

Officers Planning Assessment

Application Details	
Application No	2020/438
Proposal	Development of land for a supermarket, associated shops and to alter access to Transport Zone 2 with reduction of car parking provisions.
Applicant	Planning Central Pty Ltd
Application received	10 December 2020
Plan Details	<p>The plans considered as part of this report are noted as follows:</p> <ul style="list-style-type: none"> • Drawings by Petridis Architects - Job No. 20-51, Dated 6th December, 2022, Total 7 Sheets: <ul style="list-style-type: none"> ○ Ground Floor Plan TPA01 ○ First Floor Plan TPA02 ○ Elevations TPA03 ○ Design Response TPA04 ○ Site Analysis TPA05 ○ Shadow Diagrams TPA06 & TPA07 • Truck Swept Path Analysis including cover letter prepared by Taylor Miller Pty Ltd (Total 4 sheets, dated 6/12/2022).
Officer:	Robyn Begg
Property Details	
Property Address	29-31 Davis Street Nyora VIC 3987
Land Description	CA 25 & 26 Section 6 Township of Nyora Parish of Lang Lang East
Land Area	5228.57m ² (combined)
Restrictions on title	Nil
Existing Use	Warehouse & Dwelling
Planning Provisions	
Zone	Clause 34.01 – Commercial 1 Zone.
Overlays	Clause 43.02 – Design & Development Schedule 12 (Nyora Town Centre)
Particular Provisions	<p>Clause 52.05 – Signs. Clause 52.06 – Car Parking. Clause 52.29 – Land Adjacent to the Principle Road Network. Clause 53.18 – Stormwater Management in Urban Development.</p>
General Provisions	Clause 65 - Decision Guidelines
CHMP	Not required
Permit Triggers	
Clause 34.01	A permit is required to construct a building or construct or carry out works.
Clause 43.02	A permit is required to construct a building or construct or carry out works.
Clause 52.06	A permit is required to reduce the number of car parking spaces required under Clause 52.06-5
Clause 52.29	A permit is required to create or alter access to a road in a Transport Zone 2.
Notifications	
Advertising	Yes
Number Objections	A total of 17 submissions were lodged as part of the original application advertised and the amended application re-advertised. The break-down of submissions is noted as follows:

	<ul style="list-style-type: none"> • Original Application Advertised: 9 Submissions including: <ul style="list-style-type: none"> ○ 9 objections. ○ 0 submissions of support. • Amended Application Advertised: 8 submission including: <ul style="list-style-type: none"> ○ 6 objections (all objectors were from properties who also objected to the originally advertised proposal). ○ 2 submissions of support.
Recommendation	Notice of Decision to Grant a Planning Permit

1. Introduction

The application is for the development of the land at 29-31 Davis Street Nyora for a Supermarket, Shops, Food & Drink Premises and associated works in a Commercial 1 Zone and Design and Development Overlay (Schedule 12 - Nyora Town Centre), modified access to land adjacent to a Transport Zone 2 and reduction in the car parking requirement.

The site is located on the western side of Davis Street, on the southern side of unnamed unmade road and is rectangular in shape. The site consists of two titles and has an area of approximately 5228.7 m².

The Nyora Development Strategy (2016) sets the context for traffic, car parking and associated development for the Activity Centre and Nyora township.

This report provides the assessment of the proposal having regard to the provisions of the South Gippsland Planning Scheme.

The land is zoned Commercial 1 and identified for a supermarket and more intensive commercial development under the Nyora Development Strategy that informs Design and Development (Schedule Overlay 12 – Nyora Town Centre) that applies to the wider precinct.

2. The Site and Surrounding Land

2.1 Site Context

The subject site is located within the Nyora Township, located on the south-west corner of Davis Street and an unnamed lane south of Mitchell Street

Nyora is the closest Township in South Gippsland Shire to Melbourne CBD (80km) and Dandenong (50 km), and is also close to Warragul (30km).

Locally, the subject site is located:

- On the west side of Davis Street, which is a Department of Transport controlled road that runs between Lang Lang-Poowong Road (to the north) and South Gippsland Highway (to the south).
- Approximately 80 metres south of Mitchell Street, which along with residential properties also includes the General Store and Post Office (320 metres north-west), a playground, former railway station (270 metres) and the Great Southern Rail Trail.

Other features close to the subject site include:

- Public Hall and CFA (300 metres west)
- Primary School (230 metres west)

- Recreation reserve (280 metres east)

2.2 The Land

The subject site is known as 29-31 Davis Street, Nyora and is illustrated in the image below:



29 Davis Street	31 Davis Street
Crown Allotment 25 & 26, Section 6, Township of Nyora, Parish of Lang Lang East	
Frontage - 33.6m, Depth - 78.05 m	Frontage - 33.39m, Depth - 78.05m
Area - 2622.48m ²	Area - 2609.09m ²
Easements, covenants or restrictions- Nil	

Total site
Frontage - 66.99m, Depth - 78.05 m
Area - 5228.57m ²

The land is not within a Special Water Supply Catchment Area listed in Schedule 5 of the *Catchment and Land Protection Act 1994*.

2.3 Surrounding Land

The surrounding area is typical of a small town with a range of mixed uses.

As recognised within Council’s strategic plans for the Nyora, the township is planned to accommodate significant growth in the future. Through this strategic planning, the subject site has been zoned Commercial 1 and designated to form part of the Town Centre.

A description of the surrounding area is:

North	<ul style="list-style-type: none"> • Immediately north is a laneway that runs between Davis Street (to the east) and Walters Road (to the west). • Beyond the laneway are a row of single dwellings with frontages to Mitchell Street further North.
East	<ul style="list-style-type: none"> • Immediately east is Davis Street which is a Department of Transport and Planning controlled road. • Beyond Davis Street is a Take Away Food premises, vacant land and a Pharmacy that has established in the former Nyora Hotel building. • The land on the east side of Davis Street is in the Commercial 1 and General Residential Zones and is not designated within the Nyora Town Centre as per the Design and Development Overlay (Schedule 12 - Nyora Town Centre) and Nyora Development Strategy.
South	<ul style="list-style-type: none"> • Immediately south are allotments with frontage to Hewson Street (to the south) comprising dwellings towards the south. • Further beyond is Hewson Street that runs between Davis Street (to the east) and Walters Road (to the west).
West	<ul style="list-style-type: none"> • Immediately east are allotments with frontage to Hewson Street (to the south) comprising dwellings at the front and vacant areas generally devoid of buildings running through the laneway (to the north).

Davis Street is a main road and identified in a Transport Zone 2. Davis Street varies in width, which impacts carriageway width, on-street parking and shared pathway location.

Unnamed unmade road adjoins the northern boundary of the site and is approximately 6.0 metres wide, services businesses and dwellings fronting Mitchell Street.

