



Combined Planning Scheme Amendment and Permit Application

No 221-229 Numurkah Road and 10 Ford
Road, Shepparton

Rezoning to the Commercial 1 Zone and
Development of an Activity Centre

Prepared for Lascorp Development Group
(Aust) Pty Ltd

27 January 2017

Debra Butcher Consulting Pty Ltd
DBC0001RP01(Amended January 2017)

1. Introduction

Debra Butcher Consulting Pty Ltd has been engaged by Lascorp Development Group (Aust) Pty Ltd (Lascorp) to prepare a planning report to accompany a combined planning scheme amendment request and planning permit application pursuant to Section 96A of the *Planning and Environment Act 1987*.

The combined amendment/application seeks to facilitate the development of land at 221-229 Numurkah Road and 10 Ford Road, Shepparton North for a new supermarket with associated specialty stores, a medical centre and a community meeting space.

The new development is proposed to comprise a full line (Woolworths) supermarket, a range of specialty stores, a community space, a petrol plus service station (subject to a separate application) and a medical centre. An area in the southern portion of the site is also proposed to be developed as a child care centre (a planning permit issued for this in December) and there are two other future development areas on the site, one comprising a PAD site fronting Ford Road and the other to the west of the proposed child care centre, south of Doody Street.

The site is intended to form part of the broader Shepparton North Activity Centre, which has been identified in the adopted *City of Greater Shepparton Commercial Activity Centres Strategy* (the *Activity Centres Strategy*) as needing to take on a sub-regional role in the activity centre hierarchy for Shepparton.

The site is currently included in the Commercial 2 Zone (C2Z) and it is proposed to rezone that portion of the site located to the north of Doody Street to the Commercial 1 Zone (C1Z) to facilitate the proposed development.

From a statutory planning perspective approval is sought for the following:

Buildings and works associated with the development of an activity centre (including a supermarket and associated specialty stores and medical centre); development and use of a community meeting space; the use of land for the sale of liquor; the creation and alteration of access points to a road in a Road Zone Category 1; and the erection and display of advertising signage.

In preparing this report a review has been undertaken of the relevant provisions of the Greater Shepparton Planning Scheme (the Planning Scheme) as well as various reference documents of relevance to the development of the subject site, including the *Activity Centres Strategy*. This report outlines the strategic justification and planning merits of the combined amendment/application pursuant to this review.

This report finds that the proposed rezoning of the subject site and subsequent development is appropriate in the context of relevant planning policy and, in particular, supports the key directions outlined in the *Activity Centres Strategy* for the area of Shepparton North. In this regard it is considered that the proposal will result in a net community benefit for the Shepparton North area and will ensure that appropriate retail facilities are available to both the existing and future community as part of the broader Shepparton North Activity Centre and adjoining commercial precinct.

This report should be read in conjunction with the following documentation:

- Architectural Plans prepared by i2C architects;
- Landscape Plan prepared by John Patrick Landscape Pty Ltd;
- Traffic Engineering Assessment prepared by Traffix Group;
- Economic Impact Assessment prepared by Macroplan Dimasi;

- Stormwater Management report prepared by Biofilta Pty Ltd;
- Acoustic Assessment by Acoustic Consulting Australia Pty Ltd; and
- Preliminary Site and Soil Investigation by Geotechnical Testing Services Southern Pty Ltd.

2. Subject site and Surrounds

The proposed development is located on land which comprises two land parcels.

The larger of the two land parcels comprises 221-229 Numurkah Road, Shepparton. This land parcel has frontages to both Numurkah Road (also referred to as the Goulburn Valley Highway) and Ford Road and has a total area of approximately 3.8 hectares. This land parcel is relatively flat and comprises cleared land. It extends south to Doody Street, with the eastern portion of the land parcel extending south of Doody Street.

It is noted that a planning permit has recently issued for the subdivision of this land parcel into 2 lots as part of the planning permit that issued for the child care centre. The new lot to accommodate the child care centre will have an area of 0.3 hectares.

The second land parcel is located at 10 Ford Road Shepparton. This property has frontage to Ford Road only and has a total area of approximately 0.25 hectares. This land parcel is also relatively flat and comprises cleared land.

There are existing easements which cross the land including an easement running along the eastern boundary of the site, a drainage easement running east-west across the south east portion of the site, a sewerage easement running along the Ford Road frontage and an electricity easement located in the southern portion of 10 Ford Road.

There is no significant vegetation located on the site and the site is not located in an area identified as being of Aboriginal Cultural Heritage Significance.

Land in proximity to the subject site comprises the following.

- To the north, on the north side of Ford Road is land currently used for commercial purposes as well as land that is progressively being developed for residential purposes. This land is zoned General Residential 1 (GRZ1) and will ultimately be developed as part of the Shepparton North growth area.
- To the east is land that is currently used for residential and agricultural purposes and which is also included in the GRZ1 and will be developed in the longer term as part of the Shepparton North growth area.
- To the south east is land included in the Industrial 1 Zone. This land is currently used for the purposes of pre-cast concrete fabrication and a transport depot for steel storage.
- To the west, and south west, are a variety of established commercial type uses which extend along both sides of Numurkah Road, including a fencing retailer, a tractor sales outlet, a furniture retailer, marine and caravan outlets and a wholesale bakehouse. A CFA building is also located to the south west of the site with frontage to Numurkah Road.
- To the south of these commercial uses is the Fairleys IGA development. The existing centre has its main entry and frontage facing to the west and has a current floor area of approximately 3,400 square metres. It is understood that a planning permit issued for an expansion to the centre up to a total of approximately 8000 square metres in April 2012 and that an extension of time has recently been issued for this planning permit. It is also understood that an application to amend the existing planning permit has been lodged with Council and that the amendment seeks to vary conditions of the planning permit to enable the development of a new IGA store on the site, an Aldi, and specialty stores in the order of 2000 square metres (but not exceeding the 8000 square metres 'cap' that applies to the site).

An aerial photograph showing the subject site area is provided on the following page at *Figure 1*.



