

# **ATTACHMENT TO AGENDA ITEM**

**Ordinary Meeting**

**21 November 2017**

**Agenda Item 10.3      Adoption of Combined Amendment C190 to the Greater Shepparton Planning Scheme and Planning Permit Application 2015-360 (2 Bridge Road, Toolamba - Combined Rezoning/Subdivision)**

<b>Attachment 1</b>	<b>Exhibition Documentation .....</b>	<b>406</b>
<b>Attachment 2</b>	<b>Submissions Recorder .....</b>	<b>427</b>

Planning and Environment Act 1987

**GREATER SHEPPARTON PLANNING SCHEME  
AMENDMENT C190  
PLANNING PERMIT APPLICATION 2015-360  
EXPLANATORY REPORT**

**Who is the planning authority?**

This combined Amendment and Planning Permit Application has been prepared by Greater Shepparton City Council, which is the planning authority for this amendment.

The combined Amendment and Planning Permit Application has been made at the request of Chris Smith & Associates Pty Ltd, which is instructed by Devcon Development Group Pty Ltd on behalf of J.A. McHugh & W.L. Saunders, the landowners at 2 Bridge Road, Toolamba.

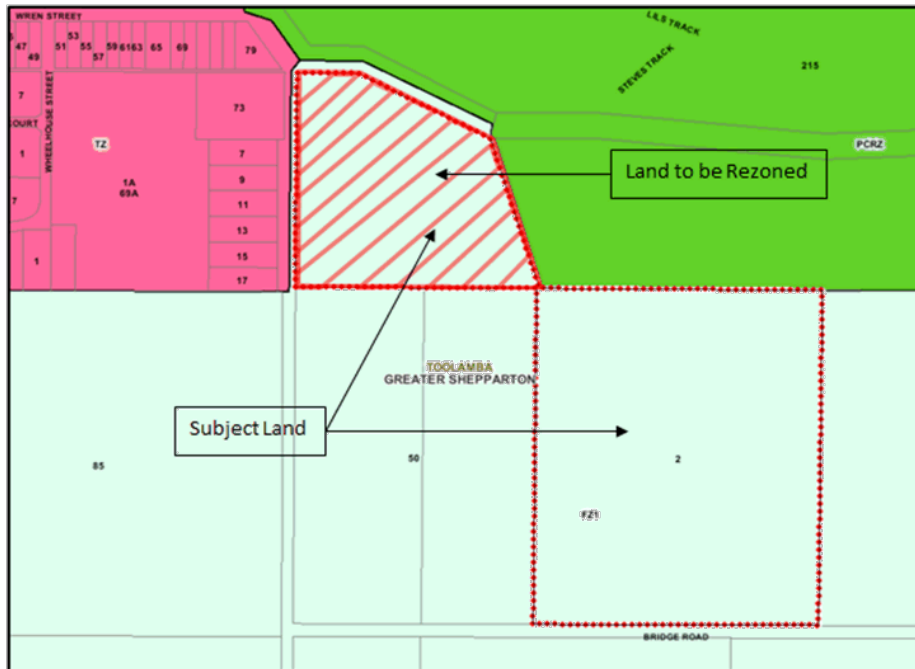
**Land affected by the Amendment**

The Amendment applies to part of 2 Bridge Road, Toolamba (Lot 1 on TP742467).

The Amendment is a combined Amendment and Planning Permit Application under section 96A of the Act.

The Planning Permit Application (2015-360) applies to part of 2 Bridge Road, Toolamba.

The subject land is part of a farm (approximately 33 hectares in size) currently used for grazing. The northern portion of the farm is proposed to be rezoned. The balance of the land will remain in the Farming Zone – Schedule 1 (FZ1) (see *Figure 1 – Zone Map* and *Figure 2 – Overlay Map*).



*Figure 1 – Zone Map.* The subject land is outlined in a dotted red. The Land proposed to be rezoned is hatched in red. The subject land is within the Farming Zone – Schedule 1 (FZ1) is shaded in light green, land within the Public Conservation and Resources Zone (PCRZ) is shaded in dark green and land within the Township Zone (TZ) is shaded in pink.

