

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No.07/2015

**HELD ON
WEDNESDAY 22 JULY 2015
AT 2.00PM**

**IN THE COUNCIL BOARDROOM
90 WELSFORD STREET**

**CHAIR
Councillor Dinny Adem**

1. 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”.

2. RECORDING OF PROCEEDINGS

The Chairperson advised the hearing that:

- the proceeding is being minuted but not recorded.
- that out of courtesy for all other attendees Any recording devices should be turned off during the course of the hearing, unless the Chair has been formally advised that a party wishes to record proceedings.

3. COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Dinny Adem (Chair),
- Johann Rajaratnam – Director Sustainable Development,
- Colin Kalms – Manager Planning,
- Ian Boyle – Team Leader Strategic Planning

4. OFFICERS AND OTHERS PRESENT

The Planning Officers present today are:

- Sarah Van Meurs – Graduate Statutory Planner
- Ronan Murphy – Senior Statutory Planner

5. APOLOGIES

Jonathan Griffin – Panel Member

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved by Johann Rajaratnam, and seconded by Colin Kalms that the minutes of the meeting held on 3 June 2015 be adopted.

Carried

7. DECLARATIONS OF CONFLICTS OF INTEREST

None

8. MATTERS FOR CONSIDERATION

There are two items formally listed for consideration today:

- Item 1 - Planning permit application 2015-218 for the use and development of land for a dwelling and group accommodation at 370 Quarry-Dookie Road, Dookie.

- Item 2- Planning permit application 2015-88 for the development of land for four dwellings and a four lot subdivision at 5 Lightfoot Street, Shepparton.

Originally there was a third application listed to be heard however this matter has been withdrawn from the hearing to allow for traffic related matters to be resolved.

10. LATE REPORTS

None

11. NEXT MEETING

Wednesday 5 August 2015

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<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2015-218	370 Quarry-Dookie Road, Dookie	Use and development of land for a dwelling and group accommodation in the Farming Zone 1	3
2015-88	5 Lightfoot Street, Shepparton	Development of Land for 4 Dwellings and a 4 Lot Subdivision in the Residential Growth Zone	34

Application Details:

Responsible Officer:	Sarah Van Meurs
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Application Number:	2015-218
Applicant Name:	M G Briggs
Date Received:	04-Jun-2015
Statutory Days:	23 on 10/7/2015

Land/Address:	370 Quarry-Dookie Road DOOKIE VIC 3646
Zoning & Overlays:	Farming Zone 1 Salinity Management Overlay
Why is a permit required (include Permit Triggers):	35.07-1 and 35.07-4 Use and development of land for a dwelling and group accommodation
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No

Proposal

The application proposes the use and development of a dwelling, accommodation and a shed. The proposed accommodation consists of a single dwelling located approximately 90m from the proposed dwelling and is to be used for self-contained accommodation purposes.

The proposed dwelling is to be located on western side of the top of the hill and self-contained dwelling to be used for accommodation purposes near the bottom of the hill on the western side as follows:



The subject land is in the Farming Zone 1 with a small portion of land is in the Salinity Management Overlay to the south east of the land. No works are proposed within the SMO.

The subject land is approximately 23.9 hectares. A planning permit is required for the use and development of the land for a dwelling on a lot less than 60 hectares. A permit is also required for the use and development of the land for group accommodation.

The applicant has submitted that as the site was once used as a quarry and contains backfill rocky soil and heavy vegetation that it would not be suitable for agricultural uses, and therefore would be more suitable for a dwelling and accommodation.

The applicant has stated that they intend to have some sheep, a vegetable garden and fruit trees, however this is not considered to be an agricultural activity in its own right, rather this would be considered more of a lifestyle activity.

Whilst the applicant has provided a written statement addressing some of the local planning policy and farming zone decision guidelines, the information does not provide adequate response in relation to impacts on surrounding agricultural land uses and justification for a dwelling and accommodation in the Farming Zone.

The State Planning Policy references the importance of the Hume Regional Growth Plan, which stresses the importance of agricultural land within the municipality, identifying the Shepparton area as one of strategic agricultural importance.

The Greater Shepparton City Council's Local Planning Policy is clear in the direction it provides for decision makers when assessing an application for a dwelling in the Farming Zone. The Local Planning Policy states that the development of isolated dwellings in rural areas have the potential to disrupt agricultural activities. The objectives seek to discourage new dwellings unless it can be demonstrated that they are required for the agricultural use of the land and to avoid potential amenity impacts between rural activities and dwellings in rural areas.

The importance of protecting agricultural land is evident through both the State's acknowledgment of the municipality as an area of strategic agricultural importance and Council's clear and strong policy regarding dwellings and tourism in the Farming Zone. The facts surrounding the proposed use and development do not warrant a departure from the strong policy position that plainly discourages dwellings not required for an agricultural use on the subject land.

The small size of the allotment, the limited justification against the relevant decision guidelines of the planning scheme and result of a rural living outcome and tourism use in an agricultural area, result in a recommendation for the refusal of this application.

Summary of Key Issues

- The application for a planning permit proposes the use and development of the land for a dwelling and group accommodation in the Farming Zone 1 where the minimum lot size for a dwelling as of right is 60 hectares. The subject land is 23.9 hectares. Group accommodation is listed as a section 2 use in the Farming Zone 1
- The application was notified to surrounding neighbours with four objections received by the Planning Department. The objections raised concern in relation to impact of neighbouring farming and quarrying activities.
- The application was internally referred to Councils Engineering and Health Department who both did not object subject to conditions being included on the permit.
- The applicant has stated that they are not proposing to use the land for agriculture.
- The Council's Policy is clear with its direction for the Farming Zone 1 and when dwellings should be considered to support agricultural uses.
- The policy directs that a dwelling should be discouraged where it cannot be demonstrated that it will support an agricultural use.

- The neighbouring property holds an extractive industry works authority licence. The proposed dwelling is considered to be within the 500 buffer required by the EPA to operate this use, and therefore would significantly impact on the licence that is currently held.

Recommendation

Refusal

That the Council having caused notice of Planning Application No. **2015-218** 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* decides to refuse to Grant a Permit under the provisions of **35.07-1 and 35.07-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **370 Quarry-Dookie Road DOOKIE VIC 3646**, for the **Use and development of land for a dwelling and group accommodation in the Farming Zone 1**.

Reasons for the refusal:

- The proposed use and development of the land for a dwelling on the subject land of 16.5 hectares does not provide an acceptable outcome or a net community benefit in terms of the State and Local Planning Policy Frameworks and purpose and decision guidelines of the Farming Zone in regard to Agriculture, and:
 - Is likely to impact on the continuation of primary production now or into the future on adjacent land, with particular regard to land values;
 - Removes land from agricultural production, and has the potential to limit the use of adjacent land;
 - Creates a rural living and tourism situation which could create conflict between the on-going farming activities within the locality;
 - Creates a sensitive use within the 500m buffer area required for neighbouring extractive industry.

Moved by Colin Kalms

Seconded by Johann Rajaratnam

That the Council having caused notice of Planning Application No. **2015-218** 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* decides to refuse to Grant a Permit under the provisions of **35.07-1 and 35.07-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **370 Quarry-Dookie Road DOOKIE VIC 3646**, for the **Use and development of land for a dwelling and group accommodation in the Farming Zone 1**.

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 - Creates a sensitive use within the 500m buffer area required for neighbouring extractive industry.

CARRIED

Subject Site & Locality

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

Date: **24 June 2015** Time: **2:00** pm

The site has a total area of approximately **23.9 hectares** and currently contains:

- Grazing land to the north and west of the site,
- Sloping hill, which has been quarried in the past. This area is heavily vegetated as a result of remnant and re-planted vegetation.

The main site/locality characteristics are:

- Surrounding land immediately to the north and west used for cropping.
- Land immediately to the east and south contains part of the hill of which was used for quarrying. Land to the south currently holds a work authority licence. Much of the hill and land to the east is vegetated.
- It is evident that the surrounding land uses are predominately agricultural cropping, with some associated dwelling and patches of vegetation.



The Photos below show the existing site:



Looking east from Quarry-Dookie Road at the subject land (vegetated uncropped land in the distance)



Looking at the proposed crossover area to the north west corner of the site.



Looking south west at the subject land from the north-west corner of the site. Proposed dwelling to be located on the top of the hill and accommodation to be located half way down the hill before the clearing.



Looking east along Quarry-Dookie Road in front of the property.



Looking west along Quarry-Dookie Road, along the front of the adjacent land to the west.