Source: NearMaps
Scale: Unknown

Figure 1: Aerial Photograph

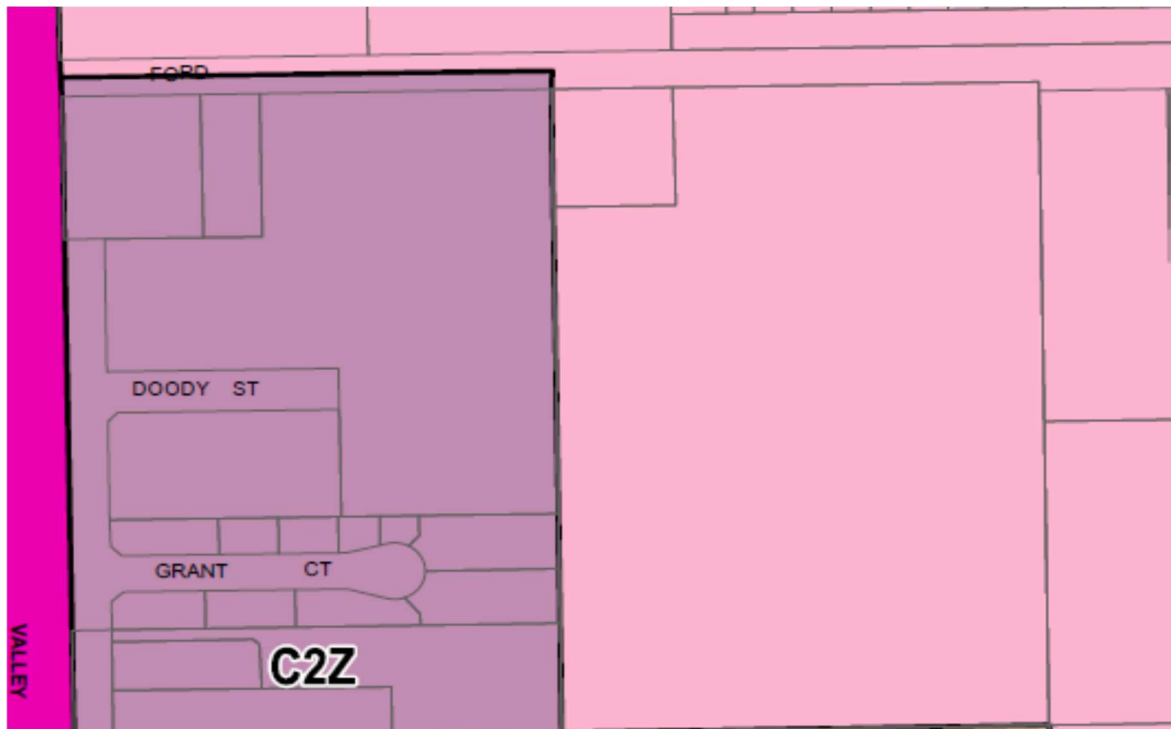
3. The Proposal

3.1 The Amendment

The subject land is currently included in the C2Z as shown in Figure 2 below. Under the provisions of the C2Z the use of land for a supermarket with a floor area of greater than 1800 square metres is prohibited in the Zone.

It is therefore proposed to rezone the land located to the north of Doody Street to the C1Z, to facilitate the proposed development of a supermarket and associated specialty stores and community space on the site.

It is noted that there is a floor space 'cap' currently included in the Schedule to the C1Z for the Shepparton North area, specifically for the Fairleys IGA site to the south of the subject site. The 'cap' for the Fairleys site is 8000 square metres. Thus with the addition of up to 6000 square metres of 'shop' floor space on the subject site (as contemplated by the *Activity Centres Strategy*), this would result in a total 'as of right' shop floor space in the (expanded) Shepparton North activity centre area of 14,000 square metres.



Source: DELWP
Scale: Unknown

Figure 2: Existing Zoning Map

The purpose of the C1Z includes the following:

'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.'

Under the provisions of the C1Z a planning permit is required for all building and works.

In terms of the land uses that are proposed, pursuant to the provisions of the C1Z, a planning permit is not required for a 'shop' use providing the combined leasable floor area for all shops does not exceed the amount specified in the Schedule to the Zone.

A planning permit is also not required to use land for 'office' purposes (which includes a medical centre in its definition) if the combined leasable floor area does not exceed the amount specified in the schedule to this zone.

Given that there is no maximum floor area proposed to be included in the schedule for office, a planning permit is not required for the proposed office use.

The community meeting space could potentially be characterised as a 'place of assembly'. A place of assembly is a Section 2 use in the C1Z therefore a permit is sought for the use and development of the community meeting space (notwithstanding the fact that it will be constructed as part of the overall activity centre building and appear as a tenancy along the north elevation).

In addition, a permit is also required for the sale of liquor (pursuant to **Clause 52.27** of the Planning Scheme), for advertising signage (**Clause 52.05**) and to create or alter access to a road in the Road Zone (**Clause 52.29**).

3.2 The Planning Permit Application

It is proposed to develop the site for additional retail and community facilities as part of the broader Shepparton North activity centre and adjoining commercial precinct that extends along this part of Numurkah Road.

To facilitate the proposed development a planning permit is sought for the following:

Buildings and works associated with the development of an activity centre (including a supermarket and associated specialty stores and medical centre); development and use of a community meeting space; the use of land for the sale of liquor; the creation and alteration of access points to a road in a Road Zone Category 1; and the erection and display of advertising signage.

A total of 6,390 square metres of floor space is proposed, comprising 5,990 square metres of 'shop' floor space, 300 square metres for medical centre purposes and a 100 square metres tenancy for community/Council purposes. A total of 446 car spaces are proposed to service the supermarket and specialty stores.

The development will comprise the following key elements.

- A 'full-line' supermarket comprising 3,960 square metres which includes an area for the sale of liquor. The west facing main entry to the supermarket will be accessed via a town square area with seating and outdoor dining options proposed in conjunction with the west facing tenancies located to the north of the entry. The loading dock to the supermarket will be located on the east side of the building with access provided via Ford Road and egress provided via Doody Street.
- Specialty retail tenancies wrapping around the supermarket building along its west and north sides with a total floor area of 2030 square metres. The specialty retail tenancies are expected to comprise a variety of uses including shops, cafes, takeaway food premises and other retail uses. Delivery areas for the specialty retail tenancies are proposed adjacent to the north east and south west corners of the supermarket.
- A chemist and medical centre is proposed adjacent to the south west corner of the supermarket. This medical centre will have an area of approximately 300 square metres (comprising six practitioners) and 260 square metres for the chemist.
- A space to be used for community purposes is also proposed to be located in one of the tenancies along the north side of the centre.
- Bicycle facilities are proposed adjacent to the south west corner of the supermarket including change room facilities and internal bike lockers. Additional external bicycle parking is also proposed adjacent to the north west corner of the building.

- Convenient pedestrian access is proposed throughout the development. This includes along the frontage of all the specialty stores, with a dedicated pedestrian connection through to Numurkah Road from the town square and supermarket entry and a dedicated connection from Ford Street to the centre abutting the proposed community space. Additional connections are also proposed along Doody Street including connections to the recently approved child care centre and the future residential development to the east.
- One pylon sign is proposed to be located along Numurkah Road and one located along Ford Street, both extending to a height of approximately 11.5 metres.
- 'Signage zones' (showing where tenancy signs will ultimately be located) are also shown on the plans. Whilst the detail of the signage is not yet known the signage zones are useful in showing the intent and extent of the proposed signage scheme.

The design and layout of the proposal has been carefully considered to ensure that a high quality urban design outcome will be achieved, in conjunction with a functional and efficient layout that will meet the requirements of the existing and future residents of Shepparton North.

Keeping this mind, key urban design outcomes include the following.