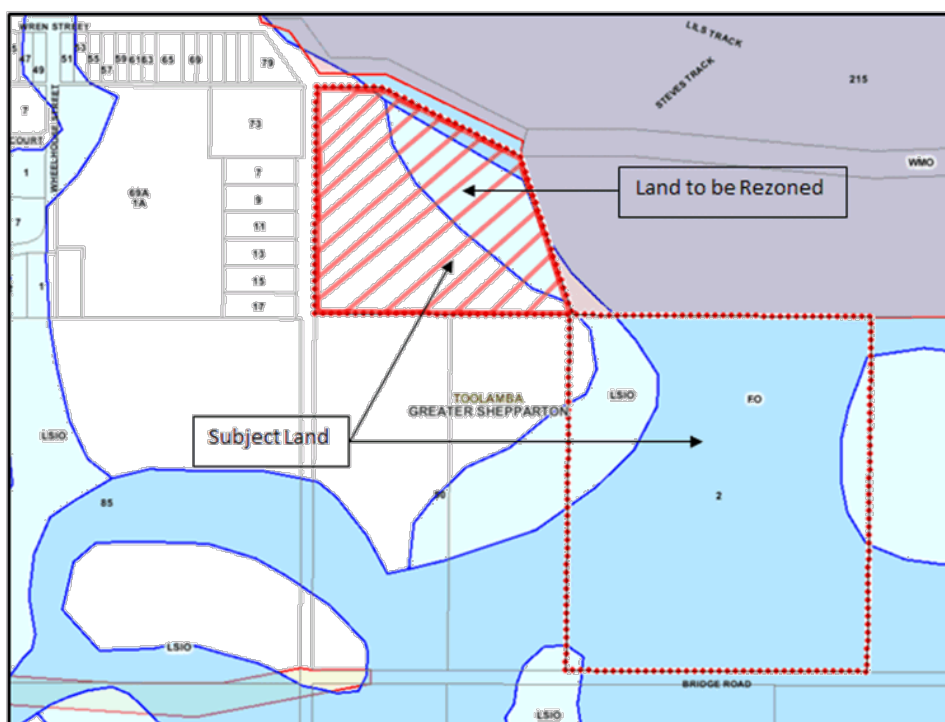


Figure 2 – Overlay Map. The subject land is outlined in a dotted red line. The land proposed to be rezoned is hatched in red. The subject land is affected by the Wildfire Management Overlay (WMO) (also referred to as the Bushfire Management Overlay (BMO) shaded in grey, the Land Subject to Inundation Overlay (LSIO) shaded in light blue and the Floodway Overlay (FO) shaded in blue.

The subject land is currently within the FZ1 and part of the land is affected by the Land Subject to Inundation Overlay (LSIO) and the Floodway Overlay (FO) (see Figure 1 – Zone Map and Figure 2 – Overlay Map).

### What the amendment does

The Amendment proposes to rezone part of 2 Bridge Road, Toolamba from the FZ1 to the Low Density Residential Zone (LDRZ) and apply the Bushfire Management Overlay (BMO) to this land. Also included, is a Planning Permit Application for a 16 lot subdivision (see Figure 3 – Proposed Subdivision Layout).

The Amendment proposes to make the following changes:

- Rezone part of 2 Bridge Road, Toolamba from the Farming Zone – Schedule 1 to the Low Density Residential Zone;
- Apply the Bushfire Management Overlay to part of 2 Bridge Road, Toolamba; and
- Amend Planning Scheme Map Nos 33, 33WMO, 34 and 34WMO.

The planning permit application seeks approval for:

- 16 lot subdivision of land in more than one zone;
- Subdivision in the Low Density Residential Zone;
- Subdivision in the Farming Zone;
- Subdivision in the Floodway Overlay;
- Subdivision in the Land Subject to Inundation Overlay; and
- Subdivision in the Bushfire Management Overlay.

The planning permit is attached as a separate document to this Explanatory Report.

