
- 1) THE CODE OF PRACTISE - ONSITE WASTE WATER MANAGEMENT
PUBLICATION 891.4 JULY 2016
- 2) AS/NZ 1547:2012 ON-SITE DOMESTIC WATER MANAGEMENT
- 3) THE LAND CAPABILITY REPORT
- 4) COUNCIL SPECIFICATION.



Proposed Development



Proposed floor plan



Proposed roof and elevation plan

Summary of Key Issues

- The site is within the Industrial 1 Zone and is proposed for materials recycling (dismantling of earthmoving machines).
- The key issues relate to the appropriateness of the proposed land use having regard to the MPS, PPF and industrial zoning of the land, amenity impacts, compatibility with adjoining sensitive uses, hours of operation, built form, adequate provision of vehicle parking, authority comments and access onto the TRZ2.
- Two (2) objections have been received in relation to amenity impacts i.e. noise including concerns of adhering to hours of operation and devaluation of properties.
- The assessment of the application has found that the application is supported by objectives, strategies, particular requirements, and decision guidelines of the Greater Shepparton Planning Scheme.
- Consent was obtained from relevant referral authorities including EPA, Department of Transport, Goulburn Valley Water, Goulburn Murray Water, Engineering and Health Department.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2024-268** to be given under Section 52 and having referred the application under Section 55 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 the Greater Shepparton Planning Scheme in respect of the land known and described as **355 New Dookie Road, LEMNOS** for the **Use of the land for materials recycling (dismantling of earthmoving machines) and associated buildings and works in the Industrial 1 Zone, reduction of the car parking requirements in Clause 52.06-3 and alteration to access in a Transport Road Zone 2** in accordance with the Notice of Decision.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2024-268** to be given under Section 52 and having referred the application under Section 55 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 the Greater Shepparton Planning Scheme in respect of the land known and described as **355 New Dookie Road, LEMNOS** for the **Use of the land for materials recycling (dismantling of earthmoving machines) and associated buildings and works in the Industrial 1 Zone, reduction of the car parking requirements in Clause 52.06-3 and alteration to access in a Transport Road Zone 2** in accordance with the Notice of Decision.

Moved: Colin Kalms subject to the below changes to permit condition.

Condition 11: remove the words “for a proposed dwelling” in the starting line of the 1st paragraph

Second: Kahlia Reid

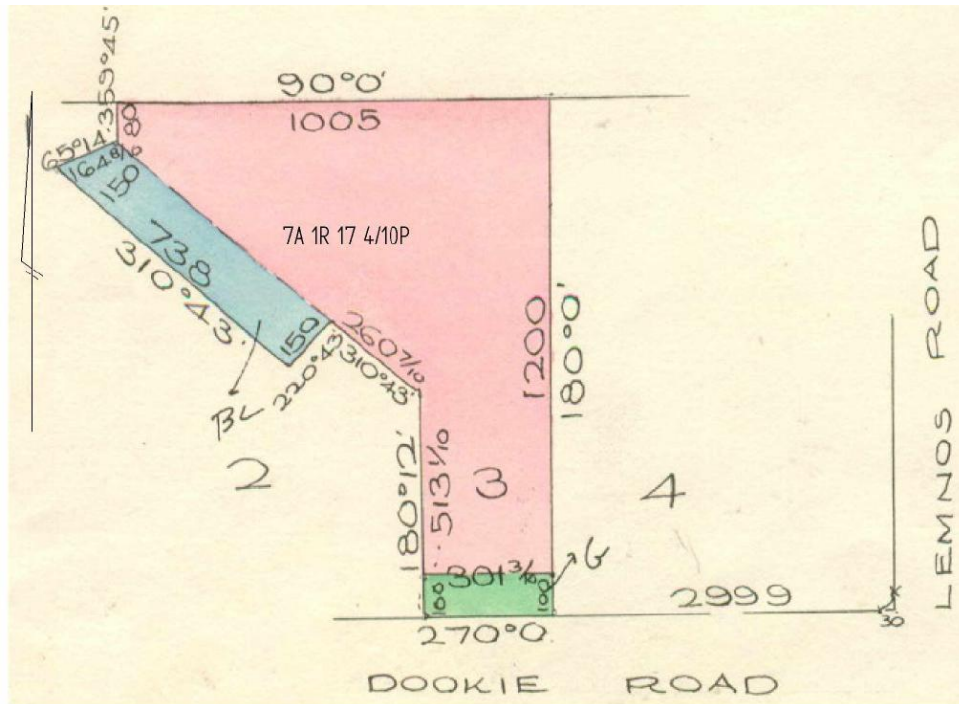
CARRIED

Title Details

The title identifies that the site has legal access to a road or carriageway easement.

The title does not contain a Restrictive Covenant

The title does not contain a Section 173 Agreement
 The title does not contain a Caveat or Building Envelope;
 The title does contain an Easement.



ENCUMBRANCES REFERRED TO

As to the land coloured blue ---

THE EASEMENT to State Rivers and Water Supply Commission created by Instrument No.754951 in the Register Book - - - - -

As to the land coloured green ---

THE EASEMENTS (if any) existing over -- the same by virtue of Section 98 of the Transfer of Land Act 1954 - - - - -

The application does not breach the Easement for the following reasons:

- The location of the buildings and works are not located within the PUZ
- GMW was referred the application and consent was obtained.

What is the application for?

The permit triggers in the planning scheme are.