The surrounding area is illustrated in the broader aerial provided below:



3. The Proposal

3.1 Site Application History

- Planning Application 2016/57 for a Six (6) lot subdivision was withdrawn on 20/12/2017.
- Application 2003/426 for an Office, Storeroom Extension and Ancillary Works was withdrawn 11/8/2004.

3.2 Description of Proposal

The application is for the Development of a Supermarket, Shops, Food & Drink Premises and associated works in a Commercial 1 Zone and Design and Development Overlay (Schedule 12 - Nyora Town Centre), modified access to land adjacent to a Transport Zone 2 and reduction in the car parking requirement.

The proposal is for a double-storey building with access from Davis Street and the unnamed laneway and the car park at the rear of the building. It is noted that the areas noted on the plans appear to differ from the dimensions of each of the different component – for assessment purposes, Council Officers have utilised the dimensions of each component, and based its floor area calculation on these dimensions. The building is to consist of:

- Ground floor:
 - Four shops (total floor area 281.28m²) adjacent to the Davis Street frontage to activate the streetscape and frontage area.
 - Three shops (floor area 240.81m²) and a food and drink premises (floor area 80.27m²) along the northern laneway to activate the Davis Street and laneway areas.
 - Supermarket (floor area 1337.09m² including circulation space but excluding back of house) with pedestrian access provided from both Davis Street and from the proposed car park to the west of the proposed built form.
 - Vehicle access via both the unnamed laneway and Davis Street, providing access to a total of 90 car parking spaces (including 2 disabled spaces).
 - A loading bay and back-of house area (284m²) for the supermarket is located in the south-west corner of the proposed building.
- First floor:
 - Supermarket administration, staff amenities and storage (floor area 809m²). The plans nominate part of this first floor may be used as a Medical Centre (which is an as of right use in the Commercial 1 Zone and does not require a Planning Permit).
- Elevations include:
 - A maximum building height of 8.5 meters.
 - An activated street frontage and laneway including alfresco dining to the north-east corner of the proposed building.
 - Canopies adjacent to the building along key pedestrian movement areas to provide an attractive feature to the building and weather protection.
- Materials and Finishes include:

Roof	Flat roof, sheet steel, colorbond finish, Shale Grey or similar
Walls	Render: Smooth cement render, Dulux white or similar Feature Cladding, colorbond steel finish, Monument Matt Select Weathertex weathergroove natural 150mm or similar
Windows	Aluminium, Dulux Powdercoat, Matt Black or similar
Downpipes	Select Sheet Steel, Colorbond finish, Shae Grey or similar

Gutter	Colorbond Finish Sheet Steel, Shale Grey or similar
Garage	Garage Tilt Door, Dulux Duralloy Powdercoat, Monument or similar
Walkway	Bluestone Paving, non-slip textured finish
Driveway	Plain, natural-coloured concrete paving
Car Park	Charcoal coloured concrete paving

- Signage
 - Nyora Supermarket Signage along the northern and eastern elevation only.
 - Additional signage will be provided in accordance with Clause 52.05 (Signs) of the South Gippsland Planning Scheme as required depending on the users of premises – this may require the provision of separate planning approvals from Council.

4. Planning Scheme Ordinance

The following clauses are considered relevant to the assessment of this application:

Municipal Planning Strategy

- Clause 02.01 – Context.
- Clause 02.02 – Vision.
- Clause 02.03 – Strategic Directions.

Planning Policy Framework

- Clause 11 – Settlement.
- Clause 15 – Built Environment and Heritage.
- Clause 17 – Economic Development.
- Clause 18 – Transport.
- Clause 19 – Infrastructure.

Zoning

- Clause 34.01 – Commercial 1 Zone.
- Clause 36.04 – Transport Zone 2 (Davis Street).

Overlays

- Clause 43.02 – Design & Development Overlay Schedule 12 (Nyora Town Centre).

Particular Provisions

- Clause 52.05 – Signs.
- Clause 52.06 – Car Parking.
- Clause 52.29 – Land Adjacent to the Principle Road Network.
- Clause 53.18 – Stormwater Management in Urban Development.

Decision Guidelines

- Clause 65.01 – Approval of an Application or Plan.

4.1 Other Relevant Provisions/Considerations

- Relevant Reference Documents include:
 - Nyora Structure Plan (2013).

- Nyora Development Strategy (2016).
- Construction of Road Infrastructure/Public Works.
- Aboriginal Cultural Heritage.

5. Planning Assessment

5.1 Municipal Planning Strategy & Planning Policy Framework

It is considered that the proposed development is consistent with the MPS and PPF of the South Gippsland Planning Scheme. The following comments are provided:

- The Municipal Planning Strategy sets out the overarching context, vision and strategic direction of development and land use for the municipality. The provisions contained within Clause 02.03 – Strategic Directions are most applicable in the consideration of this application.
- The site is identified within a future activity centre which will be developed over a number of years as the demand for services and population grows.
- Clause 02.03-1 – Settlement identifies Nyora as a ‘Small Town’ in the context of the settlement hierarchy of South Gippsland Shire and provides the following strategic direction:

Nyora is the closest South Gippsland Shire town to metropolitan Melbourne. Nyora is seen as a desirable lifestyle location due to its rural character and proximity to major urban centres and is experiencing accelerating population growth. Planning for the town and new residential areas needs to accommodate new infrastructure and commercial and community services that support the community's social and employment needs whilst respecting the town's rural character.

- Further Clause 11.01-1L-07 – Small Town – Fish Creek, Loch, Meeniyah, Nyora, Poowong and Toora provides general strategies and direction for the development of these towns. Specific to Nyora and the subject site, this Clause identifies the site as being the preferred location for a supermarket.
- The site and proposal will achieve the overarching policy directives within the PPF by delivering a suitable built form in an identified commercial zone / activity centre, with suitable infrastructure upgrades to roads and connection to reticulated service.
- Furthermore, the delivery of the supermarket will provide economic development for the township of Nyora and assist in the broader population growth (as a greater level of service) if provided in a controlled manner. The delivery of the supermarket will also provide additional employment opportunities for locals and assist with tourism and visitors to the area.

Accordingly, it is submitted that the proposed is consistent with the provisions of the MPS and PPF.

5.2 Zoning Provisions

Commercial 1 Zone

The purpose of this zone is:

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

With specific regard to the proposed development, the identified land uses are defined as follows pursuant to Clause 73.03 – Land Use Definitions:

- **Food and Drink Premises:** “Land used to prepare and sell food and drink for immediate consumption on, or off, the *premises*” and falls into the broader definition of “Retail premises”.
- **Shop:** “Land used to sell goods or services, or to hire goods. It includes:
 - The selling of bread, pastries, cakes or other products baked on the premises;
 - Demonstrations of products including music performances in shops selling recorded music

It does not include:

 - Food and drink premises; Gambling premises; Landscape gardening supplies; Manufacturing sales; Market; Motor vehicle, boat, or caravan sales; Postal agency; Primary produce sales; or Trade supplies.”