Looking north west from the proposed dwelling location.



Looking north from the proposed dwelling location



Looking south west from the dwelling location.



Looking east from the dwelling location.



Looking north from the dwelling site.



Looking south from the accommodation location.



Looking west from the dwelling location.

Pre-Application Meeting Details

Has there been a pre-application meeting ? **Yes**

If yes with Whom? **Braydon Aitken**

Date of Meeting? **Various**

What advice was given by the Council Officer? **Planning permit required and unlikely to be supported by planning department.**

Permit/Site History

There is no relevant planning permit history for the site.

Further Information

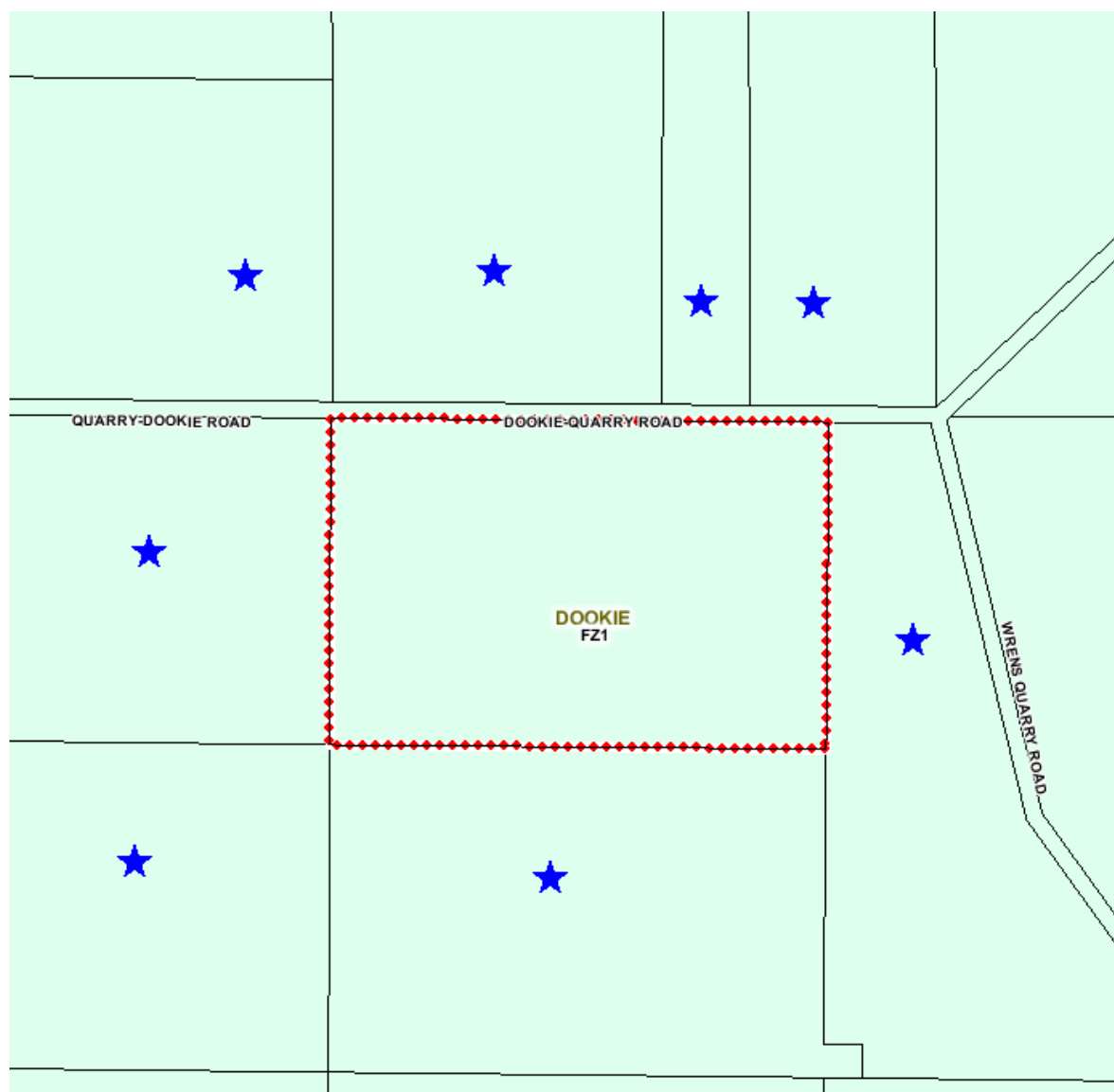
Is further information required for the application? **No**

Public Notification

The application will be advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **use and development of the land for a dwelling and group accommodation in the Farming Zone 1**, by:

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

Plan for advertising:



Objections

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

Reason for objection	Officers response
<p>Impacts of existing neighbouring farming practices including:</p> <ul style="list-style-type: none"> • Chemical sprays • Burning off stubbles • Operation of large/heavy machinery • Dust <p>Requires 24 hour operation to allow farmers to undertake farming practices when conditions are suitable (in particular wind strength and direction).</p>	<p>The planning department consider that the proposed use of a dwelling and accommodation could potentially impact on neighbouring farming practices.</p> <p>The farming zone is considered to be a working zone and dwellings and tourism not related to agriculture have the potential to create conflict issues between farming and non-farming residential uses.</p>
<p>Placement of the proposed crossover impacting on access for neighbouring property, particularly causing flood impacts on the entrance to neighbouring property.</p>	<p>Should a permit grant, it is recommended a condition be placed on permit that will require appropriate, mitigation measures to ensure that the neighbouring property would not be adversely affected by the proposed new access.</p>
<p>Within the EPA's recommended buffer distance for Industrial Residual Air Emissions.</p> <p>An Extractive Industry Work Authority licence is held for adjoining parcel to the south of the land. The permit allows blasting to be carried out on the site. The retention of a 500m buffer from sensitive uses is required to satisfy performance standards</p> <ul style="list-style-type: none"> • Noise • Dust • Vibration • Blasting <p>Currently in a 'care and maintenance' phase the intention is to re-activate the site.</p>	<p>It is noted that if a dwelling and accommodation was allowed that this would impact on the continued use of the neighbouring land for quarrying.</p> <p>The EPA recommended separation distances for industrial residual air emissions (March 2013) have been considered and the minimum separation distance for a residual air emissions for a quarry for blasting and sensitive land use is 500m.</p> <p>The proposed dwelling and accommodation is within the 500m buffer area.</p> <p>The introduction of a sensitive use within this area has the potential to impact on the future operation of the quarry.</p>
<p>Potential for residents or patrons staying in the accommodation to go for a walk and fall from high cliffs on adjoining lands caused by quarrying.</p>	<p>While the safety of the patrons is of concern, offsite safety is not something that is pertinent to the consideration to this application.</p>

Title Details

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

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Pre-application correspondence.
 - Meeting onsite with applicant to discuss proposal and view the proposed locations for the development.
 - Correspondence with applicant and objectors regarding permit application process.
-

Referrals

External Referrals Required by the Planning Scheme:

Section 55 – Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
N/A	N/A	N/A	N/A

Notice to Authorities

External Notice to Authorities:

Section 52 – Notice Authority	Advice/Response/Conditions
N/A	N/A

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>The councils Engineering Department did not object to the proposal subject to the following conditions:</p> <p><u>Rural Drainage – Works</u></p> <p>Before the use begins and/or the building(s) is/are occupied all stormwater and surface water drainage from the land, buildings and works must be retained on-site and/or connected to the legal point of discharge to the satisfaction of the Responsible Authority/Goulburn Murray Water. Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.</p> <p><u>Rural Vehicle Crossing Location</u></p> <p>Before the use begins and/or the building(s) is/are occupied the vehicle crossings providing access to the land must be constructed at a location and of dimensions and standard to the satisfaction of the responsible authority. Vehicle crossing(s) must be constructed at the owner's expense.</p> <p>The vehicle crossing must be no less than 4.9 metres in length and include a pipe of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of (375) mm). Culverts located in the clear zone shall be installed with trafficable end walls (refer IDM standard drawing SD 255). The final location of the crossing is to be approved by the responsible authority via a 'Works within the Roads Reserve' (Road Opening) permit.</p>

Health Department	<p>The application was referred to the Health Department who did not object to the issuing of a planning permit subject to the following conditions:</p> <p><i>Prior to the commencement of works for the proposed dwelling the owner shall lodge with the Council an application to Install / Alter a Septic Tank System in accordance with the Environment Protection Authority Code of Practice – Onsite Wastewater Management, Publication 891.3, February 2013.</i></p> <p><i>The application to Install / Alter a Septic Tank System shall include:</i></p> <ol style="list-style-type: none"><i>1) The application form provided by the Council completed, signed and dated by the owner.</i><i>2) A floor plan of the proposed dwelling.</i><i>3) A site plan indicating the location of the effluent disposal area / reserve area.</i><i>4) The design of the effluent disposal system including instructions for installation and working drawings.</i><i>5) The current application fee.</i> <p><i>A Certificate to Use a Septic tank System must be issued prior to the Occupancy Certificate being granted.</i></p>
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Assessment

The zoning of the land

Farming Zone 1

Purpose

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

35.07-6 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

Response:

The State and Local policy framework are addressed under subsequent sections of this report.