- Clause 33.01-1 Use Materials Recycling (dismantling of earthmoving machines) in the Industrial 1 Zone
- Clause 33.01-4 Development
- Clause 52.06-3 Reduction in Car Parking Requirements
- Clause 52.29-2 Alteration to a Transport Road Zone 2

Based on the permit triggers, specify the precise nature of the application which is to be used for all notices, referral, correspondence and decision making.

- Use of the land for materials recycling (dismantling of earthmoving machines) in the Industrial 1 Zone and reduction of car parking and alteration to a Transport Road Zone 2

Permit/Site History

The history of the site includes:

- 1996-93, The use and development of the land for the purpose of an industrial waste storage and liquid fuel depot., Liquid Fuel Depot, Industrial Large
- 1996-495, The use and development of the land for the purpose of outbuilding (shed) extensions., outbuilding, Other
- 1999-667, construction of dwelling
- 2003-136, use and develop the land for a Dwelling
- 2003-136/A, use and develop the land for a Dwelling and re-erection of machinery shed
- 2023-231, Buildings and works in the Industrial 1 Zone for a warehouse
- 2023-344, Buildings and works in the Industrial 1 Zone for a warehouse. The application lapsed.

Subject Site & Locality

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

The site has a total area of **25,500** square metres and currently contains:

- A dwelling and shed at the front and a large area of land to the rear.
- There appears to be a number of earth moving equipment on the site particularly at the northern (rear).
- Scattered vegetation is located throughout the site particularly within the southern portion of the site and on the northern boundary.
- A dam is located within the southern portion of the site and two existing vehicle crossovers are located centrally and south-east corner of the site providing an internal access track to the rear.

The main site/locality characteristics are:

- Approximately 5km north-east of Shepparton.
- Bound by an irrigation channel along its western boundary.
- Industrial zoned and used land exists to the east.
- Residential dwellings on low density residential zoned land lots exist to the west on the opposite side of No.12 Main Channel located more than 30m from the site.
- Land to the north and south is zoned Farming Zone.
- Land to the south is used for agricultural purposes.
- While the site is within an industrial area, with industrial lots to the east, the industrial area in turn is wholly surrounded by farming land in a broader context.

The Photos below show the existing site:



Greater Shepparton Council Aerial Photo (26/05/2025)



Existing 355 New Dookie Rd 2no.accesses and 365 access on far right



Existing access to house



LDRZ west of channel

Further Information

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

What date was the information requested? **14 and 20 October 2024 and 22 November 2024**

What is the lapsed date? **20 January 2025**

What date was the information received? **20 January 2025**

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **Use of the land for materials recycling (dismantling of earthmoving machines) and associated buildings and works and alteration to a Transport Road Zone 2**, by:

- Sending notices to the owners and occupiers of adjoining land within a 600m radius of the site; and
- Placing a sign on site.



600m radius for advertising mailing to owners and occupiers

The applicant provided a signed declaration stating that the sign on site was displayed on the land between **28 November 2024 and 18 December 2024**.

Objections

The Council has received **two (2)** objections to date. The key issues that were raised in the objections are.

- Close to residential housing and noise would cause great disruption to enjoyment of living in a peaceful environment, including newborn's ability to sleep and enjoyment of backyard.
- No guarantee that they will operate 9 to 5.
- Devalue properties.
- Trees will be removed from property increasing noise level in areas.



Location of objectors

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
Department of Transport (VicRoads)	52.29-4	Determining	No objection subject to conditions.
EPA	53.10-1	Determining	EPA does not object to the proposal and no mandatory conditions are required. However, recommended noise requirements have been included as a condition.

Notice to Authorities (including as required by GSPS)

External Notice to Authorities:

Section 52 - Notice Authority	List Planning clause triggering notice	Advice/Response/Conditions
GVW	Info only	No objection with no conditions.
GMW	Notice (adjoining landowner)	No objection subject to conditions:

Internal Notice

Internal Council Notices	Advice/Response/Conditions
Engineering	No objection subject to conditions.
Health	No objection subject to conditions.

Authority responses

The Council has received four (4) submissions from authorities.

Consultation

Consultation was not undertaken.

Assessment

The zoning of the land

Clause 33.01 Industrial 1 Zone

Purpose

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

33.01-1 Table of uses

The use is defined as materials recycling and the following condition applies;

“The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone or land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.”

Materials Recycling is a Section 2 or Permit Required use pursuant to Clause 33.01-1.

The site is 30m from land within the Low Density Residential Zone therefore complies with the section 2 condition.

A permit is required to construct a building or construct and carry out works pursuant to Clause 33.01-4.

36.01 PUBLIC USE ZONE – SCHEDULE 1 (SERVICE & UTILITY)

No works are proposed in PUZ1 and therefore no planning approval is required.

Relevant overlay provisions

45.12 SPECIFIC CONTROLS OVERLAY

A permit is not required under SCO3.

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.

Materials Recycling requires car parking based on 10 per cent of the site area.

Given the site area is 25,500m² therefore 2550sqm is required for car parking.

There is an area of car parking in proximity to the building on the site with an area of approximately 209sqm which includes only 14 car spaces.

In addition there are other areas of the site set aside not for general car parking but for the earthmoving equipment parking of more than 2500sqm.

Although a reduction is required pursuant to Clause 52.06-3 it is considered that there is ample area on the site for informal car parking. This has been discussed in further detail in the officer's assessment below.

52.29 LAND ADJACENT TO THE PRINCIPAL PUBLIC ROAD NETWORK

Purpose

- To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.
- To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

52.29-2 Permit requirement

A permit is required to create or alter access to a road in a Transport Zone 2.