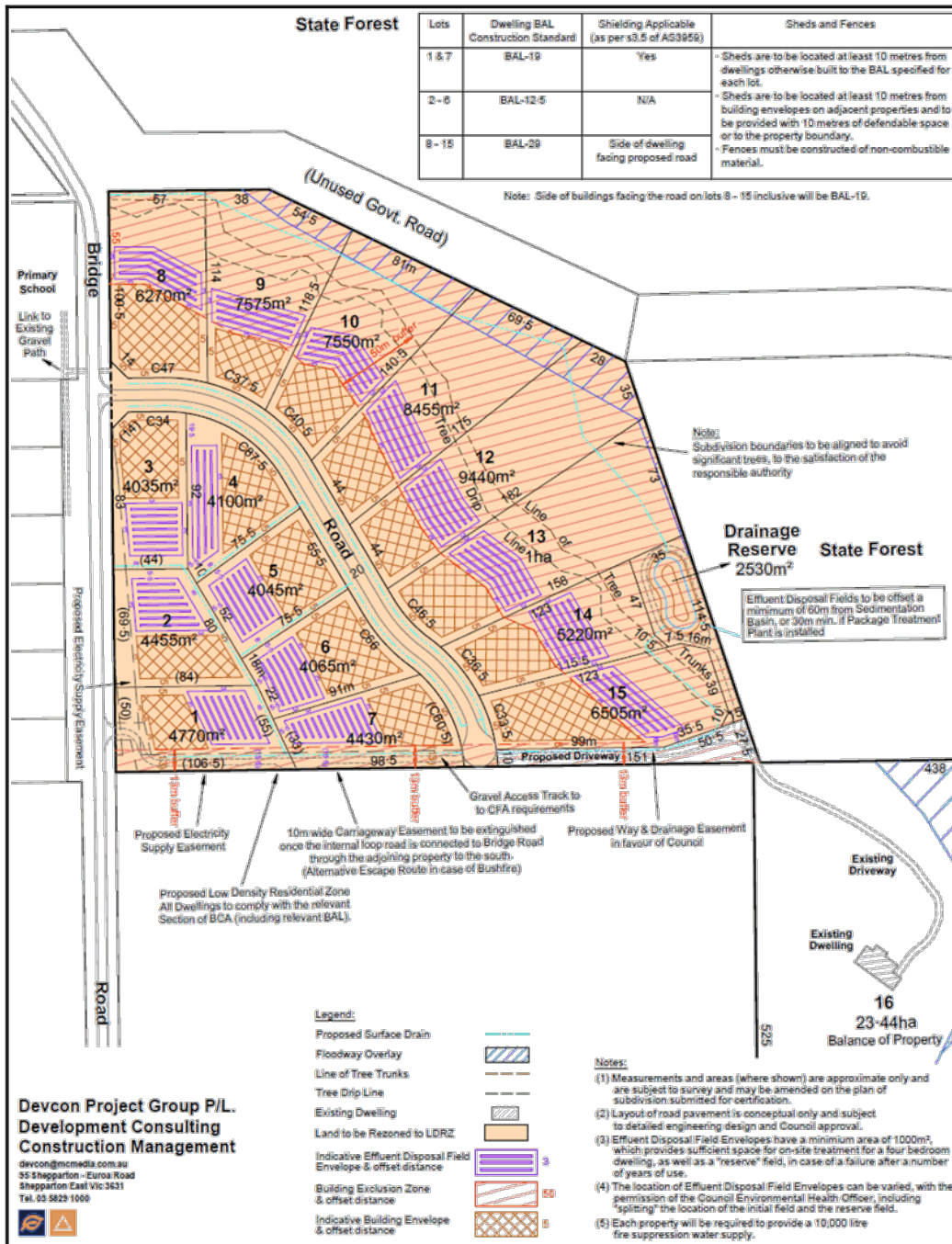


Figure 3 – Proposed Subdivision Layout.

**Strategic assessment of the Amendment**

**Why is the Amendment required?**

The proposed combined Amendment and Planning Permit Application is required to implement the Greater Shepparton Planning Scheme (Planning Scheme) and the findings and recommendations of the *Greater Shepparton Housing Strategy 2011* (GSHS).

The *Toolamba and Old Toolamba Framework Plan* at Clause 21.04 – *Settlement* of the Planning Scheme identifies the land proposed to be rezoned as being within the “settlement boundary” for Toolamba and Old Toolamba, and as being suitable for “potential low density”.

The proposed rezoning also has strategic support in the GSHS. The GSHS states that:

*Rural and low density residential land will contribute to future housing diversity in Greater Shepparton and the Council is committed to providing for this form of housing in locations that rural living is appropriate, that is locations that will not further impact on productive agricultural land.*

The FZ1 does not allow for low density residential development, therefore the rezoning is required.

The adjacent State forest land is affected by the BMO (see *Figure 2 – Overlay Map*), indicating that bushfire hazard warrants bushfire protection measures should be implemented if the land use is to be intensified. The application of the BMO to the land proposed to be rezoned is required to ensure that bushfire risk mitigation measures are implemented to reduce bushfire risk to life and property to an acceptable level.

### **How does the Amendment implement the objectives of planning in Victoria?**

The proposed combined Amendment and Planning Permit Application seeks to implement objectives a, c, f and g of planning in Victoria, in accordance with Section 4(1) of the *Planning and Environment Act 1987* (the Act).

The proposed combined Amendment and Planning Permit Application implements the objectives of planning in Victoria by facilitating orderly, coordinated development in an area designated for low density residential development.

The application of the BMO to the land proposed to be rezoned will help to ensure a safe working, living and recreational environment for this area.

The proposed combined Amendment and Planning Permit Application balances the interests of the community through the provision of accessible low density residential land to meet the needs of a growing municipality.

### **How does the Amendment address any environmental, social and economic effects?**

#### Environmental

A Flora and Fauna Assessment was undertaken by Water Technology Pty Ltd. This assessment defines the land proposed to be rezoned as two distinct areas; the ‘cleared area’, which has been significantly modified due to agricultural pursuits, and the ‘treed area’, which is an area of remnant River Red Gum occupying the north-eastern quadrant of the subject site. The treed area has the ecological vegetation classification of Riverine Grassy Woodland, which has a “vulnerable” bioregional conservation status within the Victorian Riverina Bioregion, and is considered intact. Native vegetation will be protected with requirements specified in and secured by an Agreement under Section 173 of the Act (Section 173 Agreement).

The ultimate development that will be facilitated by proposed combined Amendment C190 and Planning Permit Application 2015-360 will require native roadside vegetation removal. The proponents have worked closely with Council officers to minimise the removal of native roadside vegetation. No significant native vegetation will be removed as part of the proposed combined Amendment and Planning Permit Application.

A Cultural Heritage Due Diligence Assessment was undertaken by Jo Bell Heritage Services Pty Ltd. This assessment concluded that the land proposed to be rezoned contains no areas of potential cultural heritage sensitivity and that there is no requirement for the preparation of a Cultural Heritage Management Plan.

A preliminary Environmental Site Assessment was undertaken by B.M Consulting Engineers Pty Ltd. This assessment states that all lots are capable of housing and retaining an on-site effluent disposal system. Additionally, the assessment indicated that any occurrence of contamination is significantly lower than the health-based levels for a sensitive use.