- The town square area which has been designed to be a key focal point of the centre, at the eastern end of the main vehicular entry road and pedestrian path, with paved and landscaped outdoor seating areas. The need to ensure activity in and around the town square and main entry to the supermarket has been carefully considered with the location of a tenancy to the north of the town square which is expected to be used for café purposes and the location of the medical centre and pharmacy abutting the town square to the south.
- The provision of a significant entry feature on the western façade ensuring an articulated presentation to Numurkah Road utilising feature aluminium cladding as well as a range of other building materials. Additional articulation is also provided to the north west corner of the building, visible from Ford Road in particular, providing a feature canopy area above the bicycle parking and over the outdoor seating that is proposed adjacent to the western elevation.
- The active frontages provided along both the northern and western facades with all tenancies facing outwards to the car park areas.
- The provision of landscaping throughout the car park area including shade sails in the Numurkah Road car park, ensuring an attractive presentation to the two streets whilst also providing for appropriate weather protection in the warmer months.
- The use of a variety of building materials and finishes including timber look cladding, aluminium battens and brick cladding to parapet walls to ensure the proposal presents as an articulated and attractive centre where local residents will want to shop and socialise.

The proposed built form and layout will be discussed in greater detail in later sections of the report.

4. Greater Shepparton Planning Scheme

The following planning provisions contained within the Planning Scheme are applicable to the subject site and the proposed development of the new supermarket and associated facilities.

4.1 State Planning Policy Framework

The SPPF of the Scheme seeks to ensure that land use and development planning policies in Victoria meet the objectives of planning in Victoria as set out in the Planning and Environment Act 1987.

Clause 10.04 'Integrated Decision Making' requires that responsible authorities *'should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations'*.

Clause 11 provides specific objectives and strategies relating to 'Settlement' and recognises that planning is to *'anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.'*

Clause 11.01-1 'Activity Centre Network' seeks to develop a network of activity centres that comprises a range of centres that differ in size and function and are a focus for business, shopping and working.

Clause 11.01-2 'Activity Centre Planning' highlights the objectives for development within and around Activity Centres and seeks to *'encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community'*. Included as a strategy to this clause is the strategy to *'locate new small scale education, health and community facilities that meet local needs in or next to Neighbourhood Activity Centres'*.

Clause 11.02 'Urban Growth' and in particular **Clause 11.02-1** 'Supply of Urban Land' aims (amongst other things) to ensure a sufficient supply of land is available for commercial and retail development and to ensure such development is appropriately planned.

Clause 11.05 relates to 'Regional Development' and contains the following objective at **Clause 11.05-1** *'To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework Plan'*. This Clause seeks to guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks and to deliver high quality settlements.

Clause 11.10 relates specifically to 'Hume Regional Growth'. Included as a strategy at this Clause is to *'Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta and Wodonga, and in Benalla'*. Included as a Reference Document at **Clause 11.10-4** is the *Hume Regional Growth Plan* (Victorian Government, 2014).

Clause 15 'Built Environment and Heritage' seeks to *'ensure that all new land use and development appropriately responds to its landscape, valued built form and cultural context.'* In particular, **Clause 15.01** 'Urban Environment' seeks to create urban environments that are safe, functional and of a good quality and that development responds to its context in terms of valued built form and cultural heritage. This Clause advances a number of strategies relating to urban design and built form including: landmarks, views and vistas; context; public realm; architectural quality; and pedestrian spaces.

Clause 15.01-4 relates to 'Design for Safety' and is also relevant as it seeks to *'ensure that the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety'*.

Clause 15.03-2 'Aboriginal Cultural Heritage' seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Clause 17 'Economic Development' seeks to provide for a strong and innovative economy where all sectors of the economy are recognised as being critical to economic prosperity.

Clause 17.07-1 relates to 'Business' and contains the following objective:

- *'To encourage developments which meet communities' needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities'.*

Relevant strategies under this Clause include:

- *'Locate commercial facilities in existing or planned activity centres.*
- *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres'.*

Clause 18.01-1 aims to create a safe and sustainable transport system by integrating land-use and transport.

Clause 18.02-1 'Sustainable Personal Transport' seeks to encourage *'opportunities to create more sustainable transport options such as walking, cycling and public transport'.*

Clause 18.02-5 'Car Parking' seeks to *'ensure an adequate supply of car parking that is appropriately designed and located'* to ensure that residential amenity is protected from the *'effects of road congestion created by on-street parking'.*

Clause 19 'Infrastructure' includes at **Clause 19.02-4** the objective *'to provide fairer distribution of and access to social and cultural infrastructure'.*

Clause 19.03-2 then discusses 'Water supply, Sewerage and Drainage' and identifies the need to plan for the appropriate provision of such infrastructure and services whilst **Clause 19.03-3** addresses the need to appropriately manage stormwater, so as to minimise impacts on catchments.

4.2 Municipal Strategic Statement

Greater Shepparton's Municipal Strategic Statement (MSS) is at **Clause 21** of the Scheme and sets out Council's strategic approach to land use and development issues within the municipality. The clauses of particular relevance to this proposal are summarised below.

Clause 21.03 'Vision, Sustainability Principles and Strategic Directions' outlines key themes and principles for Greater Shepparton including the need to promote economic growth, business development and diversification with a focus on strengthening the agricultural industry.

Clause 21.04 relates to 'Settlement'. Of relevance to this proposal is the nomination of urban growth areas in Shepparton, which includes the Shepparton North Growth Area as shown on the Shepparton North Framework Plan.

Clause 21.04-4 relates to 'Urban Design' and seeks to (amongst a range of matters) promote a high standard of architectural, landscaping and urban design for built form and spaces throughout the municipality. The policy also refers specifically to signage and seeks to *'control the number of signs and ensure that the appearance, size, illumination or location of signs does not adversely affect the visual amenity of the natural environment or the built form in the municipality'.* The clause discusses the importance of gateway locations and the need to define sites through urban design and architecture, signage and complementary landscaping and public art.

Clause 21.04-5 also makes reference to 'Community Life' and identifies the importance of clustering community facilities to enable multi use.

Clause 21.05 'Environment' includes objectives associated with 'Floodplain and Drainage Management' and 'Best Practice Land Management'. A relevant strategy in terms of floodplains and drainage includes ensuring that new development maintains the free passage and temporary storage of floodwater. A relevant strategy in terms best practice land management includes encouraging the development of surface water management systems with run-off into natural systems or into reuse storage for irrigation.

Clause 21.05-4 relates to 'Cultural Heritage' and, amongst a range of objectives, seeks to ensure that places of cultural heritage significance are conserved or restored.

Clause 21.06 'Economic Development' identifies that the local economy is diverse *'and includes a range of activities including agriculture, food processing, manufacturing, retail, education, health/community services, transport and warehousing'*.

Clause 21.06-5 identifies an Activity Centre Hierarchy based on the findings of the Greater Shepparton 2030 Economic Development Report'. The hierarchy identifies 'Fairleys (Numurkah Road)' as a Neighbourhood/Township Centre. The Clause includes a series of strategies for Commercial/Activity Centres which include the following.