Clause 52.34 Bicycle Parking

Purpose

- To encourage cycling as a mode of transport.

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

The use of the land for materials recycling has no specific requirements for the provision of bicycle parking. However, Industry is listed and materials recycling is nested under this use.

An Industry requires 1 to each 1000sqm of net floor area. The building has an area of 1860sqm (30m x 62m) and two 2 employee bicycle spaces have been provided in a secure back of house location within the development.

CLAUSE 53.10 USES AND ACTIVITIES WITH POTENTIAL ADVERSE IMPACTS

Purpose

To identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.

Clause 53.10-1 Threshold distance

The threshold distance referred to in the table to this clause is the shortest distance from any part of the land to:

- land (not a road) in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone; or
- land used for a hospital, an education centre or a corrective institution; or
- land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.

An application to use land for an industry, utility installation or warehouse for a purpose listed in the table to this clause must be referred to the Environment Protection Authority under section 55 of the Act if the threshold distance is not to be met or no threshold distance is specified.

Table 1 to Clause 53.10-1 states that ‘Vehicle recycling or disposal’ requires a threshold distance of 500m.

53.18 STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

Purpose

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

53.18-5 Stormwater management objectives for buildings and works

Objectives	Standards
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<p>53.18-5 Stormwater management objective for buildings and works</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</p> <p>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces. To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system</p>	<p>Standard W2:</p> <p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none"> • 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). • Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas. • Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.
<p>Clause 53.18-7 Site management objective</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 prior to and during construction of subdivision works.</p>	<p>Standard W3</p> <p>An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> • Erosion and sediment. • Stormwater. • Litter, concrete and other construction wastes. • Chemical contamination.

In response to the above, drainage conditions will manage sediment and erosion measures. The requirements of Clause 53.18 can be satisfied and will also be contained within appropriate permit conditions.

Does any Incorporated Document apply?

Nil

The Municipal Planning Strategy (MPS) at Clause 02.

**02.03 STRATEGIC DIRECTIONS
02-03-5 Built form and heritage**

Heritage places are intrinsically valuable and make an important contribution to the social, cultural, environmental and economic quality of life in Greater Shepparton.

The appearance of rural, industrial, retail and residential areas and main road approaches to urban centres is important in maintaining a strong level of civic pride. Improving architectural

and urban design quality in the built environment can strengthen Shepparton's image and identity as a regional centre.

Signage is a key and often highly visible component of the physical environment and the inappropriate design or placement of signs can have a significant effect on the appearance and visual amenity of an area.

Council is committed to:

- Conserving places of cultural heritage significance.
- Supporting adaption and development of heritage places to suit contemporary uses and lifestyles.
- Encouraging a high standard of architectural, landscaping and urban design for built form and public spaces.
- Managing the design, form, size and placement of signs.
- Supporting signage that responds to the character and amenity of the area.

02.03-6 Economic development

Greater Shepparton services a significantly wider region than that located within the municipal boundaries and continues to experience strong economic growth. The local economy is diverse and includes agriculture, food processing, manufacturing, retail, education, health/community services, transport and warehousing.

Shepparton has developed a 'critical mass' of manufacturing-based employment that is an important component of the local economy. Owing to the presence of a number of significant national and international food processing and packaging companies, the agricultural, food processing and manufacturing sectors are all closely interlinked.

Greater Shepparton has a dispersed pattern of industrial areas with the main concentration of industrial activity occurring within the urban centres of Shepparton, Mooroopna and Tatura. The activities in these industrial areas vary from small-scale uses with a more localised focus to larger manufacturing and warehousing facilities operated by large national and international companies. The expansion of Shepparton has resulted in many of these industrial areas now being encumbered by surrounding sensitive land uses. Industrial land is a limited resource in the municipality and there is an ongoing need to ensure that existing industrial zoned lands are protected for industrial and related land uses.

In addition, there are significant challenges in accommodating material recycling facilities, eco industries and other such land uses that require extensive storage areas or buffer requirements from adjacent sensitive land uses.

The commercial and retailing centres fulfil both local shopping and discretionary shopping needs, with Shepparton CBD positioned as the principal retail centre in the region. The primary issue confronting the CBD's retail sector is competition from sub-regional centres outside the traditional retail core.

Tourism is mainly focused on shopping for locally produced and manufactured products, corporate tourism and people visiting family and friends.

Council is committed to:

- Reinforcing the Shepparton CBD as the principal retail centre in the region.
- Facilitating subregional retail facilities to serve local communities.
- Sustaining a growing and diverse industrial base, while protecting the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.
- Providing for the continued growth of the Shepparton CBD as a multi-purpose retail, business, commercial, community, entertainment and tourism centre.

02.03-8 Infrastructure

The efficient design, delivery and management of infrastructure is a fundamental element in providing affordable and diverse housing, generating economic growth and managing the municipality in a sustainable manner.

Reticulated water and sewerage services will impact land use planning throughout Greater Shepparton. Goulburn Valley Water provides services to Shepparton, Mooroopna, Tatura, Murchison and Merrigum and there are no proposals to provide this service to any other community within the next 10 years. Goulburn Murray Water is responsible for the supply and distribution of irrigation water for rural use, with a long term operational goal to continue to deliver water as efficiently as possible with the minimum amount of cost.