Therefore, in accordance with Ministerial Direction No. 1, Council is satisfied that the land is suitable for residential development.

The development will not negatively impact on the long term growth potential of Toolamba or the agricultural land to the south. The proposed LDRZ land will provide a transitional area between the TZ to the west and FZ to the south and southeast, and will assist in minimising urban/rural interface conflicts.

A Bushfire Management Statement (BMS) for the proposed rezoning and subdivision has been prepared by Practical Ecology Pty Ltd. The BMS sets out details for development and management of individual lots to ensure that bushfire risk mitigation measures are implemented to reduce bushfire risk to life and property to an acceptable level.

There are no unreasonable adverse environmental impacts.

#### Social

A Supply and Demand Analysis was undertaken by Chris Smith and Associates Pty Ltd. This analysis identified that the proposed combined Amendment and Planning Permit Application will achieve a positive social outcome, as it will facilitate additional housing opportunities at a density that is not readily available in Toolamba. The land proposed to be rezoned is in proximity to some commercial and educational facilities, and is adequately supported by an appropriate level of social infrastructure.

The proposed combined Amendment and Planning Permit Application will result in a net community benefit by providing a pleasant and safe living environment that will help to satisfy demand for low density residential opportunities close to the commercial and social infrastructure of Toolamba. This will also improve housing choice and aid in relieving housing affordability issues within the area.

There are no adverse social impacts.

#### Economic

A Supply and Demand Analysis was undertaken by Chris Smith and Associates Pty Ltd. This analysis identified that there is a strong community demand for low density residential lots. The proposed combined Amendment C190 and Planning Permit Application 2015-360 will address this demand, allowing aspirations for housing choice to be met, which will generate a positive economic outcome.

The development of the land for residential purposes will create employment opportunities during the planning and construction phases. New housing to be provided on the site will also facilitate economic growth within the municipality by providing housing opportunities to cater for the growing population.

There are no adverse economic impacts.

#### **Does the Amendment address relevant bushfire risk?**

The Country Fire Authority has been consulted in relation to bushfire risk management for the land proposed to be rezoned.

The land proposed to be rezoned is located at the township-forest interface, abutting State forest land (land in the Public Conservation and Reserve Zone) to the north and east, and land in the TZ to the west, across Bridge Road (see *Figure 1 – Zone Map*). The State forest land is affected by the BMO (see *Figure 2 – Overlay Map*), indicating that bushfire hazard warrants bushfire protection measures to be implemented.

The key overarching strategy at Clause 13.05 – *Bushfire* is to “*prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire*”. Strategic planning for settlement must assist with strengthening community resilience to bushfire and new development should only proceed if risk to life and property can be reduced to an acceptable level.

The proposed combined Amendment and Planning Permit Application includes the application of the BMO to the land proposed to be rezoned, which sets out the requirements for permits for subdivision, and for buildings and works, including the mandatory requirement for residential lots to be covenanted with a Section 173 Agreement.

In relation to bushfire management, the Section 173 Agreement specifies the location of building envelopes, and ensures that new residential lots achieve and maintain defensible space, safe access and a supply of water. The bushfire management statement sets out explicit details for development and management of individual lots.

The proposed combined Amendment and Planning Permit Application will ensure that the bushfire risk mitigation measures are implemented, reducing the risk to residents, property and community infrastructure from bushfire to an acceptable level.

**Does the Amendment comply with the requirements of any Minister’s Direction applicable to the amendment?**

*Ministerial Direction No. 1 – Potentially Contaminated Land* has been considered. A preliminary soil contamination assessment has been prepared for the land proposed to be rezoned. The assessment concluded that the site does not have a high level of contamination and that it is suitable for residential development. This provides Council confidence that the land is suitable for the proposed future use and development. The proposed combined Amendment and Planning Permit Application complies with the requirements of Ministerial Direction No. 1.

The proposed combined Amendment and Planning Permit Application has been prepared in accordance with *Ministerial Direction No. 11 – Strategic Assessment of Amendments*.

The proposed combined Amendment and Planning Permit Application is consistent with the Ministerial Direction on the *Form and Content of Planning Schemes* under section 7(5) of the Act.

**How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The proposed combined Amendment and Planning Permit Application supports the State Planning Policy Framework (SPPF) by facilitating the orderly development of urban and rural areas. The following addresses the relevant State policies.

- Clause 11.02-1 Supply of urban land

The objective of this clause is “*to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*”

The proposed combined Amendment and Planning Permit Application will facilitate additional housing opportunities at a density that is not readily available in Toolamba.

- Clause 11.04-2 Housing choice and affordability

The objective of this clause is “*to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.*”

The proposed combined Amendment and Planning Permit Application will improve housing choice and aid in relieving housing affordability issues within the area.

- Clause 11.10-3 Planning for Growth

The objective of this clause is “*to focus growth and development to maximise the strengths of existing settlements*”. A policy of this clause is to consider the *Hume Regional Growth Plan 2014* (HRGP).

The proposed combined Amendment and Planning Permit Application aims to implement the HRGP as it supports residential growth in a ‘*major growth location*’.