- *'Support a hierarchy of retail centres that promotes the primacy of the Shepparton CBD as a multi-function centre complemented by local centres for convenience shopping.'*
- *Identify lower order neighbourhood retail and community centres to serve convenience needs of north Shepparton, Mooroopna and Kialla.*
- *Facilitate the expansion of the neighbourhood centre in the north at the Fairleys supermarket site subject to an economic impact assessment'.*

Also included at the Clause is the 'Shepparton Business Framework Plan' which shows the subject site within a 'Highway/Business – Consolidate and Redevelopment' area adjacent to a 'Future/expanded neighbourhood centres' asterisk.

Clause 21.07 'Infrastructure' includes a range of objectives associated with 'Transport', Urban and Rural Services' and Urban Stormwater Management'. Relevant objectives include:

- *Support new facilities such as community centres, neighbourhood centres, sporting facilities, entertainment and health services to be located in proximity to public transport routes and/or bicycle paths.*
- *Provide cost efficient physical and social infrastructure to support growth.*
- *To maintain and enhance stormwater quality throughout the municipality.*
- *To ensure that new development complies with the Infrastructure Design Manual'.*

4.3 Local Planning Policies

There are no local policies included in the Greater Shepparton Planning Scheme.

4.4 Zoning

As outlined in Section 3.1, the subject site is currently included in the C2Z.

The purpose of the zone is:

- *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.'*
- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*

- *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses’.*

Pursuant to **Clause 34.02**, a shop and a supermarket are noted as Section 1 uses dependant on Conditions.

A Supermarket requires: *‘The leasable floor area must not exceed 1800 square metres. The site must adjoin, or have access to, a road in a Road Zone. Must be on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.’* The proposed supermarket does not comply with these conditions.

At Section 2 of the Zone, a Supermarket requires: *‘The leasable floor must not exceed 1800 square metres unless on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne. The site must adjoin, or have access to, a road in a Road Zone’.* Once again, the proposal does not comply with this condition and therefore becomes prohibited in the C2Z.

For a Shop to be a Section 1 Use the requirement is: *‘Must adjoin, or be on the same land as, a supermarket when the use commences. The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres. The site must adjoin, or have access to, a road in a road zone’.*

If the Section 1 conditions for shop are not met, then it becomes a Section 2 use.

Therefore, whilst the proposed supermarket is prohibited in the C2Z, other land use elements of the proposal, including the specialty shops and medical centre, are either as of right or permissible in the Zone.

Pursuant to **Clause 34.02-4**, a permit is required to construct a building or carry out works.

4.5 Overlay Controls

The site is not affected by any overlay controls. It is noted that the land to the east is affected by a Development Plan Overlay Schedule 19, as well as an Environmental Audit Overlay (EAO), whilst land to the north is also affected by an EAO.

4.6 General and Particular Provisions

The following particular and general provisions are relevant to the proposal.

• **Clause 52.05 Advertising Signs**

Clause 52.05 relates to advertising signs. Land in both the C1Z and C2Z is included at Category 1 – Minimum Limitation - of the advertising sign provisions. Pursuant to this Clause a planning permit is required for the two pylon signs and signage ‘zones’ proposed as part of this planning permit application.

• **Clause 52.06 – Car Parking**

Clause 52.06-5 of the Planning Scheme specifies the level of car parking required for particular uses and development. In the case of a ‘Supermarket’, a rate of 5 car spaces per 100 square metres of LFA is specified, whilst a rate of 4 spaces per 100 square metres applies for specialty stores and 3.5 spaces per 100 square metres for office use. In the case of a medical centre a rate of five spaces applies to the first person providing health services plus three spaces to every other person providing health services.

An assessment has been undertaken by Traffix Group which demonstrates that car parking is proposed in excess of the requirements of this clause. Accordingly, this proposal does not seek dispensation from the requirements of **Clause 52.06**. This is discussed further at Section 6.3 of this Report.

- **Clause 52.07 – Loading and Unloading of Vehicles**

Clause 52.07 relates to 'Loading Bays', the purpose of which is:

- *'To set aside land for loading and unloading of commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety'.*

This Clause identifies requirements for loading bay areas and provides for dispensation from those requirements in some circumstances. This is addressed further in the Traffic Engineering Assessment which is discussed at Section 6.3 of this Report, which confirms that the requirements of this Clause are met.

- **Clause 52.27 – Licensed Premises**

Clause 52.27 relates to Licenced Premises and specifies that a planning permit is required to use land to sell or consume liquor. A planning permit is therefore required for the proposed bottle shop (which will form part of the supermarket floor space) pursuant to this Clause.

- **Clause 52.29 Land Adjacent to a Road Zone, Category 1 or a Public Acquisition Overlay for a Category 1 Road**

It is a requirement of **Clause 52.29** that a planning permit is obtained to create or alter access to a road in a Road Zone Category 1. The proposed development of the subject site requires the construction of two new crossovers to Ford Road, an amended access arrangement to the site from Numurkah Road, an amended egress arrangement onto Numurkah Road (south of Doody Street) in addition to, at the request of Vic Roads, the removal of the left-in to the Numurkah Road service road, just north of Grant Court. Therefore, a planning permit is required pursuant to this Clause.

- **Clause 52.34 – Bicycle Facilities**

Clause 52.34 sets out bicycle requirements for new land uses including bicycle parking requirements for both employees and visitors, as well as shower and change room facilities. The Clause provides that a permit may be granted to vary, reduce or waive any requirement where appropriate justification can be provided. Bicycle parking and facilities has been discussed further in the Traffic Group report and is also discussed at Section 6.3 of this Report, which confirms that the requirements of this Clause are met.

- **Clause 65 Decision Guidelines**

Clause 65 Decision Guidelines outlines the matters that a responsible authority must consider when assessing a planning permit application.

4.7 City of Greater Shepparton Commercial Activity Centres Strategy, November 2015 and Amendment C192

The *City of Greater Shepparton Commercial Activity Centres Strategy* was adopted by Council on 16 February 2016 and sets out a municipal wide strategy that:

- *'Provides a clear understanding of the role and function of urban and rural activity centres in Greater Shepparton;*
- *Identifies future retail/commercial floor space requirements for activity centres;*
- *Identifies the relationship between economic activity, population levels, demographics, and social sustainability of activity centres'.*

Part A of the Strategy provides background information and outlines a retail hierarchy for Shepparton comprising the Central Activities District, Regional retail centres, Sub-regional centres, Neighbourhood/Town centres, Local/Township Centres and enterprise corridors.

The Strategy identifies the Shepparton North activity centre as one of three sub-regional centres activity centre which are described as:

'important locations for retail and commercial activity that serve an immediate residential catchment in the surrounding urban area, as well as a broader rural and regional hinterland that is highly accessible via regional road networks'.

However, in relation to Shepparton North the Strategy notes that while it is identified as a sub-regional centre in the hierarchy it is currently functioning in a more limited role that is dominated by a single use (supermarket) and a lack of diversity in the retail and commercial activities when compared to the other sub-regional centres of Riverside and Mooroopna.

Further discussion of the Shepparton North centre is provided at page 42 of the Strategy where the 'main features and issues' for the consideration in relation to the centre are identified as follows.