The provision and management of facilities for waste, resource recovery and recycling will continue to impact land use planning in Greater Shepparton. Technological changes within the next 20 years may change the way we are currently treating and managing waste with government regulations expected to limit the amount of waste going to landfill with greater emphasis on recycling and green waste reuse.

Standardised infrastructure design guidelines provide for the efficient design, assessment and development of infrastructure within the municipality, including roads, drainage, stormwater, car parking, landscaping, access, earthworks, public lighting and intersection infrastructure.

Council is committed to:

- Facilitating a coordinated, efficient and equitable approach to the provision of infrastructure and community facilities.
- Facilitating the delivery of waste, resource recovery and recycling services to reduce the amount of waste going to landfill.
- Progressing principles of environmentally sustainable design, including water sensitive urban design, in all developments.
- Applying standardised infrastructure design guidelines.

The Planning Policy Framework (PPF)

13.05-1S Noise management

Objective

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

Strategy

Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.

Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Policy guidelines

Consider as relevant:

- The noise requirements in accordance with the Environment Protection Regulations under the Environment Protection Act 2017.

13.06-1S Air quality management

Objective

- To assist the protection and improvement of air quality.

Strategies

Ensure that land use planning and transport infrastructure provision contribute to improved air quality by:

- Integrating transport and land use planning to improve transport accessibility and connections.
- Locating key developments that generate high volumes of trips in the Central City, Metropolitan Activity Centres and Major Activity Centres.
- Providing infrastructure for walking, cycling and public transport.

Ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital).

Minimise air pollutant exposure to occupants of sensitive land uses near the transport system through suitable siting, layout and design responses.

13.07-1S Land use compatibility

Objective

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

Strategies

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

15.01-1L-01 Urban design

Strategies

- Avoid building frontages with long expanses of solid walls by incorporating design elements and a variety of materials that create articulation and visual interest.
- Encourage landscaping in new developments to mitigate the impact of buildings on the surrounds and provide additional vegetation in the canopy.
- Orient buildings in the vicinity of the river towards the riverside environment.
- Encourage retention of existing vegetation where practical.
- Encourage the use of indigenous and low maintenance plant species.

15.01-1L-02 Industrial urban design

Strategies

- Encourage industrial developments that incorporate high quality architectural design elements, create visual interest and incorporate landscaping and/or urban art.
- Facilitate improvements to access, parking, site layout, landscaping and building design in the municipality's existing industrial areas.
- Discourage the use of cul-de-sac within industrial zoned land to improve lot efficiency and to limit on-street parking problems in court bowls.
- Ensure high quality design in industrial areas by requiring all future industrial development and subdivisions to comply with the requirements of the Infrastructure Design Manual (Local Government Infrastructure Design Association).

Policy guideline

Consider as relevant:

- Landscaping within 10 metres of the frontage of an industrial site (other than land required for car parking and access).

15.01-2S Building design

Objective

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Improve the energy performance of buildings through siting and design measures that encourage:
 - Passive design responses that minimise the need for heating, cooling and lighting.
 - On-site renewable energy generation and storage technology.
 - Use of low embodied energy materials.
- Restrict the provision of reticulated natural gas in new dwelling development.

- Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
- Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.
- Encourage water efficiency and the use of rainwater, stormwater and recycled water.
- Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.
- Encourage development to retain existing vegetation.
- Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

15.03-2S Aboriginal cultural heritage

Objective

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Strategies

- Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.
- Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.
- Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006*.

Policy guidelines

Consider as relevant:

- The findings and recommendations of the Aboriginal Heritage Council.
- The findings and recommendations of the Victorian Heritage Council for post-contact Aboriginal heritage places.

17.01-1S Diversified economy

Objective

To strengthen and diversify the economy.

Strategies

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

17.03-1L Industry

Objective

To protect the integrity and viability of existing and future industrial areas within Shepparton, Mooroopna and Tatura from competing and non-compatible land uses.

Strategies

- Consolidate existing major areas of industrial zones within the urban growth boundaries and around major transport routes and infrastructure assets.
- Encourage industrial subdivisions to provide a variety of lot sizes on all undeveloped land.
- Encourage land in undeveloped areas to be retained in large holdings until it is required for development.
- Encourage industrial uses and development to locate in GV Link freight logistic centre.
- Avoid incremental approvals and development in investigation areas until future land opportunities and constraints, land use, development opportunities, subdivisional layout and servicing for the area have been planned for.
- Facilitate light industrial uses in townships for industries associated with the storage, packing and processing of local agricultural produce or the immediate servicing needs of local communities.
- Facilitate the redevelopment of under-utilised industrial sites for more intensive forms of industrial uses to make more efficient use of existing infrastructure.

17.03-2S Sustainable industry

Objective

To facilitate the sustainable operation of industry.

Strategies

- Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.
- Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.
- Minimise inter-industry conflict and encourage like industries to locate within the same area.
- Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.
- Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.
- Support the retention of small-scale industries servicing established urban areas through appropriate zoning.
- Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.
- Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

Structure Plans/Development Plans

There are no Structure or Development Plans.

Officer's Assessment

The proposed development is considered to be generally in accordance with the Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF), zone, relevant particular provisions and the decision guidelines of Clause 65 as outlined below.

The assessment also takes into consideration the concerns of the two (2) objections that have been received as well as the responses from relevant referral authorities including EPA, Department of Transport, Goulburn Valley Water and Goulburn Murray Water.