- Clause 13.03-1 Use of contaminated and potentially contaminated land

A preliminary land contamination assessment concluded that the land proposed to be rezoned is suitable for the proposed low density residential development.

- Clause 13.05-1 Bushfire planning strategies and principles

The proposed combined Amendment and Planning Permit Application assists in strengthening the communities' resilience to bushfire by proposing to apply the BMO to the land proposed to be rezoned to ensure that the bushfire risk mitigation measures are implemented, reducing the risk to residents, property and community infrastructure from bushfire to an acceptable level.

- Clause 16.01-4 Housing diversity and Clause 16.01-5 Housing affordability

The proposed combined Amendment and Planning Permit Application will facilitate additional housing opportunities at a density that is not readily available in Toolamba. This will also improve housing choice and aid in relieving housing affordability issues within the area.

The proposed combined Amendment and Planning Permit Application will result in a net community benefit by providing a pleasant and safe living environment that satisfies demand for low density residential opportunities close to the commercial and social infrastructure of Toolamba. This will also improve housing choice and aid in relieving housing affordability issues within the area.

The proposed combined Amendment and Planning Permit Application implements the SPPF.

### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The proposed combined Amendment and Planning Permit Application is consistent with the Local Planning Policy Framework (LPPF). In particular, the following clauses:

- Clause 21.04 Settlement

This clause includes the *Toolamba and Old Toolamba Framework Plan*, which identifies the land proposed to be rezoned as being within the "settlement boundary" for Toolamba and Old Toolamba, and as being suitable for "potential low density".

- Clause 21.05-5 Strategic Work Program

This clause states that the BMO be applied to the land proposed to be rezoned after consultation with the CFA.

- Clause 21.07-2 Urban and Rural Services

A Land Capability Assessment has been undertaken, which indicates the potential future lots are capable of retaining and disposing of effluent on-site.

The land proposed to be rezoned is serviced by some commercial and educational facilities in Toolamba.

The proposed combined Amendment and Planning Permit Application implements the LPPF.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

There are a number of zones which seek to achieve a residential or rural residential land use outcome. These include the Rural Living Zone, Low Density Residential Zone, Residential 1 Zone, Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone, Township Zone and Mixed Use Zone.

Most of these zones are intended to be applied where higher densities of development are anticipated or exist and, as such, are not appropriate for this area. The land proposed to be rezoned has been designated as a future low density residential area, providing a transitional area between higher densities to the west, and lower densities to the south and southeast.

The Low Density Residential Zone:

- provides for low-density residential development on lots, which can treat and retain all wastewater (as set out in the purpose of zone).



- encourages lots of a size and configuration that will create an appropriate interface between the existing settlement and rural living/agricultural activities to the east and southeast.
- limits the minimum lot size for subdivision and, therefore, facilitates residential development at a density which is supported at both the state and local level.

This proposed combined Amendment and Planning Permit Application has made proper use of the Victorian Planning Provisions.

#### **How does the Amendment address the views of any relevant agency?**

Bushfire risk management for the property has been discussed in great detail between the Country Fire Authority, Council officers and the proponent. As a result of this consultation, the proposed combined Amendment and Planning Permit Application includes the application of the BMO to the land proposed to be rezoned to ensure that bushfire risk mitigation measures are implemented to reduce bushfire risk to life and property to an acceptable level.

#### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The purpose of the *Transport Integration Act 2010* is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State.

The objectives of the *Transport Integration Act 2010* relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety and health and wellbeing.

Given the low density living outcomes intended by this proposed combined Amendment and Planning Permit Application, the impact of any future development regarding traffic on the surrounding road network will be negligible. The proposed combined Amendment and Planning Permit Application will not have any significant negative impact on the transport system, as defined by Section 3 of the *Transport Integration Act 2010*.

The Minister has not prepared any statements of policy principles under Section 22 of the *Transport Integration Act 2010*; therefore, no such statements are applicable to this amendment.

#### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The proposed combined Amendment and Planning Permit Application will not have any detrimental effect on the resource and administrative costs to Council. Council is well positioned to handle the small number of permit applications that may arise from this proposed combined Amendment and Planning Permit Application.

#### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Greater Shepparton City Council

90 Welsford Street, Shepparton

The combined amendment/permit can also be inspected free of charge at:

- the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/planning-schemes/amending-a-planning-scheme/planning-documents-on-exhibition](http://www.planning.vic.gov.au/planning-schemes/amending-a-planning-scheme/planning-documents-on-exhibition); and

- the Greater Shepparton City Council website at [www.greatershepparton.com.au](http://www.greatershepparton.com.au).

### **Submissions**

Any person who may be affected by the Amendment [and/or planning permit] may make a submission to the planning authority. Submissions about the Amendment [and/or planning permit] must be received by **[insert submissions due date]**.