It is considered that the subject land has the capability to dispose effluent onsite given the size of the property.

The proposed dwelling and accommodation is considered to be a sensitive land use and is not considered compatible with adjoining agricultural and quarrying land uses.

There is no existing infrastructure onsite in which the proposal is able to make use of.

Agricultural issues and the impacts from non-agricultural uses

- *Whether the use or development will support and enhance agricultural production.*
- *Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use.*
- *The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*
- *Any integrated land management plan prepared for the site.*

No agricultural use is proposed. The use of the land will not provide any support or enhance agricultural production in the area.

It is considered that some of the site may already be lost to agricultural uses due to the condition of the land. However allowing a sensitive use on a small allotment in the Farming Zone 1 has the potential to limit the operation of adjoining and nearby agricultural uses and is therefore discouraged.

The proposed development is not envisaged to result in impact on the agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Dwelling issues

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

The use of a dwelling and accommodation on the land could potentially be adversely affected by the surrounding agricultural and uses, in particular impacts caused by neighbouring farms would include generation of dust, noise spraying chemicals, odour, farm machinery and hours of operation. Surrounding land to the north south and west are all used for broad acre cropping, of which are known to cause the above amity impacts.

If the proposed dwelling and accommodation was to be allowed it would set a precedent for this type of development in the Farming Zone 1 and could lead to proliferation of dwellings in the area which would dramatically impact on the surrounding agricultural uses.

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

The site was once used as a quarry. The applicant supplied written confirmation that the site had been successfully rehabilitated from a representative of the Department of Economic Development, Jobs, Transport and Resources.

The application does not propose the removal of any native vegetation. It is noted that the proposed dwelling and accommodation is proposed to be located within a heavily treed/bushland area. It is likely that as a result of the proposed new use and development of the land there would be some impact on the biodiversity of the re-vegetated area.

Any removal of the native vegetation would require further planning permit approval.

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

Response:

It is considered the siting of the dwelling would visually impact on the amenity of the area as it is to be located at the top of the hill and would be able to be seen from around the locality. It is considered that this will impact on the vista to the hill and vegetated landscape.

The subject land is not connected to gas, water, or electricity. The site is accessible via a gravel government road.

Relevant overlay provisions

The subject land is within the Salinity Management Overlay. The building and works are not located within the area of the SMO.

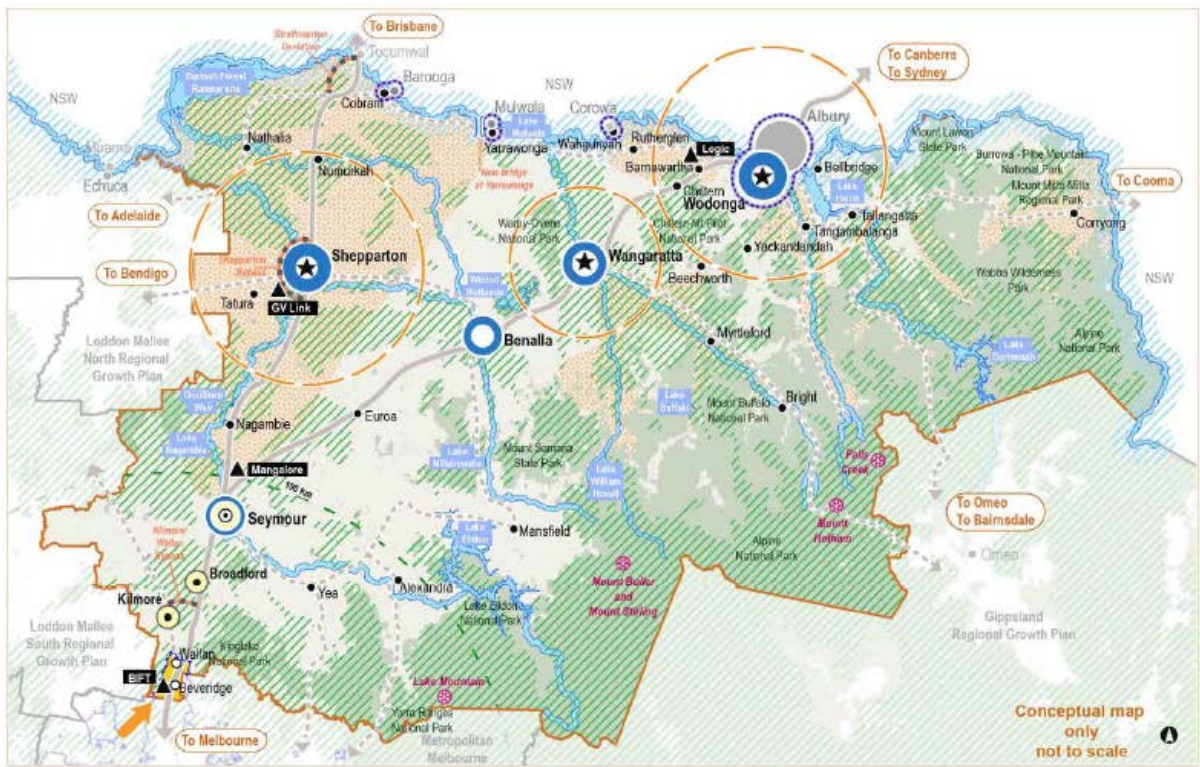
The State Planning Policy Framework (SPPF)

11.10-1 A diversified economy

Relevant Strategy

- *Avoid encroachment from rural residential settlement and other land uses that are non-complementary to agriculture in areas identified as strategic agricultural land and direct proposals for settlement to existing centres and townships.*

The Hume Regional Growth Plan as per below identifies the land within the Strategic Agricultural land and therefore uses non-complementary to the agricultural area such as a dwelling and accommodation unrelated to agriculture should not be supported within this area.



SETTLEMENT NETWORK

- Major growth location
- Medium to high growth location
- Significant change location
- Designated identified growth centre in Plan Melbourne (1)
- Locations identified as 'Regional Cities' in a statewide context

(1) Plan Melbourne (Chapter 6 – State of Cities) identifies Broadford, Kilmore and Seymour as peri-urban towns with potential to attract housing and population growth out of Melbourne

OTHER KEY URBAN SETTLEMENTS

- Cross-border settlements
- Support growth in these urban locations, and lifestyle opportunities
- Towns and areas in the Hume Region within Melbourne's Urban Growth Boundary
- Settlements external to the region

URBAN GROWTH AND HINTERLAND INFLUENCE

- Hinterland influence
- Areas within 100 km of central Melbourne

CONNECTIVITY

- National transport corridor (road and rail)
- Other major transport link
- Improved future transport link
- Freight and logistics precinct
- Melbourne metropolitan growth into the Hume Region

ECONOMIC DEVELOPMENT

- Strategic agricultural land

ENVIRONMENT

- Alpine resort
- Areas containing high value terrestrial habitat
- Public land
- Key water and tourism assets
- Murray River corridor

14.01-1 Protection of agricultural land

Objective

To protect productive farmland which is of strategic significance in the local or regional context.

Strategies

- *Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.*
- *Consult with the Department of Primary Industries and utilise available information to identify areas of productive agricultural land.*
- *Take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity.*
- *Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.*
- *In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:*
 - *The desirability and impacts of removing the land from primary production, given its agricultural productivity.*
 - *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
 - *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
 - *Assessment of the land capability.*
- *Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.*
- *Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.*
- *In assessing rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals (such as degradation of soil or water quality and land salinisation) which might affect productive agricultural land against the benefits of the proposals.*
- *Planning for rural land use should consider:*
 - *land capability; and*
 - *the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*

Response:

As identified in the Farming Zone assessment section of this report, the proposed dwelling and accommodation does not support any agricultural gain in the area and has the potential to impact on the surrounding agricultural activities.