Policy considerations

- The proposal is supported by the directions, objectives and policy in the MPS and PPF, as:
 - The proposed development is appropriately located in an industrial zone that sits within a much broader industrial area and is considered appropriate in this location based on the type of use, setbacks proposed, and overall design of the building and operation of the use on the site.
 - The proposal is supported by the economic development strategic directions in the MPS, particularly as it supports industry, renews underutilised industrial land, facilitates investment and employment opportunities in the precinct.
 - Landscaping setbacks (excluding access ways) are provided more than 10 metres from the frontage as sought by Clause 15.01-1L-02.

- The design of the proposal is considered appropriate in its context and conditions of permit will manage the use, development and include amenity compliance.

IN1Z - Use and Buildings and Works

- The use is considered appropriate as;
 - It is located within an industrial precinct located at least 30m separated from a Goulburn Murray Water Channel and includes measures to ensure no unreasonable amenity impacts will occur to nearby residential zoned land.
 - All activities will be carried within the site boundaries which will be further defined as a condition in the planning permit.
 - The use is unlikely to generate odour or offensive impacts and can be controlled by conditions that are recommended to be included in a planning permit.
 - Traffic and carparking impacts associated with the use are considered later within this assessment.
- The purpose of the IN1Z supports industrial uses to service community needs in appropriate locations.
- The site is well located and is unlikely to cause any unreasonable impact on neighbouring residential (sensitive) uses, particularly in terms of noise, dust, traffic, light spill or glare (refer to Noise Assessment later in this section).
- Additional landscaping is provided throughout the site in accordance with a submitted landscape plan to be required as a condition of permit, is consistent with the character of the area, is sufficient to allow meaningful planting and will ensure efficient manoeuvring space for vehicles within the site.
- The building is consistent with the current use and is of a standard design found within an IN1Z.
- The proposal is supported by policy and the decision guidelines of the IN1Z.
- Amenity requirements can be controlled by conditions in the planning permit (appropriated car parking sealing, lights to be baffled and away from residential areas, etc.).
- There is appropriate locations on site where waste can be accommodated setback from the residential zone.
- Stormwater, storage, parking, loading and unloading, lighting and landscaping can all be required and controlled by conditions of the permit.

Car Parking/Access

- A Traffic Impact Assessment prepared by Trafficworks was submitted with the application, and concluded that there are no traffic engineering reasons that would prevent the development from proceeding, as outlined below:

- The report submitted with the applications is considered acceptable and traffic anticipated to be generated will be manageable and is appropriate within the industrial context.
- Trafficworks has advised that:
 - subject to the removal of the bush obstructing sightlines to the west of the site access, the entering sight distance criteria of 105 m in AS/NZS 2890.1 should be satisfied.
 - the proposed crossover into the site has been designed to cater for the swept paths of all expected vehicles.
- Access arrangements are considered satisfactory.
- The Department of Transport supports the access subject to conditions.
- The proposal includes a total of 14 car parking spaces including one (1) disabled space.
- It is noted that the Traffic Impact Assessment prepared by Trafficworks has assessed car parking based on the proposal being classified as “Industry” which requires a rate of 2.9 car spaces per 100m² of net floor area. Based on an area of 1,520m², 44 car spaces would be required which equates to a shortfall of 30 spaces (the office area is considered an ancillary use).
- As Materials Recycling is separately identified in the Table to Clause 52.06-5 it is considered that the “Industry” car parking calculation cannot be used. Nevertheless, applying either the Industry or Materials Recycling rates, a shortfall of car parking exists and therefore planning approval is required.
- Trafficworks has prepared a Car Parking Demand Assessment which, although based on the “Industry” parking rates, is considered an appropriate assessment. This concludes that *“most staff that will be on site is **6 staff members**. There will be no visitors to the development, so the statutory rate is considered too high. On this basis, the peak car parking demand for the development is estimated to be **6 spaces**. Given that there is capacity for **14 car spaces on-site** the estimated car parking demand of **6 spaces** is satisfied.”*
- Officers agree with this conclusion and consider that a reduction in car parking can be supported.
- Trafficworks have also assessed the adequacy of car parking dimensions, and it is considered that construction details, dimensions and line marking can be conditioned along with detailed engineering construction standards.
- It is considered that no car parking issues will arise given the location of the proposal and therefore car parking provision can be supported.
- Bicycle parking has been provided and satisfies the requirements of Clause 52.34.
- Loading and unloading can occur within the site boundaries with sufficient area for vehicles to maneuver without impacting on adjoining properties or New Dookie Road.

Noise Assessment

- Subsequent to the EPA's request for further information a revised Noise Assessment dated 22 March 2025 was prepared by Harwood Acoustics. In addressing the EPA, request for further information a significant redesign of the layout of the facility was undertaken which included:-
 - The paint bay was relocated to the eastern side of the rear covered area,
 - The mobile plant unloading area and pressure washer were relocated to the eastern side of the paint bay,
 - The paint bay extraction fan is to exhaust into the pressure washer bay on the eastern side of the paint bay façade,
- Amended plans were submitted via a s.57A amended application incorporating the above changes.
- The Assessment concluded that the EPA's noise limits can be complied with at all existing receptor locations in proximity to the site provided that recommendations in Section 5 of the Assessment Report to reduce the level of noise emission from the site will all have been implemented and continue to be adhered to. These included requirements related to the site and building layout, allowable workshop openings, sound barrier screening on the western boundary (2.1m high) and a Noise Management Plan.
- It is recommended that any planning permit that issues include a condition requiring compliance with Section 5 recommendations in the Noise Assessment. This will ensure that the objectors concerns in relation to noise can be managed on the site in accordance with best practice requirements.