A submission must be sent to:

Greater Shepparton City Council

Locked Bag 1000

Shepparton VIC 3632

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]** ]

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# DRAFT PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF  
THE PLANNING AND ENVIRONMENT ACT  
1987

Permit No.: 2015-360

Planning Scheme: Greater Shepparton

Responsible Authority: Greater Shepparton  
City Council**ADDRESS OF THE LAND:**

2 Bridge Road TOOLAMBA VIC 3614

**THE PERMIT ALLOWS:**

16-lot subdivision in more than one zone (Low  
Density Residential Zone and Farming Zone),  
floodway Overlay, Land Subject to Inundation  
Overlay and Bushfire Management Overlay

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:****1. Layout Not Altered**

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

**2. Section 173 Agreement**

Before the issue of a Statement of Compliance, the owner must enter into an  
agreement with the responsible authority, pursuant to Section 173 of the *Planning and  
Environment Act 1987*. This agreement must be registered on the title to the land  
pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must  
pay the reasonable costs of the preparation, execution and registration of the section  
173 agreement. The agreement must provide for:

**Country Fire Authority****Mandatory Condition – Clause 44.06-3**

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

**Date Issued: 29-Jul-2016****Date Permit comes into  
operation:**

(or if no date is specified, the permit  
comes into operation on the same  
day as the amendment to which the  
permit applies comes into operation)

**Signature for the  
Responsible Authority**

Permit No.: 2015-360

Planning and Environment Regulations 2005 Form 9

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Greater Shepparton Planning Scheme.
- Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

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

**Bushfire Management Plan endorsed**

2. The Bushfire Management Plan (prepared by Practical Ecology drawing no's.- Map 7a, Version 2 dated 28/03/2017 and Map 7b / Lot 16 Version 2 dated 28/03/2017) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-3 of the Greater Shepparton Planning Scheme.

**Matters to be set out in Section 173 Agreement**

3. In addition to the requirements of Clause 44.06-3 of the Greater Shepparton Planning Scheme the section 173 Agreement prepared in accordance with that clause must also specify:
  - Explicitly exclude Lot 16 from the following exemption under Clause 44.06-1 of the Greater Shepparton Planning Scheme:
    - A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-3.

**Maintenance of defendable space**

4. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, defendable space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

**Hydrants**

<p><b>Date Issued:29-Jul-2016</b></p>	<p><b>Date Permit comes into operation:</b>                  (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</p>	<p><b>Signature for the Responsible Authority</b></p>
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Permit No.: 2015-360



## Planning and Environment Regulations 2005 Form 9

- 5.1 Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
- 5.2 The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.

Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))

**Council Environmental Health Department**

1. The owner must allocate and maintain an area of not less than 1000m<sup>2</sup> solely for the purposes of effluent disposal on lots 1 to 15, the location of which will generally be in accordance the proposed effluent disposal envelope shown on this plan (15068/01). Any variation to the effluent disposal areas must be to the satisfaction of Council and its Environmental Health Officer.
2. No buildings, works, paths, vehicles, driveways, service trenching or domestic facilities e.g. water tanks or any other structures are permitted in the effluent disposal area.
3. Only one dwelling shall be permitted to be constructed on lots 1-15 inclusive, and the number of bedrooms for each dwelling shall be restricted to four plus one study, unless approval is provided by Council's Environmental Health Officer.
4. Any dwelling of more than four bedrooms plus a study must submit to Council's Health Department scaled plans demonstrating the location of the dwelling and other site features and the effluent disposal area that are of sufficient size to accommodate the increase in effluent disposal.
5. A Permit to Install a Septic Tank System approved by Council's Environmental Health Officer must be obtained for lots 1 to 15 inclusive, prior to the commencement of any buildings, works or other development on each lot.
6. For lots 8-12 the effluent disposal area must be located clear or the Tree Drip Line as highlighted on Plan 15068/01 or to the satisfaction of Council's Environmental Health Officer.

**Public Open Space Contribution**

The public open space contribution must be paid to the Council prior to the issue of Statement of Compliance for any subdivision of the land.

**General**


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**Date Issued:**29-Jul-2016

**Date Permit comes into operation:**  
(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

**Signature for the Responsible Authority**

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Permit No.: 2015-360

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- The emergency access track abutting the southern boundary be retained as an emergency access track and only used for emergency purposes (this part of the agreement will cease once formal access is provided to the land to the south via public road).
- Native vegetation in the lots abutting the Crown land must be retained in perpetuity unless otherwise agreed to with written consent from the Council.
- Only rural type fencing is to be used to fence boundaries on the land.

The said agreement is to be prepared by Council. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant including Council's administration fee. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

**3. Drainage Discharge Plan**

Before the commencement of works on site, a drainage plan with computations prepared by a suitably qualified person or company to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of *one electronic copy* must be provided. **The plans must be in accordance with council's Infrastructure Design Manual and** include:

- a) how the land will be drained;
- b) Incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- c) Provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal;
- d) the discharge rate from the site shall be limited to the pre-development discharge rate;
- e) details of how the runoff from the land is to be retarded;
- f) a point of discharge and independent drainage of each lot;
- g) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority;

The legal point of discharge is to the low point at the eastern boundary with the State Forest that the site currently generally drains to. No stormwater is to be discharged to Bridge Road from the site other than from lots 1 and 2.

Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.

Before statement of compliance is issued all drainage works required by the drainage plan must completed to the satisfaction of the responsible authority.