Shop falls into the broader definition of “Retail premises”
- *Supermarket* is not separately defined and is included under the Shop definition.

Accordingly, under the provisions of the zone, a planning permit:

- is not required for the use land for the purposes of a shop, food or drink premises or retail premises.
- is required to construct a building or construct or carry out works.

It is noted that the application does not seek specific approval for a Licensed Premises for a Bottle shop (it simply notes a notional liquor store on the considered plans) or licensed café or advertising signage for the proposed tenancies. These will require separate planning approvals, and for the avoidance of doubt as to what has been approved, annotations will be required to be updated on the plans to a more generic ‘shop’ reference.

Medical Centre

The plans have nominated that part of the first-floor level may be used as a medical centre subject to ‘possible future planning application and council approval.’ The original application documentation advertised as well as the re-advertised documentation did not include any detail with respect to the medical centre beyond stating that this may be used for the purpose.

A Medical Centre land use is included within the ‘Office’ land use nesting diagrams of Clause 73.04; an office is a Section 1 – Permit Not Required land use in the Commercial 1 Zone. Accordingly, a permit is not required for the use of the land for the purpose of a medical centre.

However, a permit may be required if the car parking provisions identified in Clause 52.06 are not provided on site based on the proposed number of practitioners.

Notwithstanding, the applicant has advised that there will be 3 practitioners for the Medical Centre component. In support of this, the applicant has advised that:

- The use of the land for a Medical Centre is ‘as of right’ in a Commercial 1 Zone;
- The application already includes a request to reduce car parking provisions,
- 90 on-site car parking spaces are provided,
- The site forms part of a broader future activity centre where multi-use trips will occur.

It is considered appropriate to facilitate a maximum of 3 practitioners on the subject site. The maximum number of practitioners can reasonably be conditioned as part of the permit.

Commercial 1 Zone Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the

Responsible Authority must consider, as appropriate:

Decision Guidelines	Response
General	
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal satisfactorily complies with the Municipal Planning Strategy and the Planning Policy Framework as discussed previously in this report.
The interface with adjoining zones, especially the relationship with residential areas.	<p>Satisfied</p> <ul style="list-style-type: none"> The site and surrounding properties are zoned Commercial 1 and form part of the Nyora Town Centre. To the east is Davis Street, which includes Commercial and Residential Zones. Sensitive interfaces are accommodated in line with the requirements of the Nyora Development Strategy and the related planning controls.
Use	
The effect that existing uses may have on the proposed use.	<p>Satisfied</p> <ul style="list-style-type: none"> The supermarket and retail use of the land is clearly identified in the Nyora Development Strategy and related planning controls and have been designed having regard to the need to accommodate the use, car parking, access, landscape area and activated streets and laneways. It is anticipated adjacent land to the north, south and west of the site will be progressively developed and / or acquired over time to achieve the overarching vision of the Nyora Development Strategy and applicable policies seeking to deliver the Nyora Town Centre.
The drainage of the land.	<p>Satisfied</p> <ul style="list-style-type: none"> Drainage of the land will be accommodated in line with Council requirements to the legal point of discharge via the inclusion of suitably worded conditions of permit.
The availability of and connection to services.	<p>Satisfied</p> <ul style="list-style-type: none"> The site will be connected to reticulated services in line with authority requirements.
The effect of traffic to be generated on roads.	<p>Satisfied</p> <ul style="list-style-type: none"> Parking has been considered with the provision of car parking at the rear of building supplemented by on-street car parking and adjacent to the unnamed road. Traffic matters will be impacted until such time the unnamed road is constructed through to Henley Street. Temporary measures are required to minimise traffic conflicts that are expected to arise during construction, deliveries and vehicles entering and exiting the road at the same time. Redesign and reconstruction options for Davis Street have been discussed between Council and DELWP Officers.
The interim use of those parts of the land not required for the proposed use.	<p>Satisfied</p> <ul style="list-style-type: none"> The development covers the entirety of 29-31 Davis Street as sought in the Nyora Development Strategy. The proposed development will be delivered in a single stage with the supermarket building, car parking, access and the unnamed laneway to be constructed prior to the occupation and operation of the supermarket and shops.
Building and works	
The movement of	Satisfied

pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.	<ul style="list-style-type: none"> • Parking and traffic matters have been considered in the Traffic Engineering Assessment. • Suitable conditions will require the construction of footpaths and road upgrades which facilitate the proposed development of the land.
The provision of car parking.	<p>Satisfied</p> <ul style="list-style-type: none"> • As above, noting that the demand will not be maximised until population in Nyora and surrounds when proposed subdivisions are developed.
The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.	<p>Satisfied</p> <ul style="list-style-type: none"> • The proposal activates street and lane frontages in line with the Nyora Development Strategy and associated planning controls. • Two access points to Davis Street from the existing premises will be removed, whilst a more formal access with the laneway / Davis Street will accommodate access to the rear of the supermarket development and the balance of the Town Centre / Activity Centre area.
The storage of rubbish and materials for recycling.	<p>Satisfied</p> <ul style="list-style-type: none"> • Provision has been made for the rubbish storage and collection in the plans.
Defining the responsibility for the maintenance of buildings, landscaping and paved areas.	<p>Satisfied</p> <ul style="list-style-type: none"> • The maintenance responsibility of the development will be held with the owners - for example, an owners corporation arrangement.
Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.	<p>Not Applicable</p> <ul style="list-style-type: none"> • The site is immediately surrounded by Commercial 1 Zone land and a Transport Zone 2 (Davis Street) to the east. • However, the proposal is an appropriate opportunity to employ sustainability and energy efficiency practices.
The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone	<p>Not Applicable</p> <ul style="list-style-type: none"> • As above.

or Township Zone.	
The availability of and connection to services.	Satisfied <ul style="list-style-type: none"> Infrastructure services are available and can be readily extended / upgraded to accommodate the development.
The design of buildings to provide for solar access.	Satisfied <ul style="list-style-type: none"> The supermarket / retail building has been designed to accommodate northern sun and an alfresco dining area to the north.
The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.	Not applicable <ul style="list-style-type: none"> The proposal is not for a single dwelling or multi-dwellings.
For an apartment development, the objectives, standards and decision guidelines of Clause 58.	Not applicable

Transport Zone 2 (Davis Street)

The purpose of the zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- To provide for an integrated and sustainable transport system.*
- To identify transport land use and land required for transport services and facilities.*
- To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.*
- To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.*

A permit is not triggered under the provisions of this zone for the proposal. However, given new access is proposed to and from the subject site which may have an impact on the operation of the road network, a referral to the Head, Transport for Victoria was conducted under the provisions of Clause 52.29. Furthermore, Clause 62.02-2 confirms that a permit is not required for 'roadworks' and accordingly, the imposition of conditions for the upgrade of Davis Street adjoining the subject site with kerb and channel, / footpaths etc is considered appropriate in this instance given the proposed supermarket / shop development.