Response to objector concerns

Objectors concerns relate to:

- Noise
- Hours of operation
- Devaluation of properties
- Tree removal will increase noise impacts.

In terms of Noise, refer to previous comments with respect to the Noise Assessment, which includes recommendations to changes in the building layout which have been incorporated into the amended plans submitted pursuant to s.57A.

There is no relationship between the removal of trees and the increase of noise impacts that has been raised within the acoustic report. The applicant has included landscaping along the western boundary in an attempt to assist visually with the barrier screen required as part of the acoustic report.

Hours of operation will be controlled by a condition of the permit to ensure hours will be restricted to 8am to 5pm Monday to Friday. No direct sales to occur on the site. All courier collections and equipment deliveries are completed within the hours of operation.

The hours of operation are considered appropriate and generally consistent with the hours of operation associated with other businesses within the Industrial 1 Zone and within proximity of the site.

Devaluation of properties there is case law confirming that property devaluation is not a relevant planning consideration as part of the assessment of the application.

There are no relevant background documents.

The decision guidelines of Clause 65.01 and 65.02

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

65.01 Approval of an application or plan

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

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

The decision guidelines of the zone

INZ1 - Decision guidelines

33.01-2 – Use of land

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 effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

33.01-4 Buildings and works

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

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

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

The decision guidelines of the overlay(s) (and schedule to the overlays)

N/A

The decision guidelines of the relevant particular provisions

Car Parking - 52.06-10 Decision guidelines

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

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

Land Adjacent to the Principal Road Network – Clause 52.29-6 Decision guidelines

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

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

Stormwater Management - 53.18-7 Decision guidelines

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

- Any relevant water and stormwater management objective, policy or statement set out in this planning scheme.
- The capacity of the site to incorporate stormwater retention and reuse and other water sensitive urban design features.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

Any other relevant adopted State policies or strategies policies

There are no other relevant adopted State policies or strategies policies.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Are there any significant environment, social & economic effects?

There are no significant social & economic effects.

Any other relevant Acts that relate to the application?

Environment Protection Act 1987.

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' includes part of the land within an area of cultural heritage sensitivity; therefore the proposed use triggers the need for a CHMP.

- Biosis prepared the approved CHMP 16912, which includes the 355 New Dookie Road, Lemnos property. The CHMP included a Desktop, Standard and Complex Assessment and was approved on 29 May 2020.

- Results of the CHMP were as follows:

The results of the Desktop Assessment indicates that Aboriginal places are most likely to be artefact distributions located close to either permanent or ephemeral water sources where resources would have been most available, as well as on raised landforms that would have provided refuge from rising flood waters and shelter from the elements. No previously registered Aboriginal cultural heritage places were identified within the Activity Area.

The Standard Assessment surveyed the entire Activity Area, with a focus on two less disturbed areas to be rezoned as industrial. No Aboriginal heritage was identified during the survey and disturbances were identified however a lack of ground surface visibility warranted the undertaking of a Complex Assessment.

No Aboriginal cultural heritage was identified during the Complex Assessment. The absence of Aboriginal cultural material during testing may easily reflect the removal of evidence from the landform via ground disturbing activities, erosive processes including sheet wash, or the poor suitability (largely exposed) of the location for more sustained activity and occupation by Aboriginal people in the past. As such, there is a very low likelihood for any unidentified Aboriginal cultural heritage material to be present within the Activity Area.

No Aboriginal places were recorded within the Activity Area.

- In terms of the current application Biosis has advised that:
 - “The activity description for CHMP 16912 includes the following statement about the proposed activity: *the activity may also include areas of stockpiling, movement and operation of machinery, internal tracks and other associated infrastructure*. We also note that the CHMP describes that *the proposed activity will reflect the existing earthmoving business currently in operation within other parts of the Activity Area*. Based on our review of the proposed activity, we believe that the works proposed as part of the current planning application are broadly consistent with what is described in CHMP 16912, particularly as it relates to ‘movement and operation of machinery’ and ‘other associated infrastructure’.
 - The approved CHMP 16912 nominates that a mandatory CHMP under Section 46(1)(a) of the *Aboriginal Heritage Act 2006* was required for the activity. The relevant triggers being Regulation 27 (prior waterways, or land within 200 metres of a prior waterway) and Regulation 52 (extraction and removal of stone). We note that upon review of the proposed activity described in CHMP 16912, it is reasonable to assess that the works are considered a high impact activity under Regulation 46 (1)(b)(xii) (an industry). We note that the

proposed activity considered in the current planning application is 'materials recycling', which falls under 'an industry' in accordance with Clause 73.04 (nesting diagrams).

- The approved CHMP 16912 considers ground surface impacts across the entirety of the activity area, so any ground surface disturbance required for the current planning application has already been considered as it relates to the potential to harm Aboriginal cultural heritage.

Please note, the following compliance requirements of the approved CHMP will apply to any future approved works:

- A physical copy of the approved CHMP must be retained onsite during works, per the requirements of Condition 1.
- All key personnel involved in overseeing and/or undertaking initial ground disturbing works must attend a cultural heritage induction prior to the commencement of works, in accordance with Condition 2.
- Any unexpected finds or other matters will be managed under the Contingencies of CHMP 16912.
- As a result, Biosis are satisfied that the existing approved CHMP sufficiently covers the proposed activity, and that any potential impacts to Aboriginal cultural heritage (either known or as yet unidentified) have been sufficiently addressed in the approved CHMP. As outlined above, the Conditions and Contingencies provide suitable management strategies in the event that cultural material is unexpectedly encountered during the works.
- It is considered that all CHM requirements have been met.