<p><b>Date Issued:29-Jul-2016</b></p>	<p><b>Date Permit comes into operation:</b> (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</p>	<p><b>Signature for the Responsible Authority</b></p>
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Permit No.: 2015-360

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**4. Detailed Construction Plan**

Before any road, drainage or landscaping works associated with the development or subdivision start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be in accordance with the Infrastructure Design Manual as revised from time to time and include:

- a) construction of the intersection of the proposed road and Bridge Road with full width sealed shoulders;
  - b) installation of lighting to AS1158 category 'V5' at the intersection of the proposed road and Bridge Road;
  - c) 20m road reserve designed to IDM standard;
  - d) Water Sensitive Urban Design features;
  - e) silt and erosion control measures;
  - f) crossovers to be provided to each lot and shall be of a rural entrance type in accordance with IDM SD255 except that the crossing shall be sealed with an all-weather seal coat from the edge of seal to the property line;
  - g) services and street light;
  - h) a turnaround area shall be provided on the site within the proposed road reserve at the end of the proposed road at the southern boundary;
- all to the satisfaction of the Responsible Authority.

**5. Landscape Plan**

Before the commencement of works a landscape plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions to show:

- a) All landscaped areas to be used for stormwater retardation;
- b) All species selected must be to the satisfaction of the responsible authority;
- c) Street trees are to be provided or the cost of planting street trees paid to the Council, with a minimum height of 1.2 metre, for every 20 metres of road (or part thereof) within the subdivision;
- d) Retention of native vegetation in lots abutting crown land.

Prior to the issue of the Statement of Compliance for the subdivision or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants must be replaced.

<p><b>Date Issued: 29-Jul-2016</b></p>	<p><b>Date Permit comes into operation:</b>                  (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)</p>	<p><b>Signature for the Responsible Authority</b></p>
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Permit No.: 2015-360

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**6. Construction of Works**

Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must construct and complete road works, drainage and other civil works, in accordance with the endorsed plans and specifications approved by the Responsible Authority and in accordance with the Infrastructure Design Manual. Road works, drainage and other civil works to be constructed must include:

- a) fully sealed pavement with kerb and channel and vehicular crossings;
- b) stormwater retardation and treatment;
- c) street trees or contribution paid to the Council to plant trees on the developers behalf;
- d) underground conduits for water, gas, electricity and telephone;
- e) street lighting and signage;
- f) vehicle crossing to each lot;
- g) high stability permanent survey marks;
- h) fencing of the carriageway easement and construction of a gravel access track to CFA requirements;
- i) fencing of the carriageway easement and drainage reserve (including gates as appropriate and construction of a gravel access track to and around the basin;
- j) turn around area at the end of the proposed road;
- k) Relocation of 80km sign

to the satisfaction of the responsible authority.

**Supervision Fees**

Prior to the commencement of works, the owner must make a payment comprising up to 2.5% of the value of the works, to the Responsible Authority being the costs of the Responsible Authority in supervising the works on the land.

**Plan Checking Fee**

Prior to the commencement of works the owner must make a payment comprising 0.75% of the value of the documented works to the Responsible Authority, for the checking of the engineering design of the works.

**7. Payment in Lieu of Open Space**

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

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

**8. Provision of Services Underground**

Before the issue of Statement of Compliance for each stage, reticulated electricity and telecommunication services must be available to the satisfaction of the responsible authority.

Before the issue of Statement of Compliance for each stage, all new reticulated services including telecommunications infrastructure shall be under grounded. Where possible all services are to be provided within common trenches.

**9. Boundary Fencing**

Before the issue of statement of compliance rural fencing must be erected on boundaries between each lot, and between lots and the bush reserve to the satisfaction of the responsible authority.

**10. Prior to Commencement of Construction**

Before the commencement of any road/drainage works associated with each stage of the subdivision, the following items must be satisfied;

- a) certification of the Plan of Subdivision;
- b) approval of the construction plans; and
- c) an on-site meeting be undertaken with officers of the responsible authority, the contractor and the owner and / or owner's consultant to discuss, amongst other things, roadside management, construction techniques, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction must have taken place.

**11. Subdivision Development**

**Form 13**

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

**Other Matters**

Before a Statement of Compliance is issued under the *Subdivision Act 1988* the owner must provide to the satisfaction of the responsible authority

- a) an assets statement for each street;
- b) a valuation for land within each road reserve;
- c) full set of 'as constructed' digitised construction plans in PDF and Cad format for landscaping, roads and drainage (CD or other format as

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- appropriate);
- d) In addition to condition (c) above, an electronic copy on CD a Survey enhanced "as constructed" GIS data for the drainage information component of the subdivision, in accordance with the current version of D-SPEC;
- e) a certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments;
- f) street name plates;
- g) issue of a Preliminary Acceptance Certificate by Council's Development Engineers section for the acceptance of street construction, site grading, landscaping etc.
- h) fencing of all land abutting Public Open Space;
- i) fire plugs in accordance with the Country Fire Authority requirements, at the subdivider's expense; and
- j) A bond to the value of 5% or \$5,000 (*whichever is greater*) of the cost of works shall be submitted to Council for the maintenance of the street and drainage and landscape construction for the duration of the maintenance period.

to the satisfaction of the Responsible Authority

**12. Street/Road Name Allocation**

Before the plan of subdivision is certified under the *Subdivision Act 1988*, the owner must lodge an application to the Council's Street Naming Committee for the approval of any street names and street numbers on the plan of subdivision.

