

# **CONFIRMED MINUTES**

**FOR THE  
GREATER SHEPPARTON CITY COUNCIL**

## **DEVELOPMENT HEARINGS PANEL**

**Meeting No. 8/2013**

**HELD ON  
THURSDAY 27 JUNE 2013  
AT 10.00AM**

**AT THE COUNCIL BOARD ROOM  
90 WELSFORD STREET**

**ACTING CHAIR  
Geraldine Christou**

**COMMITTEE MEMBERS PRESENT: Geraldine Christou, Braydon Aitken, Ian Boyle, Colin Kalms**

**OFFICERS:**  
**Tim Watson – Planner**  
**Steve Bugoss – Timer and Minute Taker**

## **1. RECORDING OF PROCEEDINGS**

The Hearing was advised by the Chair that:

- the proceeding is being recorded.
- that people can arrange to come and listen to the recording at a suitable time.
- that it is Council's preferred position that we do not provide copies of the recording.
- that all other recording devices should be turned off during the course of the hearing

## **2. ACKNOWLEDGEMENT**

"We the Greater Shepparton City Council, begin today's meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors".

## **3. APOLOGIES**

Councillor Les Oroszvary, Councillor Michael Polan, Jonathan Griffin, Casey Stone (SPIIRE)

## **4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Moved by Braydon Aitken  
Seconded by Colin Kalms

That the Minutes of the Development Hearings Panel held on 9 May 2013, as circulated, be adopted.

CARRIED

Moved by Braydon Aitken  
Seconded by Ian Boyle

That the Minutes of the Development Hearings Panel held on 13 June 2013, as circulated, be adopted, with the following amendment to the last page of the document.

That:

- Mr D'Agostino requested a copy of the documentation of discussions between Greater Shepparton City Council and VicRoads in relation to drainage along Doyles Road.

Be replaced with:

- Mr D'Agostino requested a copy of the documentation of discussions between Greater Shepparton City Council and VicRoads in relation to the upgrade along Doyles Road.

CARRIED

**5. DECLARATIONS OF CONFLICTS OF INTEREST**

None

**6. MATTERS FOR CONSIDERATION**

Two items listed for consideration.

**7. LATE REPORTS**

None

**8. NEXT MEETING**

11 July 2013

## **I N D E X**

<b><u>Application No.</u></b>	<b><u>Subject Address:</u></b>	<b><u>Proposal:</u></b>	<b><u>Page No.</u></b>
2013-95	31-35 Watson Street, Shepparton	Five (5) Lot Subdivision	3

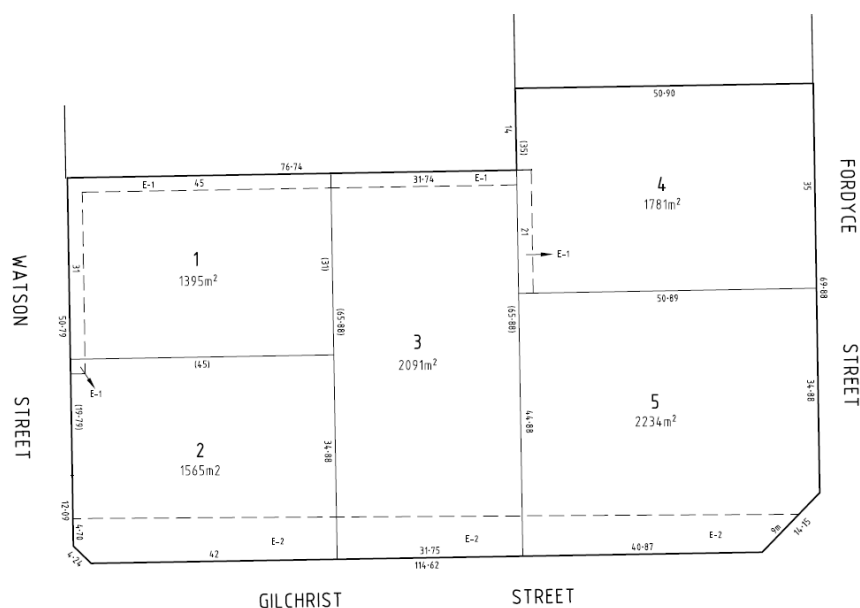
## Application Details:

Responsible Officer:	Tim Watson
Application Number:	2013-95
Applicants Name:	Warburton National Investments Pty Ltd
Date Application Received:	12 April 2013
Statutory Days:	
Land/Address:	31-35 Watson Street SHEPPARTON VIC 3630
Zoning and Overlays:	Business 4 Zone No planning overlays
Why is a permit required (include Permit Triggers):	34.04-3 – subdivision in the Business 4 Zone
Are there any Restrictive Covenants on the title?	no

## Proposal

The application for a planning permit proposes the subdivision of the land identified as 31-35 Watson Street, Shepparton into 5 allotments.