5.3 Overlay Provisions

Design and Development Overlay (Schedule 12 – Nyora Town Centre)

The purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- To identify areas which are affected by specific requirements relating to the design and built form of new development.*

As relevant to this proposal, a permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.*

Buildings and works must be constructed in accordance with the requirements in a schedule to this Overlay.

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

Decision Guidelines	Response
The Municipal Planning Strategy and the Planning Policy Framework.	Satisfied <ul style="list-style-type: none"> As discussed previously in this report.
The design objectives of the relevant schedule to this overlay.	Satisfied <ul style="list-style-type: none"> As discussed below in this report.
The provisions of any relevant policies and urban design guidelines.	Satisfied <ul style="list-style-type: none"> An assessment against the relevant policies and urban design guidelines forms part of this report.
Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.	Satisfied <ul style="list-style-type: none"> The development has been designed in a manner that is responsive to the site, context and requirements of the Nyora Development Strategy and related planning controls.
Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.	Satisfied <ul style="list-style-type: none"> As discussed below in this report.
Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.	Satisfied <ul style="list-style-type: none"> No significant vegetation will be removed. Landscape planting has been accommodated within the development whilst also accommodating active streetscape frontages to Davis Street and the adjoining unnamed road to the north.
The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.	Partly Satisfied <ul style="list-style-type: none"> Consideration has been given to access and car parking however the potential short term conflict issues in the adjoining unmade road will need to be addressed through traffic management conditions during construction.
Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.	Satisfied <ul style="list-style-type: none"> No subdivision is proposed. The development is typical of a small regional town centre and subdivision can be readily accommodated in the future.
Any other matters specified in a schedule to this overlay.	Not Applicable.

Schedule 12 (Nyora Town Centre) to the Design and Development Overlay has the following design objectives:

- To ensure new development is consistent with the desired future character described in the Town Centre Character Statement at Clause 21.15.
- To improve the pedestrian environment through human scale development, increased passive

surveillance and improved pedestrian connections between public spaces and commercial and community buildings (existing and future).

This effectively:

- Reinforces that a planning permit is required to construct a building or construct or carry out works.
- Presents a range of design requirements – each of which is detailed and assessed below.

Design requirements under this overlay, together with a response follow.

Design Requirement	Response
Weather protection and fence heights	
Continuous Weather Protection must be provided at Type A frontages along Mitchell Street, Davis Street and Grundy Avenue in the form of canopies, verandahs and awnings over the adjacent footpaths.	<p>Satisfied</p> <ul style="list-style-type: none"> • Continuous weather protection has been accommodated in the building design and provided along the building frontages. • It is noted that conditions will require: <ul style="list-style-type: none"> ◦ The construction of a suitable footpath adjoining the unnamed laneway to ensure that safe and accessible pedestrian connection is provided along the southern side of this laneway immediately in front of the northern set of proposed shops. ◦ The construction of a suitable footpath and upgrade of Davis Street so as to provide kerb and channel and bitumen to connect to the existing bitumen along the site frontage.
Fence Heights must be less than 1.5 metres to provide for passive surveillance.	<p>Satisfied</p> <ul style="list-style-type: none"> • Fences to the south and west will be retained until such time as those properties are developed in line with the Nyora Development Strategy. • No other fences are proposed as part of the development. • It is noted that these fences will be required to be re-constructed (to 2m in height and at the cost of the applicant) to ensure privacy and amenity is maintained for immediately adjoining properties which are presently used and developed for residential purposes. It is anticipated that these properties will continue to be residential in nature for some time to come and it is appropriate that their amenity is not significantly impacted as a result of vehicles accessing the car park and loading bay facilities on the subject site.
Front fences greater than 1.2m should be visually permeable (at least 20 per cent) so that front setbacks are visible from the footpath	<p>Satisfied</p> <ul style="list-style-type: none"> • As above.

(e.g. picket fence).	
Street activation	
Buildings on land butting Mitchell Street, Davis Street, Hewson Street, Henley Street and Grundy Avenue must be designed with a primary façade and entrance fronting the street. In the case where a building fronts more than one street, the primary façade and entrance should front the street with the greatest commercial activity (e.g. Mitchell Street, Davis Street).	Satisfied <ul style="list-style-type: none"> • Direct access from Davis Street is accommodated for the supermarket and retail components with activated frontages.
Buildings abutting pedestrian spaces and connections should include entrances and windows in order to encourage activity and provided passive surveillance.	Satisfied <ul style="list-style-type: none"> • Careful consideration has been given to pedestrian links through and adjacent to the development with designated walkways being accommodated, opportunities for alfresco dining and passive surveillance.
Building elevations, especially ground level facades, on Mitchell Street, Davis Street, Hewson Street and Grundy Avenue should present active frontages (built form which provides the opportunity for visual engagement between people in the street and those on the ground and first floors of buildings e.g. windows, upper level balconies) to the street with high proportions of transparent glazing above 1m from ground level.	Satisfied <ul style="list-style-type: none"> • As above. • Active frontages are accommodated to Davis Street and the northern laneway as sought in the Nyora Development Strategy and related planning controls. • Conditions of permit will require suitable pedestrian access along the northern façade of the northern shops.
Heights and setbacks	
Building facades should not exceed 7.5 metres in height above natural ground level.	Variation Required - Acceptable <ul style="list-style-type: none"> • Whilst each of the facades exceed 7.5 metres in height, the proposed heights are considered acceptable in the context of the proposed setbacks (south and west boundaries) as well as the proposed façade treatments and gable elements proposed along the eastern and northern elevations. • The proposed façade treatments vary in height with the first floor component setback from the northern and eastern ground floor below.
Portions of buildings in excess of 7.5 metres in height should be setback behind the front façade so that they appear recessive and maintain a human scale when viewed from the adjacent footpath.	Satisfied <ul style="list-style-type: none"> • As above.
New buildings should have front setbacks as follows: - Zero metres for Type A frontages along Mitchell Street, Davis Street, Henley Street and Grundy Avenue;	Satisfied <ul style="list-style-type: none"> • Active streetscape setbacks to Davis Street and the un-named laneway are accommodated with zero setbacks.