The Hume Region Strategy identifies the strategic importance of agricultural land within the Shepparton and Goulburn Valley Region's economy. The proposed use and development of the land for a dwelling and accommodation on the land is not considered to provide any agricultural benefit and therefore should be discouraged.

14.03 Resource exploration and extraction

Objective

To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.

Strategies

- *Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and application of acceptable environmental practice.*
- *Provide for the long term protection of natural resources in Victoria.*
- *Planning permit applications should clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.*
- *Buffer areas between extractive activities and sensitive land uses should be determined on the following considerations:*
 - *Appropriate limits on effects can be met at the sensitive locations using practical and readily available technology.*
 - *Whether a change of land use in the vicinity of the extractive industry is proposed.*
 - *Use of land within the buffer areas is not limited by adverse effects created by the extractive activities.*
 - *Performance standards identified under the relevant legislation.*
 - *Types of activities within land zoned for public use.*
 - *Ensure uses and development within the buffer areas are compatible with uses and development adjacent to these areas.*

Response:

The neighbouring property holds a permit and work authority for the extractive industry. The EPA recommended separation distances for industrial residual air emissions (March 2013) for a quarry and sensitive land uses is a buffer of 500m. The proposed dwelling and accommodation are within the 500m buffer of the quarry. It is considered that should the proposed use be allowed it could significantly impact the future operations of the quarry.

13.04 Noise and air

13.04-1 Noise abatement

Objective

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

Strategy

Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

13.04-2 Air quality

Objective

To assist the protection and improvement of air quality.

Relevant Strategy

Ensure, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses.

Response:

Both surrounding agricultural and extractive industry land uses are likely to result in noise and air impacts such as dust, chemical spraying, machinery noise, blasting noise, on the proposed dwelling and accommodation.

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

21.06-1 Agriculture

Relevant Strategies

Discourage land uses and development in the Farming Zone, Schedule 1 that would compromise the future agricultural use of the land, including farm related tourism.

The use of the land for accommodation is unrelated to any farming practice. It is likely the use could compromise the future agricultural use of the land and surrounding land by implementing a sensitive use unrelated to agriculture.

21.06-3 Dwellings in Rural Areas

Objectives - Dwellings in Rural Areas

- *To discourage new dwellings unless it can be demonstrated that it is required for the agricultural use of the land.*
- *To ensure that new dwellings support rural activities and production and are not to meet lifestyle objectives, which may conflict with the rural use of the land.*
- *To avoid potential amenity impacts between rural activities and dwellings in rural areas.*

Strategies - Dwellings in Rural Areas

- *Discourage the establishment of dwellings not associated with or required for the agricultural use of the land.*
- *Discourage dwellings on old and inappropriate lots where amenity may be negatively impacted by farming activities, or where dwellings may inhibit rural activities.*
- *Discourage dwellings which are proposed to meet personal or financial circumstances or to create dwellings for 'rural lifestyle' purposes.*
- *Discourage the clustering of new dwellings unless they do not limit the productive use and development of surrounding land.*

Criteria

An application for a dwelling in the Farming Zone, Schedule 1 (FZ1) and Farming Zone, Schedule 2 (FZ2) should meet the following criteria:

- *The dwelling is required for the operation of the rural use of the land.*
- *The agricultural use is established on the land prior to the construction of a dwelling (or an Integrated Land Management Plan under Clause 35.07-6 in place).*
- *The dwelling is located on a lot of at least 2ha in area.*
- *The dwelling is located on a lot created after 1st January 1960.*

Response:

As identified earlier in this report the applicant has not proposed any agricultural use of the land. The applicant has merely stated that due to the soil type and vegetation that the site would not be suitable for agricultural use and therefore a dwelling and accommodation

should be supported. This justification is not considered to be sufficient reasoning to allow the use and development of a dwelling and accommodation in the Farming Zone as the policy specifically states that dwellings unrelated to agriculture should be discouraged.

Decision guidelines

When deciding an application for a dwelling, and in addition to the decision guidelines in the zone, the responsible authority will consider the following matters:

- *The relationship between the proposed dwelling and the agricultural activity on the land.*
- *Evidence including an Integrated Land Management Plan under Clause 35.07-6 (or similar) addressing the relationship between agricultural activities on the land and the proposed dwelling.*
- *The agricultural productive capacity or the agricultural potential of the land.*
- *The nature of the existing agricultural infrastructure and activity on the land and any new proposed agricultural infrastructure and activity at the land.*
- *The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.*
- *The proposed siting of the dwelling and whether it minimises impacts on existing and potential agricultural operations on nearby land.*
- *The lot size, context and physical characteristics of the land.*
- *Whether the dwelling will result in a rural living or rural residential outcome in the area.*
- *The planning history of the land.*
- *The potential for land to be consolidated with other land to enhance agricultural productivity.*
- *Whether the planning scheme identifies a 'non-agricultural' future for the land and the implications of development on future development options.*

Response:

The application for a dwelling and accommodation creates a rural living outcome and does not have any relationship to any agricultural activity.

Whilst it is acknowledged that the majority of the site may not provide potential for the land to be used for agriculture, it is considered that if a sensitive use is allowed, it could potentially impact on the productivity of the surrounding agricultural land uses and would cause visual impacts on the landscape due to the siting of the dwelling.

Relevant Particular Provisions

52.09 Stone Extraction and Extractive Industry Interest Areas

Purpose

- *To ensure that use and development of land for stone extraction does not adversely affect the environment or amenity of the area during or after extraction.*
- *To ensure that excavated areas can be appropriately rehabilitated.*
- *To ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development.*

As stated earlier in the report, a current works authority applies to the neighbouring property for the purpose of extractive industry. If the use was allowed, could impact on the neighbouring property and its future ability to operate the quarry.

The decision guidelines of Clause 65

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

65.01 Approval of an application or plan

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

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

The proposed development is not considered to meet the purpose of the zone whereby there is the potential for the dwelling and accommodation to adversely affect the use of the surrounding land for agriculture. The use and development is at variance with the direction of the State and Local Planning Policies, both of which place strong emphases on the protection of important agricultural land from non-agricultural use. The local policy is clear that dwellings should only be supported where there is a clear need for the dwelling to support the agricultural use and that the dwelling will not impact surrounding agricultural uses.

Relevant incorporated or reference documents

Rural Regional Land Use Strategy

The Rural Regional Land Use Strategy formed the Basis of Council Amendment C121, which implement the majority of the current Local Policies which address the use and development of Farming Zoned land. The document was made a reference document at the time of amendment.

The direction of the document is clear that new dwellings not required to support an agricultural use in the Farming Zone 1, should not be approved.

Other relevant adopted State policies or strategies policies

There are no other adopted state policies or strategies that relate to the application.

Relevant Planning Scheme amendments

There are no other relevant planning scheme amendments that relate to the application.

Are there any significant social & economic effects?

There are no significant social and economic effects that relate the application.

Discuss any other relevant Acts that relate to the application?

There are no other relevant Acts that relate to the application.

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Charter of Human Rights and Responsibilities

The application is not considered to impinge on the Charter of Human Rights and Responsibilities.

Conclusion

The proposal for a dwelling and accommodation which is unrelated to agriculture on a small allotment does not provide acceptable outcome when assessed against the Local Planning Policies of Clause 21.06-1 and 21.06-3 of the Greater Shepparton Scheme. These policies are clear and unambiguous in the directions they provide when assessing applications for dwellings and other uses unrelated to agriculture in the Farming Zone. Uses unrelated to agriculture, or that could potentially impact on surrounding agricultural uses are strongly discouraged. For this reasons the application for the use and development of a dwelling and accommodation in the Farming Zone 1 is not considered to be supported by the strongly weighted and specific agricultural policies of the Greater Shepparton Planning Scheme.

The proposed use and development of the land for a dwelling and accommodation on an allotment of 23.9 hectares is at variance with the policies of the Greater Shepparton Planning Scheme, and it is therefore recommended that it be refused.

DRAFT REFUSAL TO GRANT A PERMIT

APPLICATION NO: 2015-218

PLANNING SCHEME: GREATER SHEPPARTON PLANNING SCHEME

RESPONSIBLE AUTHORITY: GREATER SHEPPARTON CITY COUNCIL

ADDRESS OF THE LAND: 370 Quarry-Dookie Road DOOKIE VIC 3646

WHAT HAS BEEN REFUSED: Use and development of land for a dwelling and group accomodation in the Farming Zone 1

WHAT ARE THE REASONS FOR THE REFUSAL?