- **Potential Expansion** – *the opportunity exists for the Shepparton North activity centre to expand within the existing planning framework for the centre that includes a shop floor space cap of 8,000m² and significant land in the Commercial 1 Zone that is currently vacant. This opportunity for expansion has not been realised.*
- **Growing Demand** – *the northern parts of the Shepparton urban area continue to experience population growth, and this is expected to continue for the foreseeable future. Development of the north-east growth area that has been identified by Greater Shepparton and is located a short distance to the east will further increase demand for additional facilities required to meet the needs of this expanding population.*
- **Mix of Uses** – *at present, the limited mix of uses in the Shepparton North activity centre is not consistent with the expectations of both planning policy and the general community.*
- **Future Role** – *as the Shepparton North centre expands to meet the needs of surrounding residents and a large regional hinterland, an enhanced role for the activity centre hierarchy as a sub-regional centre is anticipated. For this to occur, the centre must contain a broader range of retail and commercial functions consistent with this definition within the hierarchy.*
- **Centre Layout** – *Although at present the Shepparton North activity centre is dominated by the Fairleys IGA site, it is appropriate that opportunities for further expansion are considered. This could represent an extension of the existing Commercial 1 Zoned land or, if required, a new area within the Commercial 1 Zone located elsewhere in that part of the Shepparton North Gateway between Ford Road and Hawkins Street in which a range of commercial uses are currently concentrated.*

The Strategy also discusses 'enterprise corridors' and identifies the land in Shepparton North, along either side of Numurkah Road as forming part of a Shepparton North Gateway extending north from Pine Road, to include those areas within the C2Z (although specifically notes that the Shepparton north activity centre is located within, but does not form part of, the enterprise corridor).

Part B of the Strategy sets out the objectives and actions for activity centres in the study area.

Detailed actions for activity centres are outlined at Section 9 of the Strategy including the following (selected) actions identified for Shepparton North.

- *'Shepp. North Action 1: Encourage the expansion of retail and commercial facilities in the existing Commercial 1 Zone area so that residents of Shepparton North are provided with an enhanced range of local convenience shopping facilities and services.*

- *Shepp. North Action 2: Expansion of the Shepparton North centre to provide a range of retail and non-retail facilities that is consistent with sub-regional status in the activity centres hierarchy. This could include the addition of a second full-line supermarket and enhanced supporting retail (not including a major non-food retail anchor such as a discount department store).*
- *Shepp. North Action 3: Ensure that future development of the Shepparton North centre takes place in a manner supported by appropriate urban design and planning guidance. In indicative terms, an increase of 6,000m² in shop floor space may be supported on land outside the existing Commercial 1 Zone at Shepparton North, which is sufficient to accommodate a 2nd supermarket and supporting retail such as specialty shops. This should be subject to detailed assessment through application of the Planning and Development Assessment Criteria to any proposal. An appropriate site in the area fronting the Goulburn Valley Highway between Ford Road in the north and Hawkins Street in the south can be endorsed for this extension to the Commercial 1 Zone.*
- *Shepp. North Action 4: Consider implementation of a maximum shop tenancy size which restricts a discount department store or other major non-food based anchor 'shop' tenant in the Shepparton North centre (similar to that applied to a supermarket in Riverside Plaza). This will ensure large anchor tenants better suited to the CBD or Shepparton Marketplace are not located in the Commercial 1 Zone at Shepparton North.*
- *Shepp. North Action 5: Once the location of an expanded Commercial 1 Zone in Shepparton North is identified, develop an urban design framework or similar assessment that provides appropriate guidance on how the centre can develop in a manner that provides a high-level of amenity to shoppers and is consistent with best-practice activity centre development guidelines. If required, apply a Development Plan Overlay (DPO) or similar mechanism to the Shepparton North centre.*
- *Shepp. North Action 6: Allow for the development of a small local centre in association with the new North-East residential growth area. This centre will meet local convenience needs only, and will not include uses (such as a full-line supermarket) that would be more appropriately located in the Shepparton North centre'.*

The Strategy then goes on to identify strategic planning guidance for Shepparton North including the need to confirm the appropriate location for expansion of the C1Z noting that a '*preferred (but not necessary) outcome is an extension of the existing Commercial 1 Zone, although another location in the area between Ford Road and Hawkins Street may be required subject to site suitability and availability*'.

Amendment C192 seeks to include the Strategy as a reference document in the Planning Scheme. The Amendment also proposes changes to the MSS, including, in relation to the subject site, the designation of the Shepparton North activity centre as a 'sub-regional activity centre' and the identification of the need to facilitate the expansion of additional retail and commercial facilities between Ford Road and Hawkins Street subject to the application of planning and development assessment criteria included in the *Activity Centres Strategy*.

The Amendment completed public exhibition in August 2016 and will be further considered at a Panel Hearing.

5. Strategic Assessment Guidelines

The following sections provide an assessment of the proposal against the requirements of Planning Practice Note 46: *Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments*.

5.1 Why is an amendment required?

Under the provisions of the C2Z the development and use of a full line supermarket is prohibited.

An amendment is therefore required to rezone the land to the north of Doody Street from the C2Z to the C1Z to facilitate the proposal.

5.2 Does the amendment implement the objectives of planning and address any environmental, social and economic effects?

- **Objectives of planning**

Planning Schemes in Victoria must seek to achieve the objectives of planning in Victoria as set out in Section 4(1) of the *Planning and Environment Act 1987*. These objectives are as follows:

- *To provide for the fair, orderly, economic and sustainable use and development of land.*
- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- *To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.*
- *To facilitate development in accordance with the objectives set out in the points above.*
- *To balance the present and future interests of all Victorians.*

It is considered that the proposed Amendment will assist in implementing the above objectives of planning in Victoria. The rezoning will assist in the fair, orderly, economic and sustainable use of land by facilitating the development of an activity centre that is well placed to better serve the surrounding retail catchment than currently occurs with the limited retail and community facilities that are available.

The site is ideally located with frontage to two major roads and directly abutting land recently rezoned to form part of the Shepparton North growth area. The proposed rezoning and subsequent development of retail and associated community facilities will ensure that the needs of existing and future residents in the Shepparton North area and broader trade area will be able to be met on land that already forms part of an established commercial precinct, helping to ensure a pleasant, efficient and safe working, living and recreational environment for residents.

- **Environmental Effects**

The proposal is not expected to result in any significant environmental effects. The site is vacant, there is no significant vegetation on the site and the site is not located in an area identified as being of cultural heritage significance.

A soil assessment has been carried out for the subject site which confirms that the use of the site for commercial purposes is appropriate in the context of the soil on the site and that further investigation should not be required for the intended development of the site to proceed uninhibited.

In terms of stormwater and drainage, a stormwater management assessment has been prepared for the site which identifies an appropriate stormwater management regime for the proposal that will form part of a broader catchment solution.

- **Social and Economic effects**

The proposed amendment is expected to result in a range of positive social and economic effects.

In terms of positive economic impacts, the proposed amendment will assist in:

- addressing what is currently considered to be an under provision of supermarket floor space in the surrounding area;
- substantially improving shopping choice, convenience and amenity for local residents; and
- the creation of additional employment opportunities.