- Four metres for Type B frontages along Hewson Street and Henley Street.	
Front setback areas may provide for outdoor dining and temporary retail displays.	Satisfied <ul style="list-style-type: none"> The revised plans have removed the former proposed alfresco dining area on the corner of Davis Street and the northern laneway.
Vehicle parking must not be provided between the building façade and the front boundary.	Satisfied <ul style="list-style-type: none"> All car parking is provided at the rear of the supermarket and adjacent to the building / northern laneway.
Design and materials	
Plant, equipment, waste disposal, and loading bays must be completely screened from Mitchell Street, Davis Street, Hewson Street and Grundy Avenue and softened by landscaping when viewed from other streets.	Satisfied <ul style="list-style-type: none"> Plant and equipment will be screened from view. Loading and rubbish areas are accommodated at the rear of the supermarket / retail building.
Large expanses of blank walls should be avoided where visible from the street.	Partly Satisfied <ul style="list-style-type: none"> All walls have been designed in line with the requirements of the Nyora Development Strategy. It is considered appropriate that the southern and western boundary walls be provided with improved façade treatments to improve their visual appearance, as well as the main entry from Davis St. This combined with suitable landscape beds and screen planting will assist in the façade treatments to these blank walls.
Any development with a large floor area (e.g. supermarket) should be designed to provide an active frontage to the adjoining street and support pedestrian connectivity within the precinct, particularly to Mitchell Street.	Satisfied <ul style="list-style-type: none"> Active frontages are provided to Davis Street and the adjoining northern laneway as sought in the Nyora Development Strategy
The materials used in the design of development, including buildings and fencing, should reference country style (e.g. through the use of timber, masonry and corrugated iron).	Satisfied <ul style="list-style-type: none"> Colours and material are detailed in the Planning Report and on the Development Plans. These are suitable for the development and context.
A public pedestrian thoroughfare should be created between Mitchell Street and the rear lane as part of subdivision or development in the area.	Satisfied <ul style="list-style-type: none"> Opportunity exists for future linkages to be accommodated. Being the first significant development with the Town Centre under the Nyora Development Strategy, the laneway is being activated and provides the opportunity for further development to utilise this access / linkage.
Vehicular access and loading within the block bounded by Mitchell, Davis, Hewson and Henley Streets must be provided from the rear or side of the lot.	Satisfied <ul style="list-style-type: none"> Vehicle access is to be refined with 2 crossovers to Davis Street being removed and all access to the site from the northern laneway. Loading, unloading and parking areas are all

	located at the rear of the development or adjacent to the adjoining northern unnamed road – and has been informed by the Traffic and Parking Assessment.
No new vehicle crossing should be created on Mitchell Street.	Not Applicable <ul style="list-style-type: none"> The subject site does not abut Mitchell Street.
Existing vehicle crossings on Mitchell Street should be removed as part of new development where the opportunity exists to provide an alternative access from the rear or side of the property.	Not Applicable <ul style="list-style-type: none"> As above
Car parks should be designed to facilitate integration with existing and future buildings and provide ease of movements by vehicles and pedestrians.	Satisfied <ul style="list-style-type: none"> Parking areas are located at the rear of the development and accessed via Davis Street and the northern laneway in line with the Nyora Development Strategy. These areas can be integrated with additional car parking proposed to the west and the wider Town Centre activity area.
Landscaping	
Where possible, front setback areas must be landscaped.	Satisfied <ul style="list-style-type: none"> Limited landscaping areas are accommodated in the development plans. However, suitably worded conditions will improve the opportunities to landscape the site throughout the car parking area. This will require modification to the car parking area, accessways and adjustment to the built form.
Where practical, provision should be made for the planting of canopy trees with designated root protection zones.	Satisfied <ul style="list-style-type: none"> As above. A range of tree species will be considered in due course.
All new car parks with 10 or more spaces should include areas for landscaping that are designed to provide shade, break up expanses of hard surfaces, and improve the quality of stormwater.	Satisfied <ul style="list-style-type: none"> As above.

This schedule goes on to present the following decision guidelines to be considered by the responsible authority must consider, as appropriate:

Decision Guidelines	Response
The Design requirements of this Schedule.	Satisfied <ul style="list-style-type: none"> The design requirements of this schedule have been addressed above.
The requirements of the Character Statement at Clause 21.15-5.	Satisfied <ul style="list-style-type: none"> The requirement of Clause 21.15.5 has been considered above.

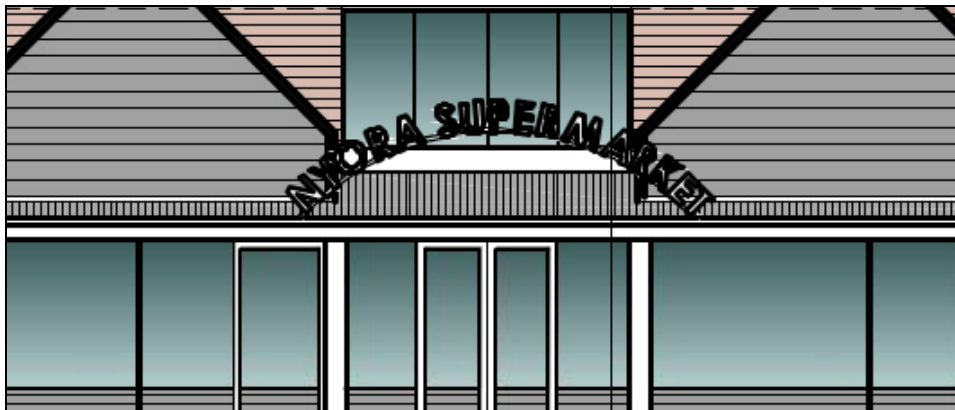
5.4 Particular Provisions

Clause 52.05 – Signs.

The purpose of this clause is:

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

The proposed development only identifies 2 signs on the east and northern elevations of the building with these signs simply identifying the building as the 'Nyora Supermarket'. An extract of the east elevation sign is provided below. The signs are curved in nature with dimensions of approximately 500mm in height by approximately 6 metres in length.



The Commercial 1 Zone identifies signage as being within "Category 1 - Commercial Areas". Council would consider these signs to be 'Business Identification Signs' which would not trigger a permit as the combined area of all signs is less than 8 square metres.

Nevertheless, the proposed signs are considered appropriate in the context of the overall built form and clearly identify the proposed building without being over bearing or inappropriate.

Clause 52.06 – Car Parking

The purpose of this clause is:

- *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.*

Amongst other things, this clause presents on-site car parking requirements for particular land largely based on total / leasable floor area of a facility.

The proposed development has altered from the original submission and the originally submitted traffic report. Additionally, the areas nominated on the plans appear to differ to the dimensions shown on the plans. Accordingly, Council has conducted its own area analysis and determined the car parking provisions as follows:

Component / Area	Car Parking Requirement	Required Car Parking Spaces
Office / Approximately 100 square metres		3.5 spaces
Medical Centre / 3 Practitioners	5 space for 1 practitioner + 3 for each additional practitioner	11 spaces
Supermarket / approximately 1375 square metres (including back of house, staff amenities, storage)	5 spaces / 100 square metres of leasable floor area	68.75 spaces
Shops (including Café) / approximately 600 square metres	4 spaces / 100 square metres	24 spaces
TOTAL		107.25 spaces

The proposed development seeks to provide a total of 90 on-site car parking spaces and therefore, a reduction in car parking provisions is required.