- a) The use is likely to impact on the continuation of primary production now or into the future on adjacent land, with particular regard to land values;
- b) The use removes land from agricultural production, and has the potential to limit the use of adjacent land;
- c) Creates a rural living and tourism situation which could create conflict between the on-going farming activities within the locality;
- d) Creates a sensitive use within the 500m buffer area required for neighbouring extractive industry.

Application Details:

Responsible Officer:	Ronan Murphy
Application Number:	2015-88
Applicants Name:	Sessions Builders P/L
Date Application Received:	3 March 2015
Statutory Days:	71
Land/Address:	5 Lightfoot Street SHEPPARTON VIC 3630
Zoning and Overlays:	Residential Growth Zone
Why is a permit required (include Permit Triggers):	32.07-2 Subdivision in the Residential Growth Zone 32.07-4 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings
Are there any Restrictive Covenants on the title?	Nil

Proposal

The proposal comprises of a 4 unit development and 4 lot subdivision at 5 Lightfoot Street, Shepparton.

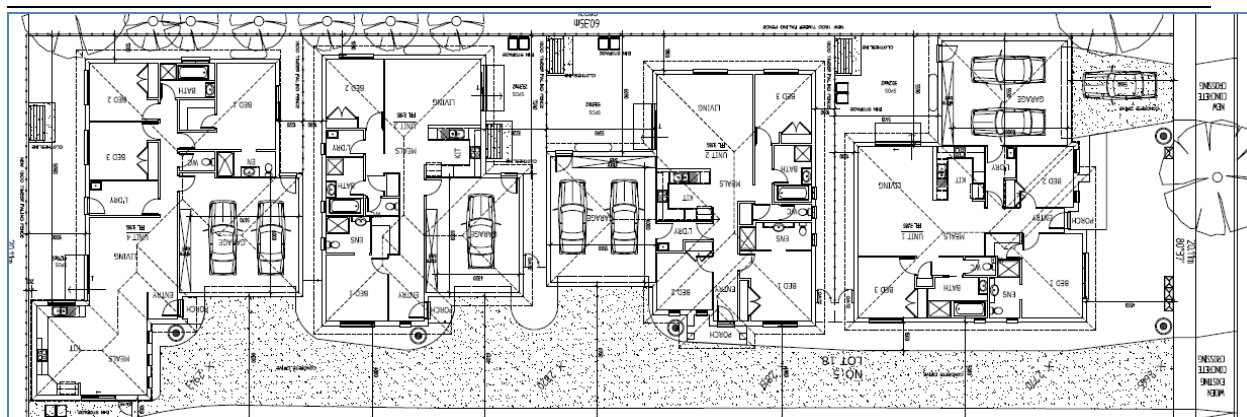
The subject land is within the Residential Growth Zone and is not affected by any overlays.

A Planning Permit is required pursuant to the provisions of Clause 32.07-2 for subdivision in the Residential Growth Zone and Clause 32.07-4 for buildings and works for more than one dwelling on a lot.

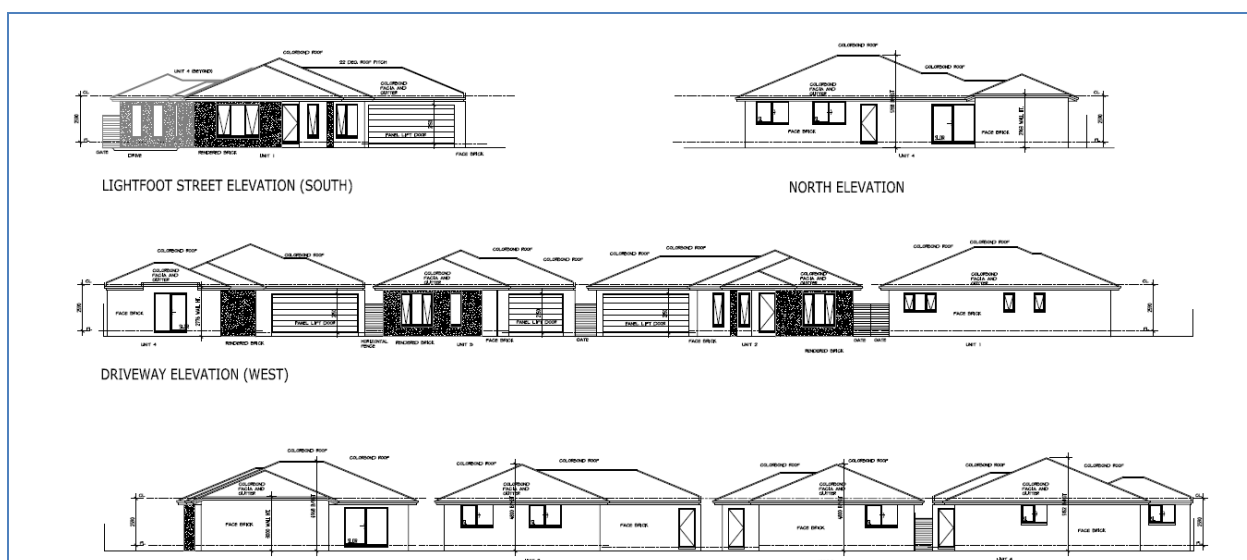
The proposal would have the following proposed lot and house sizes:

- Lot 1 would have an area of 267m²
- Lot 2 would have an area of 226m²
- Lot 3 would have an area of 183m²
- Lot 4 would have an area of 243m²

The proposal would have the following layout:



The proposal would have following appearance:



Summary of Key Issues

The proposal comprises of a 4 lot subdivision and 4 unit development at 5 Lightfoot Street, Shepparton.

The land is within the Residential Growth Zone and is not affected by any overlays.

The land is within an idea identified as a Substantial Change Area in the Housing Strategy, set out in Clause 21.04 of the Planning Scheme.

The application was referred to APA, Goulburn Valley Water and Powercor and no objections were received.

The application was internally referred to the Council's Development Engineers, who did not object to the proposal.

The application was notified to surrounding properties and by a sign on site and 2 objections were received.

In response to the objections it is considered that the proposal complies with the purpose of the Residential Growth Zone, local and state policy and with Clauses 55 and 56 of the Planning Scheme.

In terms of the height of the fence, it is noted that both the applicant and objector have agreed that a 2.2m high fence would be appropriate, the only outstanding issue regards how the increased height of the fence would be financed. This is considered to be a civil matter and not a planning issue. However a permit condition will include a requirement for the increased fence height.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2015-88** 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 **32.07-2 and 32.07-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **5 Lightfoot Street SHEPPARTON VIC 3630**, for the **4 lot unit development and 4 lot subdivision** in accordance with the Notice of Decision and the endorsed plans.

Moved by Colin Kalms

Seconded by Johann Rajaratnam

That Council having caused notice of Planning Application No. **2015-88** 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 **32.07-2 and 32.07-4** of the Greater Shepparton Planning Scheme in respect of the land known and described as **5 Lightfoot Street SHEPPARTON VIC 3630**, for the **4 lot unit development and 4 lot subdivision** in accordance with the Notice of Decision, other than to incorporate amendments to Condition 12 Fencing to clarify the required fencing heights for side and rear boundary fencing, including a 2.2m high fence on the eastern boundary at the developers expense and the endorsed plans.

CARRIED

Subject Site & Locality

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

Date: **7 July 2015** Time: **11.15** am

The site has a total area of **1,200** square metres and currently contains:

- The land is currently vacant.

The main site/locality characteristics are:

- The subject land is within a predominantly residential area to the north west of Shepparton CBD.

The Photos below show the existing site:





Permit/Site History

The history of the site includes:

There is no Planning Permit history which relates to the proposal.

Further Information

Was further information requested for this application? **YES**

What date was the further information requested?: **12/3/15**

What date was the further information received?: **15/4/15**

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.
- Placing a sign on site.

The applicant has provided a statutory declaration stating that the site was in place between 17 May and 2 June 2015.

Objections

The Council has received 2 objections to date.

Objection from the land owner at 8 Lightfoot Street

- The proposal would lead to unreasonably small units given the size of the lot.
- The distance between units 2,3 and 4 is not appropriate.
- Existing unit developments on Lightfoot have 3 units and not 4 as proposed.
- The private open space provided is not large enough. Children would have to play on the street.
- The areas for turning of vehicles within the development are not sufficient and would lead to people living in the units parking on the street.