The subdivision proposes two allotments to front both Watson and Fordyce Streets and one allotment to front Gilchrist street, as shown below:



No development of the land is proposed at this stage. The development of the proposed allotments would require separate planning approvals.

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## Summary of Key Issues

- Planning permit application proposes five lot subdivision in the Business 4 Zone.
  - Application was advertised to surrounding properties, with one objection received.
  - Application was referred to Goulburn Valley Water, Powercor and the APA group, none of whom objected to the issue of a permit subject to conditions.
  - The application was referred internally to the Council's Development Engineers, who do not object to the issue of a permit subject to conditions.
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## Moved by Colin Kalms and Seconded by Braydon Aitken

That Council having caused notice of Planning Application No. **2013-95** to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of **34.04-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **31-35 Watson Street SHEPPARTON VIC 3630**, for the **Five lot subdivision in the Business 4 Zone** in accordance with the Notice of Decision and the endorsed plans, with the following changes to the Draft Notice of Decision conditions:

### Condition 3. Detailed Construction Plan.

The words 'road, drainage or landscaping' to be removed. The first line to read 'Before any works associated with the development.....'.

### Condition 3 a) Detailed Construction Plan.

This condition to be removed.

### Condition 3 b) Detailed Construction Plan.

to read: Concrete footpaths on Fordyce Street

### Condition 5. Prior to Commencement of Construction.

The words 'road/drainage' to be removed. The first line to read 'Before the commencement of any works associated with the subdivision'.

### Condition 10. Landscape Plan

This condition to be removed

#### **Condition 11 a). Section 173 Agreement**

This condition to be amended to read.

Before the commencement of any building or works on each lot on the plan of subdivision approved by planning permit 2013-95, the applicant must submit to the council for endorsement drainage discharge plans incorporating Water Sensitive Urban Design in accordance with the Council's Infrastructure Design Manual.

#### **Condition 11 c). Section 173 Agreement**

This condition to be added.

The vegetation buffer must be retained on the southern boundary of lots 2, 3 and 5 unless otherwise agreed to in writing with the responsible authority, until development commences on lots 2,3 and 5 on the Plan of Subdivision.

#### **Condition 11 d). Section 173 Agreement**

This condition to be added.

Vehicle crossovers must be constructed for each lot and removal of redundant crossings prior to the occupation or use of any of the lots approved by the Plan of Subdivision.

#### **Condition 11 e). Section 173 Agreement**

This condition to be added.

Street trees must be provided at the front of the allotments prior to the occupation or use of any of the lots approved by the Plan of Subdivision.

## **CARRIED**

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### **Subject Site & Locality**

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

Date: **16/4/13**

Time: **10:20** am

The site has a total area of **9066** square metres and currently contains:

- Existing buildings used by the current site occupier Midland Concrete Pipes which mainly located in the western portion of the property. The business has not notified the Council that it will be leaving the site, as part of this application process.
- The eastern part of the site is used for the storage of the pipes and is mostly vacant of any buildings.

- Access to the site is provided by two crossovers both located on the western boundary with access to Watson Street.
- An existing tree buffer is located along the southern boundary of the site.



The main site/locality characteristics are:

- The land to the north, east and west is zoned Business 4, with the adjacent land to the south zoned Residential 1 and used accordingly.
- The land to the north with access onto Watson Street is used by an auto repairs business with significant car parking provided at the front of the site.
- The land to the north of the site with access on to Fordyce Street is used as a Boral concrete depot. with batching occurring onsite.
- The land adjacent to the property's eastern boundary is used as the Shepparton Transit depot.
- The land to the south east of the site is zoned Residential 1, but is yet to be developed for conventional residential allotments.
- The adjacent land to the south is zoned Residential 1 and used accordingly, with dwellings having access onto Gilchrist Street.
- The land to the west zoned Business 4 is used for general trade sheds including refrigeration repairs.





The Photos below show the existing site:



Eastern boundary of the land looking north.



Western boundary of the land looking north.

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## Permit/Site History

The history of the site includes:

- Planning permit 1996-612 – shed extension
- Planning permit 2048 issued by Shepparton City Council on 5/7/88 - shed

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## Further Information

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

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## Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.

## Objections

The Council has received 1 objection to date. The key issues that were raised in the objections are.