Overall, it is considered that a reduction is appropriate given the site forms part of an overall activity centre which will be developed over many years as the demand for services and population grows. The site will also accommodate different land uses which will generate multi-use trips rather than stand alone trips to and from the site. Furthermore, there is also available on-street parking in the broader surrounding street network and the provision of bicycle parking rails (to be illustrated on the plans) which provides opportunities to reduce the car parking requirements of the scheme.

It is however noted that the proposed plans will require changes to ensure that additional landscaping opportunities are provided throughout the site and the car park, as well as ensuring that all spaces meet Clause 52.06 requirements. Accordingly, it is likely that the total 90 on site car parking spaces will be slightly reduced in order to satisfy these changes; this is considered appropriate in the context of the proposed development (with multi-purpose trip generation) and broader surrounding area.

Clause 52.29 – Land Adjacent to the Principal Road Network

The purpose of this clause is:

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

As detailed below in this report, the application was referred to Head, Transport for Victoria in line with the referral provisions of the Scheme. Subject to conditions, no objection was received in regard to the current access arrangements as part of the most recent update to the plans (showing two access points onto Davis St); on this basis, the proposal is consistent with the provisions of this Clause.

Clause 53.18 – Stormwater Management in Urban Development.

The proposed development is considered to be in line with the provision of this Clause and suitable conditions from Council's engineers will require the submission and approval of a Stormwater Management Plan which will ensure stormwater is controlled and treated so as to not have any detrimental impact on the immediate and surrounding area. This has been included as part of the suite of conditions recommended for any permit.

5.5 Other Relevant Provisions/ConsiderationsNyora Structure Plan and Nyora Development Strategy

The Nyora Structure Plan is a reference document in the South Gippsland Planning Scheme and was adopted by Council in August 2011. The structure plan provides the strategic justification and facilitated the implementation of policy provisions within the planning scheme via Amendment C72.

The Nyora Development Strategy is a Reference Document in the South Gippsland Planning Scheme. This has informed the strategy and policy provisions of the scheme and the proposed development of the site for a supermarket. The proposal for a supermarket and shops as proposed is consistent with and will enhance Council's strategic vision for the Nyora Town Centre.

Construction of Road Infrastructure/Public Works.

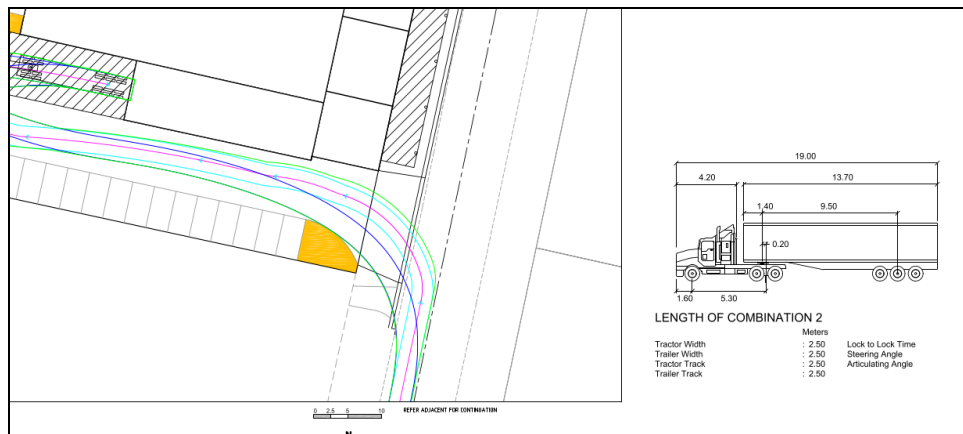
It is considered appropriate that some public works and road infrastructure upgrades be undertaken as a result of the proposed development of the land. Specifically, there is a clear nexus between the following upgrades to public infrastructure and the proposed development of the land:

- The upgrade and widening of the un-named laneway immediately to the north of the subject site.
- The construction of a footpath, kerb and channel and road pavement upgrade along the eastern boundary of the site (Davis Street).
- The construction of a footpath from the north east corner of the site along the west side of Davis Street to the existing footpath and pedestrian crossing at the intersection of Davis Street and Mitchell Street / Grundy Avenue.
- The construction of a cross-over and footpath of the immediately adjoining property to the south if required as part of the approved engineering plans.

There is a clear nexus between the proposed development and the upgrades to the un-made laneway and the upgrades to Davis Street. These works will be conditioned accordingly.

The construction of a pedestrian path north from the site along the western side of Davis Street is considered appropriate to provide suitable pedestrian connection between the subject site and shops fronting Davis Street and the existing pedestrian network along Mitchell Street. The pedestrian connections form a key part of the overall movement network of the centre and it is appropriate that such a small section of pedestrian path be imposed on the developer of the subject site in this instance. This will be conditioned accordingly.

The crossover and footpath of the adjoining property to the immediate south may be required as a result of the proposed new vehicle crossing into the subject site from Davis Street. The swept path analysis provided to date illustrates that a service vehicle will essentially utilise part of the adjoining cross-over to gain access to the site as per the extract below when vehicles are approaching from the south. Accordingly, if Council's engineers determine that the adjoining crossover should be built as part of the engineering plan approval, this will need to occur prior to occupation / commencement of operations on the site.



Aboriginal Cultural Heritage.

Whilst the subject site is not located within an area of Aboriginal Cultural Heritage Sensitivity, the provision of the Aboriginal Heritage Act and Aboriginal Heritage Regulation continue to apply to the land. In the event that cultural heritage artefacts are uncovered, the provisions of the Act / Regulations must be adhered to by the developer of the land.

6. Public Consultation

Notice of the application was required to be given by:

- Letters to landowners and occupiers (37 letters);
- Signs on the Davis Street and adjoining laneway frontages; and
- Public Notice in the South Gippsland Sentinel Times.

It is noted that the application was re-advertised following amendments to the proposed development.

Submissions Received:

A total of 17 submissions were lodged as part of the original application advertised and the amended application re-Advertised. The brake down of submissions is noted as follows:

- Original Application Advertised: 9 Submissions including:
 - 9 objections.
 - 0 submissions of support.
- Amended Application Advertised: 8 submission including:
 - 6 objections (all objectors were from properties who also objected to the originally advertised proposal).
 - 2 submissions of support.

Across the two advertising periods, a total of 15 objections were received representing 9 properties with 2 letters of support lodged as part of the second round of advertising representing 2 properties.

A planning application consultation meeting was held on 22 July 2021 attended by 5 objectors, the Applicant and Planning Consultant, and 4 Council Planners.

The key grounds of objection include:

- Suitability of the adjoining laneway to provide access to the car park whilst servicing adjoining properties.
- Second application for a supermarket in Nyora.
- Size of the proposed development is excessive.
- Stormwater drainage issues.
- Impact of lighting on surrounding properties.

The Applicant has provided a response to the objections.

Relevant matters are discussed in detail in the Assessment section of the report.