Objection for the land owner at 7 Lightfoot Street:

- The open space for units 1,2 and 3 is located on the eastern boundary of the lot and the fence height is 1.8m given that the slab of 7 Lightfoot Street is 15 to 20mm above ground level, the proposed fence height of 1.8m is insufficient to protect amenity.
- If the fence height is increased to 2.2m the objectors would be satisfied and would withdraw their objection.

In response to the objections, it is considered that:

- The proposed development has been assessed against the provisions of both Clause 55 and 56 of the Planning Scheme and would comply with the provisions of both of the Clauses.
- The land is within the Residential Growth Zone, a purpose of the Residential Growth Zone is to encourage housing at higher densities.
- The land is identified as being within the Substantial Change Area as set out in Clause 21.04 of the Planning Scheme, which seeks to encourage increased residential densities in areas proximate to activity centres. The subject land is in proximity to Shepparton CBD.
- The secluded open space attached to each of the units complies with the standards set out in Clause 55 of the Planning Scheme.
- The Austroads template for turning circles for private vehicles notes that a radius of 6.3 metres is required for a successful turn. The proposed development provides for an area of 6.4 metres for vehicles to turn at each of the garages for units 2,3 and 4.

- A fence of 2.2 metres will be required as part of the permit to satisfy the concerns of the second objector.

Title Details

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

Consultation

Both of the objectors have been contacted.

One of the objectors would be comfortable with the development, subject to the a higher boundary fence on the eastern side of the block.

The other objector outlined fundamental issues with the number of dwellings on the lot and would be satisfied if the proposal was reduced by one unit.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
APA	No objection, no conditions
Goulburn Valley Water	<p>(a) <i>Payment of a new customer contribution for water supply to the development, such amount being determined by the Corporation at the time of payment;</i></p> <p>(b) <i>Provision of separate water services and individual water supply meters to each allotment within the development;</i></p> <p>(c) <i>Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation;</i></p> <p>(d) <i>Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment;</i></p> <p>e) <i>Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;</i></p>

Powercor	<p>(f) A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development; Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation;</p> <p>(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.</p> <ol style="list-style-type: none"> 1. The plan of subdivision submitted for certification 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. 2. The applicant shall:- <ul style="list-style-type: none"> • Provide and 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. • The applicant shall provide to Powercor Australia Ltd, a copy of the version or the plan of subdivision submitted for certification, which shows any amendments which have been required. • Any buildings must comply with clearances required by the Electricity Safety (Installations) Regulations. • Any construction works must comply with Energy Safe Victoria's "No Go Zone" rules
Section 52 Notices	Nil

Internal Council Notices	Advice/Response/Conditions
Development Engineering	<p>VEH 7 Urban Vehicle Crossing Requirements Before the Statement of Compliance is issued under the Subdivision Act 1988, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the responsible authority, and must:</p> <ol style="list-style-type: none"> a) be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel); b) be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree; c) residential vehicular crossings shall not be less than 3 metres nor more than 4.8 metres (9.8 m – double crossing) in width and shall be constructed from concrete or other material as approved in writing by the Responsible Authority; and d) be at least 9 meters apart. <p>ER 2.01 Urban Drainage - Works Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.</p> <p>SUBDIVISION CONDITIONS ER 2.04 Drainage Discharge Plan Before the plan of subdivision is certified under the Subdivision Act 1988, a drainage plan with computations prepared by a suitably qualified person to the</p>

	<p>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 an electronic copy in PDF format must be provided. The plans must be in accordance with council's Infrastructure Design Manual and include:</p> <ol style="list-style-type: none">how the land will be drained;point of discharge and independent drainage of each lot;Incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999 or as otherwise agreed to in writing by the Responsible Authority;An electronic copy of the MUSIC model (or equivalent) used to determine stormwater quality measures.a maximum discharge rate from the site of (30) l/sec/ha. <p>SU15 Construction of Works</p> <p>Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must construct and complete 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. Drainage and other civil works to be constructed must include:-</p> <ol style="list-style-type: none">vehicular crossing and access to each lot;Drainage in accordance with the endorsed Drainage Discharge plan; andProvision of stormwater treatment features or as otherwise agreed to in writing by the Responsible Authority; <p>to the satisfaction of the responsible authority.</p> <p>SU20 Subdivision Development</p> <p>Form 23</p> <p>Before a Statement of Compliance is issued under the Subdivision Act 1988 by the Responsible Authority the owner must provide a completed Form 23.</p>
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Assessment

The zoning of the land

The subject land is within the Residential Growth Zone. The purpose of the Residential Growth Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy.
- Framework, including the Municipal Strategic Statement and local planning policies.
- To provide housing at increased densities in buildings up to and including four storey buildings.
- To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.
- To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.
- To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.

A Planning permit is required pursuant to

- 32.07-2 for Subdivision in the Residential Growth Zone
- 32.07-4 for Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Clause 32.07-2 of the Planning Scheme requires a response to Clause 55 of the Planning Scheme.

The applicant has provided a response to Clause 55 of the Planning Scheme, this will be addressed under the assessment of the clause below.

Clause 32.07-5 of the Planning Scheme requires a response to Clause 56 of the Planning Scheme.

The applicant has provided a response to Clause 55 of the Planning Scheme, this will be addressed under the assessment of the clause below.

Notwithstanding the above it is noted that the purpose of the Residential Growth Zone is to encourage higher density residential developments on appropriately located land with good transport links and in proximity to activity centres.

It is noted that the subject land is located in proximity to Shepparton CBD and it is considered that the proposed development would comply with the purposes of the Residential Growth Zone.

Relevant overlay provisions

The land is not affected by any overlays.

The State Planning Policy Framework (SPPF)

11.10-3 Planning for growth

The objective of Clause 11.10-3 of the Planning Scheme is:

To focus growth and development to maximise the strengths of existing settlements.

The following strategies are set out:

- *Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta and Wodonga, and in Benalla.*
- *Facilitate and strengthen the economic role of Seymour, while supporting population growth.*
- *Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.*
- *Maintain and enhance the distinctive and valued characteristics of settlements in the region, including townships associated with early settlement and the gold rush.*
- *Support improved access to a range of employment and education opportunities, particularly in key urban locations such as Shepparton, Wangaratta, Wodonga, Benalla and Seymour.*

The proposal would comply in the following ways:

Clause 11.10-3 of the Planning Scheme seeks to consolidate existing settlements to ensure that land is sustainably used to its provide maximum efficiency.

The subject land is located in proximity to the Shepparton CBD and would support population growth at an appropriate location as specified in Clause 11.10-3 of the Planning Scheme.

Clause 16.01-1 Integrated Housing objective is to promote a housing market that meets community needs.

Strategies include:

- *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
- *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*
- *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- *Encourage housing that is both water efficient and energy efficient.*
- *Facilitate the delivery of high quality social housing to meet the needs of Victorians.*

The proposal would comply in the following ways:

- The proposal would provide for an increase of housing supply within proximity to Shepparton CBD.
- The subject land is within walking distance and is fully serviced. It is the ongoing tenet of the Planning Scheme to appropriately increase the density of lots such the subject land to provide housing on serviced lots within proximity to service centres such as Shepparton.

Clause 16.01-2 Location of residential development includes the following strategy:

- *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*

The subject land is appropriately located to provide for a development such as that proposed in this application.

The proposal seeks to provide 4 units on lot which is located in proximity to the municipalities major activity centre / employment centre. Housing proposals such as that proposed increases the viability of the CBD by increasing the population within easy walking / commuting distance of the city.

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

21.04-1

Clause 21.04-1 (urban consolidation and growth) aims to increase the medium density housing stock from 5% in 2001 to 20% of the housing stock by 2030. A strategy of this clause is to:

- Encourage medium density housing in preferred locations including within existing residential areas; near public transport; within major redevelopment sites; and adjacent to activity centres and open space areas.

21.04-2 Housing Change Areas

Substantial Change area

The subject land is within the substantial change area.

A Substantial Change Area

Substantial Change Areas are locations that have significant capacity to accommodate substantial residential development. These areas will support increased housing diversity by encouraging a variety of housing types, styles and configurations in areas that are close to activity centres, public transport, employment opportunities and open space. Substantial Change Areas will support increased residential densities to maximise the amount of people who can take advantage of these desirable locations.