From a social perspective, the proposed amendment will assist in:

- meeting the needs of both the existing local community and the future community that will establish as the surrounding growth area develops;
- creating a focal point for local residents;
- providing additional health care services to the existing future and local community;
- providing additional community meeting space for the local residents, in addition to the child care centre that has already been approved to the south of Doody Street.

Whilst the proposed rezoning and subsequent development will result in some economic impacts to surrounding existing retail centres, the impacts are not expected to be significant and are not expected to threaten on-going viability of those centres, as discussed in greater detail in the MacroPlan Dimasi report. Of particular note, the proposal is not expected to result in impacts to the Shepparton CBD retail precinct.

5.3 Does the amendment address relevant bushfire risk?

The Amendment is not expected to result in the generation of any additional bushfire risk and is therefore appropriate in the context of this consideration.

5.4 Does the amendment comply with all the relevant Minister's Directions?

Relevant Minister's Directions are as follows:

- Minister's Direction relating to the Form and Content of Planning Schemes;
- Minister's Direction 11 – Strategic Assessment of Amendments.

The proposed amendment complies with both directions, as follows:

- the form and content of the Amendment is consistent with the first Direction outlined above;

- this amendment is also consistent with Ministers Direction 11, as outlined in this section of this report.

5.5 Does the amendment support or implement the State Planning Policy Framework (SPPF)?

The proposed amendment is appropriate in the context of relevant State planning policies as outlined below.

- The proposal will result in the provision of additional land for development as part of a broader activity centre, responding to the retail needs of both the existing and future Shepparton North community (**Clauses 11** and **11.02**) and ensuring appropriate connectivity is provided to adjoining, planned, residential development.
- The location of the proposal and the total floor area proposed is consistent with the retail hierarchy identified for Greater Shepparton in the adopted *Activity Centres Strategy* and thus is appropriate in the context of **Clause 11.01-1** of the SPPF.
- Consistent with the directions of **Clause 11.01-2**, the amendment and subsequent development of a new supermarket and associated specialty stores, will concentrate additional retail and community facilities in proximity to an existing full line supermarket in an area designated in the adopted *Activity Centres Strategy* (discussed further in the following section) as forming part of the Shepparton North sub-regional activity centre. In addition, the site forms part of an established commercial precinct which has been identified as part of the Shepparton enterprise corridor in this location.
- The proposed amendment is appropriate in the context of key regional directions identified at **Clauses 11.05** and **11.10** in relation to the Hume Regional Growth area and proposes the development of additional retail and community facilities in Shepparton which is identified as one of four settlements in the Hume Regional Growth area where growth and development should be focussed.
- The proposed amendment will facilitate the development of high quality retail and community facilities, consistent with the requirements of **Clauses, 15, 15.01** and **15.01-4**. The proposal will contribute positively to the local urban character and public realm through the provision of a town square area with convenient pedestrian access to surrounding land uses, including the opportunity to provide a connection through to the future residential area to the east.
- The proposal is not an area of identified cultural heritage significance and therefore is not expected to impact on any place of Aboriginal cultural heritage significance (**Clause 15.03-2**).
- The proposed rezoning will facilitate the development of a supermarket and associated facilities in a location that is consistent with the adopted *Activity Centres Strategy* and that will provide for a range of land uses including retail, medical and community services, in conjunction with the recently approved child care centre in Doody Street, consistent with **Clause 17** of the SPPF.
- Appropriate consideration has been given to traffic and transport issues and the proposal will facilitate effective pedestrian and vehicular movements. Car parking in excess of the Planning Scheme requirements is also proposed to service the variety of land uses proposed on the site (**Clauses 18.01-1, 18.02-1** and **18.02-5**).
- The proposal will result in the provision of additional social infrastructure in and adjacent to an activity centre, in the form of a community meeting room, consistent with the policy direction of **Clause 19.02-4**.
- Appropriate consideration has been given to drainage and infrastructure issues with a stormwater report prepared for the proposal in consultation with Council, consistent with **Clause 19.03-2** of the SPPF and discussed further at Section 6.5.

5.6 How does the amendment support or implement the Local Planning Policy Framework (LPPF) and, specifically, the Municipal Strategic Statement (MSS)?

The proposed amendment is considered appropriate in the context of the relevant provisions of the MSS given the following.

- The amendment will facilitate the development of a new supermarket and specialty stores in an area that is designated for significant urban growth as outlined at **Clause 21.04**.
- The proposal will also result in a high quality built form that will ensure an attractive presentation to both Numurkah and Ford Roads, responding appropriately to the objectives of **Clause 21.04-4**. The proposed construction of a single pylon sign on each frontage will also ensure that the proposal responds appropriately to the signage objectives at **Clause 21.04-4**.
- The proposal will result in the provision of additional community facilities, including a medical centre and community meeting room, that are appropriately located and are able to form an integrated part of the broader Shepparton North activity centre, with the opportunity for direct connection to the neighbouring future residential area to the east as well as the approved child care centre to the south (**Clauses 21.04-5 and 21.04-6**)
- The proposal gives appropriate consideration to drainage issues (**Clause 21.05**) as discussed at Section 6.5.
- As previously discussed, the subject site is not in an area of identified cultural heritage significance and therefore any development is not expected to impact any sites of significance (**Clause 21.05-4**).
- The proposed amendment will result in the provision of additional retail and community facilities that will support economic development in Shepparton (**Clause 21.06**).
- The retail hierarchy for Shepparton identified at **Clause 21.06-5** has been taken into consideration in the preparation of this amendment. Whilst the proposal will result in the Shepparton North area expanding beyond the role of 'Neighbourhood/Township centre' as nominated at this clause, this is considered appropriate in the context of the more recent recommendations of the adopted *Activity Centres Strategy* (discussed further below) and is not expected to impact on the primacy of the Shepparton CBD, as discussed in greater detail in the MacroPlan Dimasi report submitted in support of this proposal.
- In relation to **Clause 21.06-5** it is acknowledged that the policy directs the expansion of retail floor space in the Shepparton North area to the Fairleys supermarket site (subject to an economic impact assessment). However, in relation to this policy direction it is noted that:
 - firstly, the approval for such an expansion was granted some four years ago and has not yet been acted on (although it is understood that an amendment to that permit has recently been lodged); and
 - secondly, the activity centre hierarchy currently in the Planning Scheme has since been reviewed and updated as part of the adopted *Activity Centres Strategy*, discussed further below, and the potential for retail floor space to be developed on land beyond the Fairleys site, between Hawkins Street and Ford Road, is also now clearly contemplated.
- The proposed amendment will facilitate the development of new retail and community facilities, in proximity to identified bicycle routes, which will provide new social infrastructure and which provides an appropriate strategy to manage stormwater and drainage on the site (**Clause 21.07**).

When considering the strategic merits of the proposal it is also important to consider relevant strategic and policy reference documents.

As discussed at Section 4.7, the *Activity Centres Strategy* was adopted by Council in February 2016 following community consultation over some months. The Strategy has since been placed on formal

public exhibition via Amendment C193 and will be considered by a Planning Panel in the coming months.