- The creation of an access from the proposed subdivision onto Gilchrist Street for proposed lot 3. This access will increase the number of commercial vehicles using the street which abuts residential properties.
- The tree buffer along the southern boundary of the land will need to be partly removed to allow access to proposed lot 3 and a building frontage. The removal of this buffer would detrimentally affect the current streetscape.
- The removal of the tree buffer would devalue the residential allotments abutting Gilchrist street adjacent the land southern boundary.

The planning officer's response to the matters identified with the objection are addressed in the table below.

Objection	Officer's Response
Creation of access onto Gilchrist Street would increase commercial traffic on street which services residential properties	The street as identified adjoins a Residential 1 Zone and Business 4 Zone. A solely residential character can therefore not be guaranteed.
Commercial buildings constructed fronting Gilchrist Street would require the vegetation buffer to be removed resulting in detriment to adjacent residential properties.	The subject land is zoned Business 4 and given that the site is on the interface of two zones between business and residential, the occupants of the residential zone should not expect a perfect level of amenity. Given the large road frontage and the business zoning there was always the possibility that an entrance for commercial purposes would be created onto Gilchrist Street.
The appearance of a commercial building with signage would detrimentally affect the current streetscape.	This application is for subdivision only and the future appearance of buildings and related signage will be addressed under individual planning permits at a later date.
The loss of the vegetation buffer would devalue the land on Gilchrist street.	It is well established in planning, that property devaluation is not a valid ground of objection. With respect to the devaluation of abutting land due to a proposed development Cimino cited in <i>Eckhardt v Monash CC (2006) VCAT 1047</i> "if adjoining land is devalued because of detriment to its

	<i>amenity that is considered in relation to town planning, not the resulting devaluation (in relation to which there is seldom, if ever, any evidence in any event)".</i>
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## Title Details

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

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## Consultation

Consultation was not undertaken.

- The Council officer did not envisage that the objectors concerns would be able to be resolved through any mediation, with the applicant stating that they wished to maintain lot 3 with an entrance onto Gilchrist Street. The council officer has sought to retain the vegetation buffer where possible, however as identified in the assessment of the application under zone, the application achieves an acceptable planning outcome.
- The applicant was provided with a draft copy of the Notice of Decision for comment.

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## Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	<p>The application for a planning permit was referred to Powercor, Goulburn Valley Water and the APA Group, none of whom object subject to the following conditions:</p> <p><u>Powercor</u></p> <p>a) 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.</p> <p>b) The applicant shall:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.</li> <li>• Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.</li> <li>• Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.</li> </ul>

	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Obtain for use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.</li> <li>• Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.</li> </ul> <p><u>Goulburn Valley Water</u></p> <ol style="list-style-type: none"> <li>a) Payment of a new customer contribution for water supply to the development, such amount being determined by the Corporation at the time of payment;</li> <li>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;</li> <li>c) Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment;</li> <li>d) Provision of reticulated sewerage and associated construction works to lots 2 - 5 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;</li> <li>e) Provision of easements in favour of Goulburn Valley Region Water Corporation over all existing and proposed sewer main located within private property</li> <li>f) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;</li> <li>g) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the <i>Subdivision Act, 1988</i>.</li> </ol> <p><u>APA</u>  No conditions were provided from the APA Group.</p>
Section 52 Notices	The application for a planning permit was not notified to any authorities.

Internal Council Notices	Advice/Response/Conditions
Development Engineers	The application was referred internally to the Council's Development Engineers, who do not object to the issue of a permit subject to standard civil construction and drainage conditions being included on the permit.
Nil	Nil

## Assessment

### The zoning of the land

Business 4 Zone 34.04

The purpose of the zone is to encourage the development of a mix of bulky goods retailing and manufacturing industry and their associated business services.

A planning permit was required pursuant to Clause 34.04-3 for subdivision in the Business 4 Zone.

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- The interface with adjoining zones, especially the relationship with residential areas.

### Response

The State and Local Planning Policy frameworks are addressed under the specific sub-sections of this report.

The proposed subdivision of the land into five allotments will accommodate the intended use of the Business 4 Zone for retail and light industry as opposed to the current use of the large allotment for industrial purposes. This transition to five smaller allotments will reflect positively on potential amenity impacts in the locality as opposed to businesses likely to operate from the current large site.

There are no significant identifiable natural or cultural values located on or near the land.

The subject land abuts three streets with the proposed subdivision to provide two access points onto both Watson and Fordyce Streets and one onto Gilchrist Street. As identified through site inspections and in the surrounding land description both Watson and Fordyce

Streets have a commercial/Industrial character. The proposed subdivision and works required are not envisaged to result in any detriment to the streetscape character of these streets.