The following strategies are set out:

The strategies for managing residential development in Substantial Change Areas seek to:

- Support a diversity of housing types, sizes, styles and designs; support (re)development at higher overall densities to maximise development opportunities.
- Encourage lot consolidation to allow for larger scale development.
- Encourage mixed-use developments which incorporate residential uses above commercial or retail uses.
- Focus higher density development within or immediately adjacent to significant commercial areas.
- Support the recommendations and strategies of the Shepparton CBD Structure Plan.
- Encourage a high standard of design for new development and major renovations.
- Support housing for people with special needs.
- Discourage increased development intensity in areas where there is a significant environmental risk such as flooding and wildfire, unless an appropriate design response can be provided to the satisfaction of the Council.
- Ensure that development at the edges of the Substantial Change Area is sensitive to any adjoining Minimal or Incremental Change Areas.

The following policy guidelines are set out:

*When considering an application for a dwelling in a **substantial change area** Council will be guided by the following provisions:*

- *New development that contributes to a diversity of housing types, sizes, styles and designs shall be supported.*
- *New development that contributes to higher residential densities shall be encouraged.*
- *The consolidation of available lots shall be encouraged to allow for larger scale development.*
- *Mixed-use developments which incorporate residential uses above commercial or retail uses shall be encouraged.*
- *Higher density residential development within or immediately adjacent to significant commercial areas shall be supported.*
- *Appropriate, well designed housing for people with special needs shall be encouraged.*
- *Increased residential densities in areas where there is a significant environmental risk such as flooding and wildfire shall be discouraged unless an appropriate design response can be provided to the satisfaction of Council.*
- *Development at the edges of substantial change areas shall be sensitively designed to respond to any adjoining minimal change areas or incremental change areas.*

The proposal would comply in the following ways:

- The proposal would provide for higher residential density at an appropriate location, which is in proximity to Shepparton CBD, which the preeminent activity centre in the municipality.
- The proposal is appropriately designed for a higher density proposal and would not have any impact on the amenity of the area.

Relevant Particular Provisions

Clause 55

<p>Clause 55.02-1 Neighbourhood Character Objectives To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character; To ensure the development responds to the features of the site and surrounding area.</p>	<p>Standard B1 (Cannot be varied) The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>comments The proposal provides for 4 single storey dwellings in a residential that is characterised by single storey units. The area is generally characterised by older style brick veneer dwellings. It is considered that the proposal is not out of character of the area.</p>
<p>Clause 55.02-2 Residential Policy</p>	<p>Standard B2 (Cannot be varied)</p>	<p>Complies</p>

<p>Objectives To ensure that residential development is provided in accordance with any policy for housing in the SPPF and the LPPF including the MSS and local planning policies; To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>An application must be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in:</p> <ul style="list-style-type: none"> • the SPPF; and • the LPPF including the MSS; and Local Planning Policies 	<p>The applicant has provided a response to Clauses 55 and 56 of the Planning Scheme. This is considered appropriate.</p>
<p>Clause 55.02-3 Dwelling Diversity Objective To encourage a range of dwelling sizes and types in development of ten or more dwellings</p>	<p>Standard B3 (Can be varied) Developments of 10 or more dwellings should provide a range of dwelling sizes and types including:</p> <ul style="list-style-type: none"> • dwellings with a different number of bedrooms; and • at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level. 	<p>N/A</p>
<p>Clause 55.02-4 Infrastructure Objectives To ensure development is provided with appropriate utility services and infrastructure; To ensure development does not unreasonably overload the capacity of utility services and infrastructure</p>	<p>Standard B4 (Can be varied) Development should be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available. Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no space capacity, developments should provide for the upgrading or mitigation of the impact on services or</p>	<p>Complies The subject land is fully reticulated and can be connected to all services.</p>

<p>Clause 55.02-5 Integration with the Street Objective To integrate the layout of development with the street</p>	<p>infrastructure.</p> <p>Standard B5 (Can be varied) Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Dwellings should be orientated to front existing and proposed streets</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>Complies</p> <p>The proposal provides for a separate driveway for unit 1 to the south east of the land.</p> <p>Units 2,3 and 4 would be accessed from a separate driveway along the western boundary of the land.</p> <p>All proposed dwellings are visible from Lighfoot Street, ensuring passive surveillance.</p> <p>The proposal does not provide for a front fence.</p>
<p>Clause 55.03-1 Street Setback Objective To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Standard B6 (Can be varied) Walls of buildings should be setback from streets the distance specified in Table B1</p>	<p>Comments</p> <p>The proposal provides for a set back of 4.55 metres. This would require a reduction of set back as the average set back is 6.85m.</p> <p>This is considered appropriate as the land is located within a substantial change area which seeks to promote higher density development.</p> <p>It is noted that the development at 3 lightfoot street (to the west of the subject land) has a set back of less than 4m.</p>
<p>Clause 55.03-2 Building Height Objective To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Standard B7 (Can be varied) The max building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is</p>	<p>Complies</p> <p>A maximum building height is not given within the Residential Growth Zone.</p> <p>The proposed units would have a height of</p>

	<p>2.5 degrees or more, in which case the max building height should not exceed 10m.</p> <p>Change of building height between existing buildings and new buildings should be graduated.</p>	<p>approximately 6m, which is less than the 9 metres set out in Rescode.</p>
<p>Clause 55.03-3 Site Coverage Objective</p> <p>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</p>	<p>Standard B8 (Can be varied)</p> <p>The site area covered by buildings should not exceed 60%.</p>	<p>Complies</p> <p>The site coverage of the proposed development is approximately 51.76%, which is lower than the 60% outlined in Standard B8.</p>
<p>Clause 55.03-4 Permeability Objectives</p> <p>To reduce the impact of increased stormwater run-off on the drainage system; To facilitate on-site stormwater infiltration.</p>	<p>Standard B9 (Can be varied)</p> <p>At least 20% of the site should not be covered by impervious surfaces.</p>	<p>Complies</p> <p>The proposal would have an area of 18.25% covered by impervious surfaces. This is lower than the figure of 20% given in standard B9.</p>
<p>Clause 55.03-5 Energy Efficiency Objectives</p> <p>To achieve and protect energy efficient dwellings and residential buildings; To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy</p>	<p>Standard B10 (Can be varied)</p> <p>Buildings should be:</p> <ul style="list-style-type: none"> • Orientated to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. • Living areas and private open space should be located on the north side of the dwelling, if practicable. <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p>Complies</p> <p>The living areas of units 1, 2 and 4 face north.</p> <p>All open space areas will have access to a north facing aspect.</p>
<p>Clause 55.03-6 Open Space Objective</p> <p>To integrate the layout of the development with any public or communal open space provided in or adjacent to the</p>	<p>Standard B11 (Can be varied)</p> <p>Any public or communal open space should:</p> <ul style="list-style-type: none"> • be substantially fronted by dwellings, 	<p>N/A</p>

development	<p>where appropriate;</p> <ul style="list-style-type: none"> • provide outlook for as many dwellings as practicable • be designed to protect any natural features on the site; and • be accessible and useable. 	
<p>Clause 55.03-7 Safety Objective To ensure the layout of development provides for the safety and security of residents and property</p>	<p>Standard B12 (Can be varied) Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies All entrances to the dwellings would be visible from Lightfoot Street. This ensures that none of the units would have the feel of isolation and would ensure passive surveillance to increase safety. The proposed planting would not create any unsafe areas. None of the open spaces proposed as part of the development could be considered public thoroughfares.</p>
<p>Clause 55.03-8 Landscaping Objectives To encourage development that respects the landscape character of the neighbourhood; To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance; To provide appropriate landscaping; To encourage the retention of mature vegetation on the site</p>	<p>Standard B13 (Can be varied) Landscape layout and design.</p>	<p>Comments The proposed landscaping includes indigenous species which would be low water tolerant. A Planning Permit condition would require an updated landscape plan to show species, height and how the area would be maintained.</p>
<p>Clause 55.03-9 Access Objectives To ensure vehicle access to and from a development is</p>	<p>Standard B14 (Can be varied) Accessways should: 1. Be designed to allow</p>	<p>Complies The proposal provides for a driveway to service units 2,3 and 4 which has a width of</p>