The proposed development of the subject site is entirely consistent with amended Clause 21.06-5 (as proposed by Amendment C192) and the adopted *Activity Centres Strategy* as outlined below.

- The proposed amendment will facilitate the development of the additional supermarket and retail facilities in a location that has been designated as a sub-regional activity centre in the retail hierarchy for Shepparton.
- The range of shops and services that will be facilitated by the amendment will expand the role of the existing Shepparton North activity centre, which the Strategy identifies as being currently very limited and dominated by a single use (the Fairleys IGA) with a lack of diversity.
- A total of 5,990 square metres of retail floor space is proposed on the site. This is entirely consistent with the Strategy which identifies that the opportunity exists for up to 6000 square metres of floor space to be developed on land outside the existing C1Z land at Shepparton North (ie outside the Fairleys supermarket site) for a second full line supermarket and associated specialty stores.
- The subject site is located between Ford Road and Hawkins Street and thus is within the area identified in the Strategy as being appropriate for the proposed expansion.
- The requirements of the Planning and Development Assessment Criteria included in the Strategy have been appropriately considered in the preparation of this planning scheme amendment request.
- It is understood that Council is currently in the process of preparing urban design guidelines for the length of the Numurkah Road between Hawkins Street and Ford Road to ensure appropriate urban design outcomes along this stretch of the Highway, consistent with the *Activity Centres Strategy* which states that an urban design framework or similar assessment should be developed, once the location of an expanded Commercial 1 Zone in Shepparton North is identified.

Notwithstanding the findings and recommendations of the adopted *Activity Centres Strategy*, it is acknowledged that the opportunity currently exists to expand the existing Fairleys IGA centre within the existing C1Z land as per the permit that issued in 2012. Indeed, it is understood that an application has recently been lodged which seeks to amend the 2012 permit to enable the development of a new IGA supermarket on site, the utilisation of the existing IGA building for specialty stores of up to 2000 square metres and the construction of an Aldi on the site, all within the floor space 'cap' of 8000 square metres.

Whilst this recent application is acknowledged, it is again highlighted that the Strategy recommends an additional 6000 square metres, over and above the 8000 square metres that is currently provided for in the schedule to the C1Z for the Fairleys site and recommends that the extra 6000 square metres includes a second full line supermarket. It is understood that the recent application to amend the IGA permit is to (in part) facilitate an Aldi supermarket – which is a different offering to the full-line supermarket identified as being required in the adopted *Activity Centres Strategy*.

The opportunity to develop land immediately abutting the Fairleys site (to the north) for a second full line supermarket is limited given the presence of a range of established businesses that are already located along the highway and the constraints of the remaining vacant lots in terms of their configuration, limited frontage width, exposure to the highway (which is a key locational requirement for full-line supermarkets) and ability to provide a direct connection through to the residentially zoned area to the east.

The EIA that has been prepared by MacroPlan Dimasi in support of this rezoning request, along with the economic assessment undertaken as part of the *Activity Centres Strategy* clearly identifies that there is a need for additional retail facilities in this part of Shepparton which will become even greater as the growth area is developed. The EIA identifies that there is currently a substantial under-

provision of supermarket floor space in the trade area and that the primary trade sector population alone is considered sufficient to support two full line supermarkets.

The development of the subject site for a supermarket, associated specialty stores and community facilities on the subject site will therefore respond to this identified need and will greatly diversify the retail offering of the broader centre compared to what is currently available.

Whilst the site is not located directly adjacent to the existing IGA land, it is within the same commercial and retail 'strip' along Numurkah Road. The subject site has excellent connectivity to the Shepparton North Growth Area and has direct frontage to two major roads. It is considered that the ability of the site to provide a full line supermarket, combined with the significant locational advantages of the site, counterbalances potential concerns around the separation of the subject site from the IGA, and will, on balance, result in a net community benefit.

Accordingly, it is submitted that the proposed amendment responds appropriately to existing and proposed local policy.

5.7 Does the amendment make proper use of the Victoria Planning Provisions?

The Amendment makes appropriate use of the VPPs and the proposed rezoning of the land to the C1Z will not result in any conflict or duplication of existing controls in the Scheme.

5.8 How does the amendment address the views of relevant agencies?

The views of relevant agencies will be sought as part of the exhibition process, however it is noted that there has already been extensive consultation with Vic Roads.

5.9 Does the amendment address the requirements of the Transport Integration Act 2010?

The amendment is not likely to have a significant impact on the transport system.

5.10 What impact will the new planning provisions have on the administrative costs of the responsible authority?

The proposed amendment is not expected to have any significant impact on the administrative costs of the responsible authority.

6. PLANNING PERMIT APPLICATION MATTERS

The following sections provide an assessment of the planning permit application component of the proposal.

6.1 Site Layout and Built Form

The layout and built form of the proposal will ensure an attractive and articulated development that will accommodate a range of shops and services responding to both the needs of existing residents in the Shepparton North area as well as providing for future residents as the surrounding growth area develops.

A key underlying philosophy in the preparation of the site layout plan and centre layout was to ensure that the centre would act as a focal point for the residents of Shepparton North and surrounds.

As a result of this underlying philosophy, some of the key land use and design features that are reflected in the application plans are discussed briefly below.

- A centrally located, landscaped, town square is proposed. The town square will have tenancies to either side of it that promote activity and will act as the main entry point to the proposed supermarket. The town square is also located in proximity to the approved child care centre with pedestrian access proposed between the two land uses and the medical centre and pharmacy.
- Active frontages are proposed along both the northern and western facades of the centre, utilising a variety of building materials and maximising visibility to the centre from the car park areas and adjoining streets.
- A single entry point is proposed to the supermarket. The entry feature has been designed to be of a greater scale (to a height of approximately 8 metres) to maximise visibility and to add interest to the facades in terms of building materials and architectural design.
- Canopies are proposed along the northern and western elevations, as well as over part of the town square area, ensuring appropriate weather protection for customers whilst also adding visual interest to the facades.
- A contemporary architectural response is proposed for the activity centre through the use of a variety of building material and design features including: aluminium cladding to feature entry canopies, feature aluminium battens, feature aluminium cladding to walls, and brick cladding to parapet walls with exposed steel structures.
- The proposal will have a typical height of approximately 8 metres, only extending beyond this primarily in the case of the mezzanine over the supermarket (maximum building height of 10 metres) and in association with the entry and architectural features of the building.
- The provision of ample on site car parking is proposed, in two main car parking areas, with convenient access from both Numurkah Road and Ford Street. Shade sails are proposed to part of the Numurkah Road car park area, with landscaping also proposed throughout to ensure an attractive car park area with appropriate weather protection.
- The location of the main loading bay is proposed to the rear of the supermarket, well separated from customer car parking and key pedestrian routes, with direct access provided from Ford Road and egress via Doody Street.
- Two pylon signs are proposed as part of the development, which will provide for multiple tenancy advertising within each individual pylon, reducing the potential for clutter from signage for multiple tenancies along the two major roads.
- The pylon signs are to be located both road frontages and will have an overall height of approximately 11.5 metres, with the provision for multiple tenancies to advertise on the signs.