Gilchrist Street being used for conventional residential on the south and Industrial on the North with a significant established vegetation buffer providing a screen has a mixed character. The subdivision will require that part of the vegetation buffer be removed to allow for access to proposed lot 3, hence altering the streetscape and its character. The proposed subdivision will encourage the use of the land by less detrimental uses through the division into smaller allotment less likely to attract or retain industrial manufacturing businesses (eg. Concrete pipe manufacturing or cement batching). Though a residential streetscape character is desirable within the Residential 1 Zone, land owners on land adjacent land to a Business 4 Zone should expect commercial based uses and the character that is attributed to this.

The applicant will be required to provide street trees where applicable, with onsite landscaping to be provided once each site is developed under individual planning permits. A condition of the planning permit will require that the existing landscape buffer on the southern boundaries of 2 and 5 be maintained.

The subdivision allotment design has sought to reduce the impact of the proposed lots on the Residential 1 Zoned land to the south with the location of only one allotment provided with no opportunity but to provide an access onto Gilchrist Street. Any future development of the lots abutting Gilchrist Street will require planning permissions, which would not be exempt from notice under the Business 4 Zone or proposed Commercial 2 Zone. The applicant will be required to retain the existing vegetation buffer on the southern boundaries of the allotments not provided with access onto Gilchrist Street. Any interface treatments of buildings and in particular how proposed lot 3 is to be developed and used will be addressed under the use and development permits for the land.

#### **Relevant overlay provisions**

The Subject land is not affected by any planning overlays.

#### **The State Planning Policy Framework (SPPF)**

There are no relevant State Planning policies that relate to this application.

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

Manufacturing and Freight 21.06

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Objectives and strategies of the clause include:

- To sustain a growing and diverse industrial base; and
- To protect the existing industrial base in urban areas of Shepparton, Mooroopna and Tatura.

The proposed subdivision seeks to provide smaller allotments to allow for commercial and industrial use on a variety of lot sizes.

### **Relevant Particular Provisions**

#### Clause 52.01 – Open Space

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To achieve compliance with clause 52.01 the applicant should pay 5% of the land valuation of the land. A condition will be included on the permit which requires the appropriate contribution.

### **The decision guidelines of Clause 65**

#### Decision Guidelines 65.01

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

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



- The functions of anybody corporate.
- The availability and provision of utility services, including water, sewage, drainage, electricity and gas.

### Response

The proposed subdivision is considered suitable for the land and zone with smaller allotments better able to provide for the zones purpose of providing land for bulky good retailers and industry. It is envisaged that the proposed allotments would be likely used for bulky good retailers or service industries given the nature of the surrounding land. Uses would also be governed by the close proximity of residential zoned land, likely to prevent detrimental industrial uses.

The majority of the surrounding business zoned land is currently occupied and should the existing use vacate the site, it is not envisaged that with the proposed smaller allotments large industrial uses will locate on this land.

A section 173 Agreement will be required to be entered into should a permit grant which requires that drainage plans and works in accordance with those plans is carried out to the development of each lot. As advised where possible the landscaping buffer on the southern boundary of the land will be required to be retained. The density of the proposed allotments follows the existing sizes of the surrounding business zoned land.

No additional roads are planned as part of this subdivision, with proposed allotments to be provided with access onto existing roads. The subdivision is not proposed to be staged. No additional development of the site is proposed other than what the subdivision requires, therefore buildings, off-street parking has not been considered. No common property is proposed to be included within this subdivision. Services to the allotment will be provided to the satisfaction of the relevant authorities through the certification process, should a permit grant.

#### **Relevant incorporated or reference documents**

There are no relevant incorporated or reference documents that relate to this application.

#### **Other relevant adopted State policies or strategies policies**

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

#### **Relevant Planning Scheme amendments**

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

#### **Are there any significant social & economic effects?**

There are no relevant significant social or economic effects that relate to this application.

#### **Discuss any other relevant Acts that relate to the application?**

Subdivision Act 1988

## **Conclusion**

Through the subdivision and location of the land, the proposed allotments are more likely to attract small scale industry and warehousing as opposed to intensive industries resulting in less detrimental uses on the land adjacent to a Residential 1 Zone.

The occupants of the Residential 1 Zone adjacent to the subject land should not expect the same level of amenity as streets zoned solely for residential purposes. Given that the land is zoned Business 4 there is the expectation that it could be used for light industries and retail uses and any buildings and works that are required.