The relevant provisions of the GSPS including Clause 13.02 (Bushfire)

N/A

Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered and it is considered the application does not impinge on the charter.

Conclusion

Officers have undertaken an assessment of the application and found that the proposed development achieves acceptable planning outcomes. It is recommended that a permit be granted.

Draft Notice Of Decision

APPLICATION NO: 2024-268

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: 355 NEW DOOKIE ROAD LEMNOS VIC 3631

WHAT THE PERMIT WILL ALLOW:

Planning Scheme Clause No.	Description of what is allowed
33.01-1	Use Materials Recycling (dismantling of earthmoving machines) in the Industrial 1 Zone
33.01-4	Buildings and works in the Industrial 1 Zone
52.06-3	Reduction in Car Parking
Clause 52.292	Alteration to a Transport Road Zone 2

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. Such plans must be generally in accordance with the plan submitted with the application but modified to show:

- a) A schedule of materials, external finishes and colours.
- b) All noise control requirements including the details of all external fencing including sound barrier screening as recommended in Section 5.3 of the Operational Noise Assessment prepared by Harwood Acoustics dated 22 March 2025 (Reference 241002oE-R rev A).
- c) Removal of the bush obstructing sightlines to the west of the site access.
- d) The location or area of the materials recycling use on the site clearly defined on the plan.
- e) Goulburn Murray Water requirements.
- f) Conditions b) and c) of the Department of Transport requirements.

2. **Layout Not Altered**

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

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

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

4. **Hours of Operation**

The use must only operate between the hours of 8.00 am and 5.00 pm Monday to Friday excluding public holidays to the satisfaction of the responsible authority.

5. **Acoustic Requirements**

At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 as measured in accordance with the Noise Protocol and also the recommended noise controls including the Noise Management Plan as recommended in Section 5 of the Operational Noise Assessment prepared by Harwood Acoustics dated 22 March 2025 (Reference 241002oE-R rev A) (or as amended), all to the satisfaction of the responsible authority.

Within three (3) months (or other reasonable time-period to be agreed in writing by the responsible authority) of the commencement of the use, a Post Commencement Operational Noise Assessment must be approved and endorsed by the Responsible Authority. The report must:

- a) be prepared to the satisfaction of the Responsible Authority
- b) be prepared by a suitably qualified and experienced acoustic consultant
- c) demonstrate whether the noise controls have been implemented in accordance with the revised Operational Noise Assessment
- d) provide results of the noise measurements from the premises, and an assessment of noise emissions (taking into account cumulative noise from other commercial, industrial and trade premises) in a report consistent with the revised Operational Noise Assessment and in accordance with the Environment Protection Regulations 2021 (Part 5.3) and the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (EPA Publication 1826.4) (Noise Protocol)
- e) assess low frequency noise from the premises in accordance with Noise Guidelines: Assessing low frequency noise (EPA Publication 1996)
- f) include any recommended modifications to the buildings and works, if the testing reveals that the use emits unreasonable noise by either exceeding applicable noise limits (taking into consideration cumulative noise impacts) or by having regard to frequency spectrum (low frequency noise).
- g) prescribe timeframes to modify the buildings and any works required.

h) specific any updates or requirements to the Noise Management Plan.

The requirements of the endorsed Post-Commencement Operational Noise Assessment must be implemented and complied with to the satisfaction of the Responsible Authority. Any recommended modifications must be carried out within the timeframes specified in the endorsed Post-Commencement Operational Noise Assessment and agreed to by the Responsible Authority.

6. Construction Phase

Before works commence, a construction management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. Once approved, the plan will be endorsed and will then form part of this permit. The plan must:

- a) provide for measures which must be implemented during construction of the development works to address:
 - (i) mud, crushed rock, debris, or spoil on roads and public infrastructure;
 - (ii) dust emissions;
 - (iii) soil erosion;
 - (iv) noise;
 - (v) sediment control; and
 - (vi) and waste and water run-off;
- b) provide the contact details of a person who is responsible for the management of the land during construction;
- c) show the location where construction waste, equipment, machinery, or materials will be stored during construction; and
- d) show the location of any temporary buildings.

The construction of the development must be in accordance with the endorsed construction management plan.

7. Landscape Plan

Before the development commences, a landscape plan to the satisfaction of the responsible authority, drawn to scale with dimensions, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of the permit. The landscape plan must be generally in accordance with the plan submitted but show:

- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- b) a schedule (including botanical names) of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants;

- c) the location of areas to be covered by grass, lawn or other surface materials as specified;
- d) the method of preparing, draining, watering and maintaining the landscaped area;
- e) Trees/shrubs in proximity to the Goulburn Murray Water channel must of a species that will not impact the operation/function of the channel;
- f) details of surface finishes of pathways and driveways;
- g) a weed management program;
- h) the landscaped areas to be used for stormwater retardation and treatment (if any);
- i) an in-ground irrigation system which services all landscaped areas

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

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

The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the responsible authority, including the replacement of any dead, diseased or damaged plants.