6.2 Amenity Considerations

The proposed development of a supermarket and associated specialty stores and community facilities on the site is not expected to result in any significant amenity impacts to surrounding properties. The site is currently located in the C2Z and has abuttal on three sides to existing commercial land uses and major roads.

It is noted that there is an existing dwelling located to the east of the site, fronting Ford Road. It is considered that amenity impacts to this dwelling as a result of the proposal will not be unreasonable given the separation of the dwelling from the supermarket loading dock and the opportunity to provide acoustic screening along this boundary. This is discussed further in the acoustic report prepared by Acoustic Consulting Australia Pty Ltd and at Section 6.6 of this Report.

The remaining land to the east is expected to ultimately be developed as part of the Shepparton North growth area, however the design and layout of the future land uses directly abutting the rear of the activity centre is not yet known. The need to ensure appropriate mitigation measures are in place in relation to this future residential development is also addressed in the acoustic report.

6.3 Traffic, Car Parking and Loading

A Traffic Engineering Assessment of the proposal has been undertaken by Traffix Group. The key findings of this Report conclude as follows.

- *The proposed development has a statutory car parking requirement for 309 spaces,*
- *the provision of 446 spaces, exceeds the statutory parking requirement the application does not seek a permit to reduce the statutory parking requirement,*
- *the proposed car parking layout is considered to be in accordance with both the relevant requirements of the Planning Scheme and Australian Standards and will operate in an appropriate and acceptable manner,*
- *the new access via Goulburn Valley Highway has been designed in accordance with Austroads Guide to Road Design Part 4A and will operate in a safe and effective manner,*
- *the treatments for the proposed access points on Ford Road have been designed in accordance with Austroads Guide to Road Design Part 4A and will work well as an interim treatment until the ultimate duplication of Ford Road,*
- *a contribution has been made by the applicant to be used at the discretion of Council/VicRoads for interim works at the intersection of Goulburn Valley Highway/Wanganui Road/Ford Road prior to the ultimate construction of the intersection as part of the Shepparton bypass,*
- *the provision of bicycle parking and end of trip facilities is in accordance with Clause 52.34 of the Planning Scheme,*
- *the provision of three loading bays meets the statutory loading requirement set out at Clause 52.07, and*
- *there are no traffic engineering reasons why a planning permit for the proposed mixed-use development at 221-229 Goulburn Valley Highway, Shepparton, should not be granted.*

6.4 Landscaping

A landscape plan has been prepared for the site by John Patrick Landscape Architects. The plan proposes planting throughout the car park areas where there are no shade sails proposed as well as along the site frontages to both Numurkah Road, Ford Road and Doody Street.

6.5 Stormwater

An assessment of Stormwater Management issues was undertaken by Biofilta. The key recommendations of Biofilta are as follows.

- *Discharge of treated stormwater be connected to the Yakka D basin as the legal point of discharge;*
- *Storage volume of 4,218m³ of storage volume be provided in the Yakka D basin to accommodate the retardation of the 1 in 100 year 24hour storm event volume in conjunction with flows from the ultimate development Scheme.*
- *In paying a cost contribution to the Scheme, the development site will have no onsite requirement for water quality treatment or retardation.*
- *Existing pumping system to be upgraded by Council to accommodate the long term Drainage Scheme objectives;*
- *Conveyance via an easement created along the eastern boundary of the subject site or adjoining property (by agreement) be supported with the width to be determined during the detailed design phase of the project.*

6.6 Noise Assessment

A Noise Assessment was undertaken by Acoustic Consulting Australia Pty Ltd. The primary purpose of the assessment was to consider the control of environmental noise generated by the new mechanical plant, the refrigeration plant and the loading dock that will be associated with the proposed development.

This report provides advice on the matter of controlling environmental noise emissions to the residences existing on lands adjacent to the subject site as well considering noise impacts to land zoned for residential purposes, which has not yet been developed.

The Assessment makes a series of recommendations to manage potential noise impacts, as follows.

- Provision of acoustic screening to the condenser deck of the supermarket;
- Specific design requirements for the construction of the supermarket plant room;
- Acoustic treatment to the loading dock including a metal roof with sound absorptive lining;
- A 2.8 metres high acoustic fence along the eastern boundary of the site extending to Doody Street.

6.7 Soil Assessment

A soil assessment was undertaken by Geotechnical Testing Services – Southern Pty Ltd. The Report concludes as follows.

- The preliminary assessment that was undertaken for the site concluded that there was some potential for contamination to be present on the site as a result of historic land uses. As a result of those preliminary findings a preliminary soil testing program was developed and implemented.
- Based upon the findings of that testing program (and as detailed further in the Report) there is no requirement for any soil material naturally existing or otherwise to be removed/ disposed from the site. Accordingly, the Report states that the spoil resultant from any future onsite development works may also be replaced/reused over the allotment, where deemed suitable. Further investigation should not be required for the intended development of the site to proceed uninhibited.

7. Conclusion

The proposed rezoning of the subject site to the C1Z to facilitate the development of a new supermarket and associated specialty stores and community facilities at the Shepparton North activity centre is appropriate in the context of relevant State and Local planning policies and, in particular, the recently adopted *Activity Centres Strategy*.

The proposed development responds to a recognised need for an additional supermarket in the Shepparton North area, as well as the identified need for a greater diversity in specialty stores and services to expand upon those currently provided at the existing Fairley's IGA development.

The new activity centre is expected to result in a range of positive social and economic impacts including:

- the provision of greater choice of products and improved pricing as a result of a second full line supermarket coming on line;
- the provision of a community focal point in the form of the town square which, combined with the medical centre and community meeting room, as well as the approved child care centre to the south of Doody Street, will ensure the activity centre offers a diversity of uses that will complement and build upon the retail attributes of the activity centre and that will be highly accessible to the existing and future residential population of Shepparton North;
- the provision of employment opportunities for the surrounding population.

Accordingly, it is considered that the rezoning of the land and subsequent development will deliver significant benefits to both the existing and future population of Shepparton North and will, on balance, result in an overall net community benefit.

In terms of the permit application component of the proposal, the architectural plans that have been prepared demonstrate that the proposal will result in a well-designed and attractive addition to the Shepparton North activity centre area proposing a design that incorporates articulated entry features, a landscaped town square, and active frontages to the two key car parking areas.

The proposed site layout also ensures that loading facilities and access ways will be appropriately located and separated from pedestrians as much as possible and provides for ample car parking to meet anticipated requirements.

In addition, appropriate consideration has been given to drainage and stormwater issues with an accompanying report that demonstrates how stormwater run-off from the site can be managed.

In conclusion it is respectfully requested that Council support this proposed planning scheme amendment and planning permit application and seek Ministerial approval to have the matter placed on public exhibition.

Debra Butcher Consulting Pty Ltd
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Debra Butcher Consulting Pty Ltd
PO Box 417 Albert Park VIC 3206
dbutcher@debrabutcherconsulting.com.au
Mobile 0448 565 896