Objection	Comments
Suitability of the adjoining laneway to provide access to the car park whilst servicing adjoining properties	<ul style="list-style-type: none"> • There is a potential issue with poor queueing lanes in terms of length and sightlines. Vehicles will be entering the unnamed road from both the north and south in Davis Street. There is no provision being made for a passing bay or arrangements to give way. This is likely to be an issue particularly during construction, supermarket and other retail trade peaks. In addition residents and businesses use the road and have the potential to block the lane for periods. • The laneway will be used from the start of construction, all vehicles entering or exiting the departing the carpark. • The balance of the laneway beyond the application site is not currently listed for construction. This is likely to be further considered as new subdivisions nearby are developed. • At this time Council will need to reconsider whether the one-way option is the most appropriate outcome. If this not is case the implications of providing 2-way for the length of the road between Davis Street and Henley Street. • The construction of the laneway will be required in a two-way manner and whilst this may create some short term pain in terms of access to the rear of easting properties on the north side of the laneway, suitable traffic management will need to be in place throughout the construction to ensure suitable access is maintained. • Suitably worded conditions will address this matter.
Second application for a supermarket in Nyora	<ul style="list-style-type: none"> • The application on the east side of Davis Street has been approved by VCAT since the time of the original objection lodged. • Construction of this has not commenced at this time. • The plans approved confirm that the proposed market (as defined by the scheme) is <i>'Land used to sell goods, including Retail premises foodstuffs, from stalls'</i>. This definition and the approved development confirms a more relaxed alternative to a conventional supermarket.
Size of the proposed development is excessive	<ul style="list-style-type: none"> • The development has been designed to address the anticipated increase in residential population in Nyora and surrounds over coming years depending on economic conditions and the time that development is completed. • To a lesser extent the development is designed to addressed increased numbers of visitors and passing traffic using Davis Street from neighbouring towns.
Stormwater drainage issues	<ul style="list-style-type: none"> • A standard permit condition requires the submission and approval of a Drainage Plan to upgrade the drainage on the site.

Impact of lighting on surrounding properties	<ul style="list-style-type: none"> • A standard permit condition will require that lighting of the building and car park not emanate beyond the beyond boundaries of the site.
--	---

7. Referrals

Referrals under Section 55 or 57C?

Authority	Which Clause? Determining or Recommending?	Date received and response
Melbourne Water (Loch, Nyora, Poowong)	66.03 and 44.04-5 (LSIO) – Determining	Response received 22 March 2021 No objection to grant of a permit
Department of Transport/ VicRoads	66.03 and 52.29 An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the <i>Road Management Act 2004</i> - Determining	Response dated 6 April, 2023: <ol style="list-style-type: none"> 1. The Davis Street shoulder, adjacent to the site must be widened and sealed to the satisfaction of the Head Transport for Victoria prior to the use of the development. 2. The shoulder must be designed to include kerb and channel to the satisfaction of the Head Transport for Victoria. 3. The driveway/carpark access must be designed and constructed to the satisfaction of the Head Transport Victoria. 4. The access to the existing laneway must be re-designed and constructed to the satisfaction of the Head Transport for Victoria. 5. Prior to the plans being endorsed they must be amended and approved by the Responsible Authority and the Head Transport for Victoria and include: - <ul style="list-style-type: none"> a) Shoulder widening b) Driveway crossover c) Laneway intersection upgrade d) Roadway lighting (to be determined) 6. Prior to road works commencing at the site, design plans in accordance with Gippsland Regions Developer funded checklists must be submitted and approved by the Head, Transport for Victoria. 7. Prior to commencement of earthworks for the development a truck wheel-wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land. 8. The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior

		<p>approval of the Head, Transport for Victoria.</p> <p>9. All roadworks on Davies Street must be completed at no cost and to the satisfaction of the Head Transport for Victoria prior to the commercial use of the development.</p> <p>Department of Transport & Planning Notes:</p> <ol style="list-style-type: none"> 1. Prior to the designs for roadworks commencing, a pre-design meeting with the applicant's consultants and the Department of Transport and Planning (Gippsland Region) must be attended. 2. Prior to works commencing in the road reserve, separate consent must be obtained from the Head Transport for Victoria.
--	--	--

Non-statutory or internal referrals?

Authority	Which Clause / Overlay / Why?	Date received and response
SGSC Engineering	To determine if provision of access / parking / stormwater facilities is acceptable and complies with the Planning Scheme / IDM / Australian Standards.	<p>Latest response provided 8 November, 2023:</p> <ul style="list-style-type: none"> • Following a number of in-depth discussions on the implications of this proposed development and its position relating to the Nyora Development Strategy generally with the Sustainable Infrastructure Directorate, and most recently having held discussions with the applicant and the applicant's consultant on the 18th October 2023, we agree that the proposal has reached the stage where conditional permission can be granted. • Therefore, based on the application material submitted by Planning Central Land Use and Development consultants (CM9 reference D7819723) and the various plans contained within, could you please place the following conditions and notes on the planning permit? <ol style="list-style-type: none"> 1. Prior to the acceptance of the completion of any other condition required by this permit by the Responsible Authority, 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 then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but modified to show: <ul style="list-style-type: none"> a. Provision for a minimum 19-metre semi-trailer to be able to enter the development from Davis Street and exit in a forward direction via the unnamed laneway situated to the north of the

		<p>proposed development.</p> <ol style="list-style-type: none"> b. Appropriately sized crossovers to fully accommodate the 19-metre vehicle entering the development from Davis Street. c. Widening and construction of the unnamed laneway to comprise an appropriate sealed pavement, to fully accommodate a two-way traffic carriageway of minimum 6 metres width between kerb invert to kerb invert to allow for two-way traffic where the development abuts the laneway. d. Required property splays and kerb returns of appropriate radii to accommodate the 19-metre vehicle to exit the laneway on to Davis Street. e. A reduced building footprint to accommodate the required road widening and turning movements to suit the two-way traffic arrangement in the unnamed laneway. f. Any land forming widening of the laneway to be transferred to Council as "Road". g. Construction of kerb and channel along the development's abuttal with Davis Street, along with the associated widening of Davis Street with a bituminous seal and a suitable pavement. h. Concrete infill between kerb and channels and the front and side building lines of the development, to form part of Council's footpath network. i. Additional 1.5m width concrete footpaths extending to the ends of the north and east boundaries of the property where there is no proposed building, within existing or proposed widened road reserves. j. A 1.5m width concrete pedestrian footpath extending north from the laneway to the end of the existing footpath toward Mitchell Street on the west side of Davis Street, opposite the hotel. k. The offset of any veranda posts to any proposed kerbs or building lines in accordance with Councils Footpath Trading Code and any outdoor furniture in accordance with Councils Permanent Outdoor Furniture Style Guide. <p>2. Prior to the approval of the engineering plans, the applicant shall submit for approval by the Responsible Authority, a revised Traffic Layout Plan (TLP) for the approved development detailing, both during and post construction:</p> <ol style="list-style-type: none"> a. Turning movements for a minimum 19-metre semi-trailer to be able to enter the development from Davis Street and exit the development in a forward direction via unnamed laneway situated to the north of the proposed development. b. The internal and external turning movements for all other expected vehicles, entering and exiting in
--	--	--