8. Civil Construction Requirements

Before the development starts, civil construction plans prepared by a suitably-qualified person to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will form part of the permit. The plan must be in accordance with the requirements of Council's Infrastructure Design Manual (IDM) and must show:

- a) levels, details and computations of how the works on the land are to be drained and discharge retarded, including underground pipe drains conveying stormwater to the legal point of discharge;
- b) the location of the legal point of discharge;
- c) documentation demonstrating approval from the relevant authority for the legal point of discharge if not the responsible authority;
- d) that the maximum discharge rate shall not be more than 1.2 lit/sec/ha or as otherwise agreed in writing by Goulburn-Murray Water;
- e) overland flowpaths which demonstrate no impact on adjacent properties;
- f) details of how water sensitive urban design has been incorporated into the development and submission of a MUSIC model (or equivalent as otherwise approved) demonstrating compliance with the performance provisions nominated in Table 2.1 of "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;

- g) maintenance schedules for the stormwater treatment features;
- h) car parking areas, circulation lanes and accesses designed and constructed in accordance with Austroads publication 'Guide to Traffic Management Part 11: Parking,' 'Australian Standard AS2890.1:2004 (Off Street Parking)' and 'AS2890.6:2009 (Off-Street Parking for People with Disabilities) and Planning Scheme 52.06;'
- i) provide dimensioned turning movements for typical use vehicle, 19m truck and trailer;
- j) a minimum of 14 car parks, including one (1) car park for persons with a disability;
- k) all areas associated with car parking, circulation lanes and accesses surfaced with an all-weather seal coat and treated to prevent dust emissions; marked to indicate each car space and access lane and traffic control signage, including signage directing drivers to the area(s) set aside for car parking;
- l) the land properly illuminated with lighting designed, baffled setback from the residential area and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;
- m) Bicycle spaces/racks to accommodate two (2) bicycles. Bicycle spaces/racks must be designed, constructed and located to the satisfaction of the responsible authority.

All parking spaces must be designed to allow all vehicles to drive forwards when entering and exiting the land.

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 and must not be used for any other use to the satisfaction of the responsible authority.

The loading and unloading of goods onto and from vehicles must only be carried out within the land. Unloading of earth moving equipment is to occur in the designated unloading zone to the north of the building only as per the acoustic report (or as amended).

Before the use starts and/or the buildings are occupied, the development must be in accordance with the endorsed civil construction plans to the satisfaction of the responsible authority.

9. General Amenity

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

10. Department of Transport Requirements

- a) Only one access will be permitted from the subject land to New Dookie Road.
- b) Prior to commencement of the buildings and/or works, a Functional Layout Plan for access to the subject land from New Dookie Road must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be to the satisfaction of the Head, Transport for Victoria, and include features such as:

- (i) pavement,
- (ii) kerb/shoulders,
- (iii) line marking,
- (iv) power poles,
- (v) trees and other road furniture within 100 metres of the proposed access.

The Functional Layout Plan must also include a swept path analysis for a 19m semi-trailer design vehicle for all movements associated with the proposed access point.

- c) Prior to commencement of the buildings and/or works, the:
 - (vi) Proposed access point to the subject land from New Dookie Road must be constructed to the satisfaction of, and at no cost to the Head, Transport for Victoria.
 - (vii) Existing access points to the subject land from New Dookie Road made redundant by this permit must be removed and land reinstated to the satisfaction of, and at no cost to the Head, Transport for Victoria.
- d) The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

11. Health Requirements

Prior to commencement of works for a proposed dwelling, the owner shall lodge with the Council an application to Install a Septic Tank System in accordance with the Guideline for onsite wastewater management May 2024.

The application to Install a Septic Tank System shall include:

- The application form provided by the Council; completed, signed and dated by the owner.
- A floor plan of the proposed dwelling.
- A site plan indicating the location of the effluent disposal area.
- The design of the effluent disposal system including instructions for installation and working drawings.
- The current application fee.

12. Goulburn Murray Water Requirements

- a) All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
- b) No buildings (or works) are to be constructed (or carried out) within 30 metres of the Goulburn-Murray Water Shepparton No.12 Main Irrigation Channel.
- c) All carparks on the site must be setback 5m from the easement boundaries of the Goulburn-Murray Water Shepparton No.12 Main Irrigation Channel.
- d) No hydrocarbons are to be stored within 30m of the Goulburn-Murray Water Shepparton No.12 Main Irrigation Channel.
- e) All wastewater from the building must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the relevant body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard(s) and EPA Guideline for Onsite Wastewater Management, May 2024, as updated or replaced and to the satisfaction of Council's Environmental Health Department.
- f) The wastewater disposal area must be setback at least 60m from the Goulburn-Murray Water Shepparton No.12 Main Irrigation Channel, 60m from any dams and 20m from any bores.
- g) All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
- h) The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy, including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the relevant Australian Standard(s) and EPA Guideline for Onsite Wastewater Management, May 2024, as updated or replaced and to the satisfaction of Council's Environmental Health Department.
- i) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.
- j) The developer and Council will need to accord with the following requirements of Goulburn Murray Water's policy on 'Acceptance of Urban and Industrial Water into Goulburn Murray Water Drain's'.

- (i) Goulburn Murray Water will only permit rainfall runoff to enter its drain. No other water or discharge is permitted, including sullage (grey water), sewage or water containing hydrocarbons or non-approved detergents.
- (ii) Flows from the development are to be retarded in accordance with the attached 'Criteria for Retardation Basin Design.' - A574478
- (iii) The drain level of service at this location is 1 in 10, therefore the maximum allowable discharge rate from the development is to be 1. 2 L/s/ha.
- (iv) The developer will need to enter into a drainage discharge agreement prior to commencement of works on site.

13. Time for Starting and Completion

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

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