**13. Construction Phase**

Before the development starts, a construction management plan shall be submitted to and approved by the responsible authority. The plan must detail measures to be employed for the effective management of matters including, mud on roads, dust generation and erosion and sediment control on the land, during the construction phase. When approved the plan will be endorsed and form part of the permit. The construction management plan must provide contact details of the site manager.

During the construction of works approved by this permit, measures must be employed to minimise mud, crushed rock or other debris being carried onto public roads and/or footpaths from the land and dust suppression must be undertaken to ensure that dust caused on the land does not cause a nuisance to neighbouring land to the satisfaction of the responsible authority.

Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.

**14. Country Fire Authority Requirements**

**Mandatory Condition – Clause 44.06-3**

1. Before the statement of compliance is issued under the *Subdivision Act 1988* the

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owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Greater Shepparton Planning Scheme.
- Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

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

**Bushfire Management Plan endorsed**

2. The Bushfire Management Plan (prepared by Practical Ecology drawing no's.- Map 7a, Version 2 dated 28/03/2017 and Map 7b / Lot 16 Version 2 dated 28/03/2017) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-3 of the Greater Shepparton Planning Scheme.

**Matters to be set out in Section 173 Agreement**

3. In addition to the requirements of Clause 44.06-3 of the Greater Shepparton Planning Scheme the section 173 Agreement prepared in accordance with that clause must also specify:
  - Explicitly exclude Lot 16 from the following exemption under Clause 44.06-1 of the Greater Shepparton Planning Scheme:
    - A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-3.

**Maintenance of defensible space**

4. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, defensible space on every lot in the subdivision must be implemented and

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maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

**Hydrants**

- 5.1 Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
- 5.2 The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- 5.3 Hydrants must be identified as specific in 'Identification of Street Hydrants for Firefighting purposes' available under publication on the Country Fire Authority web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))

**15. Powercor Requirements**

- 1) The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
- 2) The applicant shall:
  - a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided, the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
  - b) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
  - c) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.
  - d) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
  - e) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.

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- f) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- g) Provide to Powercor Australia Ltd, a copy or the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

**16. Telecommunications Referral Condition**

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

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

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

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

**17. Time for Starting and Completing a Subdivision**

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

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

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**Signature for the Responsible Authority**

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

### WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
  - \* the development or any stage of it does not start within the time specified in the permit; or
  - \* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
  - \* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
  - \* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - \* the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
  - \* the development or any stage of it does not start within the time specified in the permit; or
  - \* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
  - \* the use or development of any stage is to be taken to have started when the plan is certified; and
  - \* the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT APPEALS?

- \* Any person affected may apply for a review of -
  - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or,
  - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or,
  - the failure of the responsible authority to extend the time within one month after the request for extension is made.
- \* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- \* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- \* An application for review must state the grounds upon which it is based.
- \* An application for review must also be served on the Responsible Authority.
- \* Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.

SUBMISSION RECORDER  
 AMENDMENT C190  
 Closing date: 2 October 2017  
 Trim: M17/J2286

Sub No.	First Name	Last Name	Organisation	Content of Submission
1	Darren	Viney	CFA	* Support for the amendment to rezone the land from FZ1 to LDRZ and apply the BMO. * Support for the subdivision of the land into 16 lots.
2	Ben	Kneebone	EPA North East	* No Objection.
3	Neil	Repacholi	G-MW	* No objection subject to the following conditions: 1. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act. 2. The building and wastewater disposal envelopes must be identified on any plan of subdivision submitted for certification.
4	Carmel	O'Dwyer	DELWP	* Support for the amendment.
5	Ben	Gazzola	GV Water	* No objection subject to the following conditions: (a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment; (b) Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; This will include augmentation works required to service this development. (c) The land to be included in an extension of the Water Supply District and the owner agree to contribute to the actual cost to extend the District Boundary necessary to provide water to this development. Such amount being determined by the Authority at the time of payment; (d) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request; (e) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.  Note also 1. Due to the size of the proposed allotments the Corporation wishes the following comment to be noted during the consideration of the planning permit: All sewerage and sullage emanating from the proposed development shall be adequately treated and managed to prevent transport of nutrients, pathogens and other pollutants to surface waters or impact to groundwater beneficial use and wastewater is retained and disposed of within the boundaries of the allotment in compliance with Clause 32 and 34 of the SEPP - Waters of Victoria and to the satisfaction of the Council's Environmental Health Officer.  Further, in the absence of this reticulated sewerage service, Council must ensure that the treatment and disposal of all wastewater generated by the development can be sustainably treated and disposed of within the site boundaries. The ability of the site to continue to do this and avoid the need for a reticulated sewerage service will partly depend on the nature and extent of future development. Should any of the proposed allotments be deemed by the Responsible Authority to be unsuitable for onsite effluent disposal, the Developer will need to review the proposed arrangements (including lot size, configuration, treatment and disposal methods and management practices) to find a suitable development proposal.  2. Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.