For the above reasons the proposed subdivision of land into five allotments is considered to achieve an acceptable planning outcome and it is recommended that the Notice of Decision be granted by the Development Hearings Panel.

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# Draft Notice Of Decision

**APPLICATION NO:** 2013-95

**PLANNING SCHEME:** GREATER SHEPPARTON PLANNING SCHEME

**RESPONSIBLE AUTHORITY:** GREATER SHEPPARTON CITY COUNCIL

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.**

**THE PERMIT HAS NOT BEEN ISSUED.**

**ADDRESS OF THE LAND:** 31-35 WATSON STREET SHEPPARTON  
VIC 3630

**WHAT THE PERMIT WILL ALLOW:** FIVE LOT SUBDIVISION

## **WHAT WILL THE CONDITIONS OF THE PERMIT BE?**

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**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. Construction Phase**

- a) Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority.
- b) During the construction of buildings and/or 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, to the satisfaction of the responsible authority.
- c) 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.

**3. 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 include:

- a) Vehicle crossing to each lot and removal of redundant vehicle crossings;

- b) Concrete footpaths on Watson and Fordyce Streets;
- c) Silt and erosion control measures; and
- d) Site grading.

All civil and landscaping works must be constructed in accordance with the endorsed plans.

#### **4. 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 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) Civil works in accordance with the approved civil construction plans;
- b) Vehicular crossings;
- c) Footpaths;
- d) Street trees;
- e) Landscaping works in accordance with the approved landscape plans;
- f) Underground conduits for water, gas, electricity and telephone to the satisfaction of the responsible authority.

#### **Supervision Fees**

Before Statement of Compliance the owner must make a payment comprising 2.5% of the value of the works, must be paid to the responsible authority, being the costs of the Responsible Authority in supervising the works on the land.

#### **Plan Checking Fee**

Before Statement of Compliance the owner must make a payment comprising 0.75% of the value of the documented works must be paid to the Responsible Authority, for the checking of the engineering design of the works.

#### **5. Prior to Commencement of Construction**

Before the commencement of any road/drainage works associated with 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.

**6. 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.

**7. Provision of Services Underground**

All reticulated services including telecommunications infrastructure shall be undergrounded. Where possible all services are to be provided within common trenches.

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

Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all land in the subdivision.

The owner must advise the 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.

**9. Council Assets**

Unless identified in written report, any damage to public infrastructure adjacent to the land at the conclusion of construction on the land will be attributed to the land. The owner/operator of the land must pay for any damage to the Council's assets/Public infrastructure by way of the development or use.

**10. Landscape Plan**

Prior to certification of the plan of subdivision, 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 and three copies must be provided. The landscaping plan must be generally in accordance with the landscape master plan, the Greater Shepparton Street Tree Master Plan and the Greater Shepparton Tree Technical Manual as revised from time to time and show;

- a) A schedule of species of trees to be installed;
- b) A 2 metre wide landscape buffer on the southern boundary of lots proposed lot 2 and 5 to comprise the existing vegetation, new vegetation or a mixed of both; and
- c) Street trees.

to the satisfaction of the responsible authority.

Before the issue of statement of compliance, the street trees must be planted as shown on the endorsed plans, except for the landscape buffer which must be planted before statement of compliance.

#### 11. **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 that:

- a) **Before the commencement of any building or works on each lot on the plan of subdivision, the applicant must submit to the council for endorsement drainage discharge plans incorporating Water Sensitive Urban Design in accordance with the Council's Infrastructure Design Manual.**
- b) **Before use or occupation of each site the drainage works as shown on the approved drainage plan must be constructed to the satisfaction of the Responsible Authority.**

The said agreement is to be prepared by the Council. The 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. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

#### 12. **Powercor Requirements**

- a) 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.
- b) The applicant shall:
  - 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.
  - Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
  - Any buildings must comply with the clearances required by the Electricity Safety

(Network Assets) Regulations.

- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- 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.
- 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.
- Obtain for use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

**13. Goulburn Valley Region Water Corporation Requirements**

- a) Payment of a new customer contribution 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;
- c) Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- d) Provision of reticulated sewerage and associated construction works to lots 2 - 5 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;
- e) Provision of easements in favour of Goulburn Valley Region Water Corporation over all existing and proposed sewer main located within private property
- f) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction

of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;

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

#### **14. 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.

#### **15. 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.



writing before the permit expires or within three (3) months afterwards. Prior to approval being given for the extension of these periods the Responsible Authority may require the re-submission of Plans, Computations and other relevant information to assess compliance with current requirements, Acts and Regulations, Codes of Practice and Australian Standards, as may be relevant.

Meeting closed at 10.43AM