		<p>a forward direction.</p> <p>c. All required linemarking (both internal and external to the development).</p> <p>Upon approval of the TLP, these plans will be endorsed as part of this permit.</p> <p>3. Prior to the approval of the engineering plans, the applicant shall submit for approval by the responsible Authority, a detailed Storm Water Management Plan (SWMP) for the approved development detailing in concept how, both during and post construction:</p> <p>a. All stormwater runoff from the site will be captured and controlled via an appropriate stormwater detention system to ensure runoff is limited to pre-development flows to the equivalent of a 10% AEP event;</p> <p>b. Any polluted runoff from the site will be treated and directed to an approved sewer connection to ensure no impact on Council's drainage system;</p> <p>c. Adjacent properties will not be adversely impacted by runoff from the site;</p> <p>d. Stormwater will be discharged to Council's existing drainage network or a suitable existing overland flow path to be approved by the Responsible Authority.</p> <p>Upon approval of the SWMP these plans will be endorsed as part of this permit.</p> <p>4. Prior to the commencement of any buildings and/or works, the following conditions must be complied with to the satisfaction of the Responsible Authority;</p> <p>a. Drainage computations and engineering plans (based on Councils Infrastructure Design Manual (IDM)) of the proposed stormwater network, stormwater detention system, kerb and channel and any infrastructure works in Davis Street are to be submitted to and approved by the Responsible Authority. Plans are to show;</p> <p>i. Civil engineering and stormwater drainage works generally in accordance with the approved TLP and SWMP.</p> <p>ii. Construction of all driveways, accessways and parking areas with an impervious material, being concrete or bituminous asphalt, or other material approved by Council.</p> <p>iii. Size of car parking bays and accessways in accordance with the South Gippsland Planning Scheme, or relevant Australian Standard.</p> <p>iv. Signage to be provided to describe</p>
--	--	---

		<p>access/egress arrangements for delivery and private vehicles accessing the site.</p> <ul style="list-style-type: none"> v. Road and footpath works in Davis Street and the unnamed laneway as per the plan approved to satisfy Condition 1. vi. All infrastructure to become Council assets to generally be in accordance with Councils Infrastructure Design Manual. vii. Any ramping or adjustments required to provide access to the new building from Davis Street or the laneway made within the building or onsite. <p>b. Prior to approval of the engineering plans by Council, pay to Council a supervision fee equivalent to 2.5% of the estimated cost of construction of all the external works to be vested in Council, including footpath, pavements, kerb and channel, and longitudinal drainage. A certified cost estimate is to be provided by the applicant and approved by the Responsible Authority prior to payment of the fee.</p> <p>c. Prior to approval of engineering plans by Council, pay to Council an amount equivalent to 0.75 % of the estimated cost of all the external works to be vested in Council for checking of engineering plans and computations.</p> <p>5. Prior to the use commencing, or the issue of any Occupancy Permits, all civil engineering and stormwater drainage works as shown on the approved engineering plans must be constructed to the satisfaction of the Responsible Authority.</p> <p>6. The corners of the property must be pegged by a licensed surveyor prior to the building or construction works commencing on-site, describing the property boundaries as reduced to accommodate the required widening of the laneway.</p> <p>7. Provision is to be made for the safe passage of pedestrians in Davis Street while the building and civil works are being carried out.</p> <p>8. Provision is to be made for the safe access of occupants to the rear of properties at 1-5 Mitchell Street via the unnamed laneway where existing legal access has been available prior to the commencement of any development works, while the building and civil works are being carried out.</p> <p>9. Any damage done to Council infrastructure during construction works is to be reinstated at no cost to Council and to Council's satisfaction.</p>
--	--	--

		<p>10. Upon agreed practical completion of civil works, pay to Council an amount equivalent to 5 % of the actual cost of construction of infrastructure to be handed to Council, being for Guarantee of Works during Defects Liability Period. The amount to be refunded upon release from Defects Liability Period by Council.</p> <p>11. The external works as required by this permit must be maintained in good condition and repair by the developer for a period of 12 months from the date of practical completion to the satisfaction of the Responsible Authority.</p> <p>12. Scaled "As Constructed" plans are to be forwarded to Council in "pdf" and AutoCAD compatible format, for any infrastructure to be handed over to Council to the satisfaction of the Responsible Authority.</p> <p>13. S173 for contributions for the rest of the lane (not necessarily engineering condition)</p> <p>Notes for Permit</p> <ol style="list-style-type: none"> 1. The appropriate "Consent to work within the Road Reserve" permit must be obtained from Council for all works carried out in the laneway and in Davis Street. 2. The applicant should check with the relevant service authorities for the location of underground services before any excavation work is undertaken. <p>Please note, as necessary, Council Planning officers have adjusted the above conditions to ensure timing and intent are achieved in line with Council's expectations.</p>
SGSC Environment al Health		Response received 3 March 2021 – Conditional support. Notes to the Applicant relating to the <i>Food Act 1984</i> , <i>Public Health and Wellbeing Act 2008</i> and <i>Tobacco act 1987</i>
SGSC – Economic Development t Arts and Tourism		Response received 3 March 2021 - Comments only, which relate to: <ul style="list-style-type: none"> • The Economic Development and Tourism Strategy; • Economic Output Benefits; and • Key Benefits.

8. Declaration of Conflict of Interest

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

9. Conclusion:

Based on the information presented within, it is submitted that the proposal:

- Is consistent with the Municipal Planning Strategy and Planning Policy Framework;
- Is consistent with the purpose of the Commercial 1 Zone and the intent and provisions of the Design and Development Overlay (Schedule 12 - Nyora Town Centre);
- Will support Council's strategic growth vision for the Nyora Township, and in particular the Town Centre – as reflected in the Nyora Development Strategy;
- Will assist the economic growth of the town and surrounding areas and will support the planned increase in population of the town over time;
- Will deliver improved infrastructure and public works via the construction of public footpath, the upgrade of Davis Street and the (part) construction of the unnamed laneway; and
- Will (subject to conditions) ensure that the amenity of adjoining and surrounding properties will not be impacted on in an unreasonable manner, having regard to the commercial nature of the site, commensurate to the economic benefit that the proposal will provide for the town of Nyora.

Council has considered the matters under Section 60 of the *Planning & Environment Act 1987*. It considers that the proposed development is appropriate having regard to the relevant matters and can be managed through appropriate conditions (forming a separate attachment).

Planning Officer(s):

Robyn Begg

Senior Statutory Planner
15 November 2023

Nick Moore

Co-ordinator Statutory Planning
15 November 2023