<p>safe, manageable and convenient; To ensure the number and design of vehicle crossovers respects the neighbourhood character</p>	<p>convenient, safe and efficient vehicle movements and connections within the development and to the street network. 2. Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves 5 or more car spaces, 3 or more dwellings, or connects to a road in a Road Zone. 3. Be at least 3m wide. 4. Have an internal radius of at least 4m at changes of direction. 5. Provide a passing area at the entrance that is at least 5m wide and 7m long if the accessway serves 10 or more spaces and connects to a road in a road zone. 6. The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33% of the street frontage if the width of the street frontage is more than 20m; or • 40% of the street frontage if the width of the street frontage is less than 20m. 	<p>3m and an internal radius. The accessways do not exceed 40 of the frontage of the site.</p>
<p>Clause 55.03-10 Parking Location Objectives To provide for convenient parking for residents and visitor vehicles; To avoid parking and traffic difficulties in the development and the neighbourhood; To protect residents from vehicular noise within developments</p>	<p>Summary of Standard B15 (Can be varied) Car parking facilities should: Be reasonably close and convenient to dwellings and residential buildings;</p> <ul style="list-style-type: none"> • Be secure; • Be designed to allow safe and efficient movements within the development. • Be well ventilated if enclosed. • Large parking areas should be broken up with trees, buildings or different surface treatments. • Shared accessways or 	<p>Complies Car parking is proposed to be provided within double garages attached to each dwelling. The layout of the car parking is considered to be safe and would provide for efficient movement within the site.</p>

	<p>car parks of other dwellings and residential buildings should be located at least 1.5m from habitable room windows. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.</p>	
<p>Clause 55.04-1 Side and Rear Setbacks Objective To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p>Summary of Standard B17 (variable) New building not on, or within 150 mm of boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> • 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m. • Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard. 	<p>Complies All units are at least 150 mm off boundaries. Units 2,3 and 4 are set back from the boundary at least 1.2 metres and buildings close to the boundary would have a height of 3m.</p>
<p>Clause 55.04-2 Walls on Boundaries Objective To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p>Standard B18 (Can be varied) New wall on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> • 10m plus 25% of the remaining length of the boundary of an adjoining lot; or the length of an existing or simultaneously constructed wall or carport whichever is the greater. • A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the 	<p>Complies Unit 1 would have a garage wall along the boundary, this would be 7 metres in length.</p> <p>Having regard to the length of the western boundary, the proposal could provide walls on the boundary of approximately 22.59m in length.</p> <p>A small area of the kitchen of unit 4 would be in proximity to the northern boundary of the land, for approximately 5 metres.</p> <p>Given the length of this boundary, the proposal could provide an area of 12.53 metres on this boundary.</p>

	<p>wall or carport being less than 2m on the abutting property boundary.</p> <ul style="list-style-type: none"> • A building on a boundary includes a building up to 150mm from a boundary. • New walls on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall. 	
<p>Clause 55.04-3 Daylight to existing windows objective To allow adequate daylight into existing habitable room windows.</p>	<p>Standard B19 (Can be varied) Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m² and 1m clear to the sky. The area may include land on the abutting lot. Walls or carports more than 3m high opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Note: Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.</p>	<p>Complies The proposal would not impact the light into existing habitable rooms, the proposed buildings would be set back in excess of a metre from the boundary line in these locations, which would ensure no impact.</p>
<p>Clause 55.04-4 North-facing windows objective</p>	<p>Standard B20 (Can be varied) If a north-facing habitable</p>	<p>N/A</p>

<p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building should be setback from the boundary:</p> <ul style="list-style-type: none"> • 1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window. 	
<p>Clause 55.04-5 Overshadowing open space objective To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Standard B21 (Can be varied) Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m² with a minimum dimension of 3m, whichever is the lesser area, of the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September. If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies The proposal comprises of single storey dwellings which would not impact on the sunlight into secluded open space of existing dwellings.</p>
<p>Clause 55.04-6 Overlooking objective To limit views into existing secluded private open space and habitable room windows.</p>	<p>Standard B22 (Can be varied) Habitable room windows, balconies, terraces etc should be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window, balcony etc.</p>	<p>Comments The proposal comprises of single storey units, it is considered that there would be no direct views into surrounding secluded private open space, subject to a fence with a height of 2.2 metres being constructed on the eastern boundary of the land.</p>
<p>Clause 55.04-7 Internal Views Objective To limit views into the secluded private open space and habitable room windows of dwellings and residential</p>	<p>Standard B23 (Can be varied) Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded</p>	<p>Complies Internal fencing will ensure that no internal overlooking takes place.</p>

buildings with a development	private open space of a lower-level dwelling or residential building directly below and in the same development.	
<p>Clause 55.06-3 Common Property Objectives</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained; To avoid future management difficulties in areas of common ownership</p>	<p>Standard B33 (Can be varied)</p> <p>Developments should clearly delineate public, communal and private areas. Common property where provided, should be functional and capable of efficient management.</p>	<p>Complies</p> <p>The only common area will be the drive way, this is clearly differentiated from private areas,</p>
<p>Clause 55.06-4 Site Services Objectives</p> <p>To ensure that site services can be installed and easily maintained; To ensure that site facilities are accessible, adequate and attractive</p>	<p>Standard B34 (Can be varied)</p> <p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post</p>	<p>Complies</p> <p>The land is fully serviced.</p>

Clause 56 Assessment – 3 Lot Subdivision

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
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Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>C6 Neighbourhood Character objective To design subdivision that respond to neighbourhood character.</p>	<ul style="list-style-type: none"> • Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme. • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. 	<p><input type="checkbox"/> Complies Comments: The proposal comprises of a residential subdivision which is in character with the area, which is residential in nature.</p>
<p>C7 Lot diversity and distribution objectives To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</p> <p>To provide higher housing densities within walking distance of activity centres.</p> <p>To achieve increased housing densities in designated growth areas.</p> <p>To provide a range of lot sizes to suit a variety of dwelling and household types.</p>	<ul style="list-style-type: none"> • Implement any relevant housing strategy, plan or policy for the area. • Lot sizes and mix should achieve the average net residential density specified by the zone 	<p><input type="checkbox"/> Complies Comments: The land is within the substantial change area as set out in Clause 21.04 of the Planning Scheme.</p> <p>The proposal would comply with the housing strategy for the area,</p>
<p>C8 Lot area and building envelopes objective To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> - Contain a building envelope that is consistent with a development of the lot approved under this scheme, or <p>If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</p>	<p><input type="checkbox"/> Complies Comments: The proposal provides for lots of 183m² and 267m²</p> <p>Given the strategy for the area to provide for higher density development, it is considered that the proposed lots can provide for appropriate residential development.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p>	
<p>C9 Solar Orientation of lots To provide good solar orientation of lots and solar access for future dwellings.</p>	<ul style="list-style-type: none"> • Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. • Lots have appropriate solar orientation when: <ul style="list-style-type: none"> - The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. • Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. <p>Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street</p>	<p><input type="checkbox"/> Complies Comments: All lots are orientated to the north.</p>
<p>C10 Street Orientation Objective To provide a lot layout that contributes to community social interaction, personal safety and property security.</p>	<p>Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> • Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads. • Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space. • Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries. • Providing roads and streets along public open space boundaries. 	<p>- Complies Comments All entrances to dwelling would face Lightfoot Street, ensuring passive surveillance both within the subdivision and onto Lightfoot Street.</p>
<p>C11 Common Area To identify common areas and the purpose for which the area is commonly held.</p>	<ul style="list-style-type: none"> • An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: <ul style="list-style-type: none"> - The common area to be owned 	<p>N/A There will be no common areas.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<p>by the body corporate, including any streets and open space.</p> <ul style="list-style-type: none"> - The reasons why the area should be commonly held. - Lots participating in the body corporate. <p>The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</p>	
<p>C12 Integrated urban landscape objectives</p> <p>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</p> <p>To provide for integrated water management systems and contribute to drinking water conservation.</p>	<p>An application for subdivision that creates streets or public open space should be accompanied by a landscape design.</p>	<p>N/A</p>
<p>C13 Walking and cycling network objectives</p> <p>To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution.</p>	<p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme. • Link to any existing pedestrian and cycling networks. • Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. • Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. • Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for 	<p>- N/A</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<ul style="list-style-type: none"> • regional recreational cycling. • Ensure safe street and road crossings including the provision of traffic controls where required. • Provide an appropriate level of priority for pedestrians and cyclists. • Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. • Be accessible to people with disabilities. 	
<p>C17 Neighbourhood street network objective To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.</p>	The neighbourhood street network design and safety requirements are listed.	N/A
<p>Standard C18 Walking and cycling network detail objectives To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities. To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	Footpaths, shared paths, cycle paths and cycle lanes design requirements.	N/A
<p>C20 Neighbourhood street network detail objective To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</p>	The design of streets and roads requirements.	N/A
<p>C21 Lot Access To provide for safe vehicle access between roads and lots.</p>	<ul style="list-style-type: none"> • Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. • Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. The design and construction of a	<input type="checkbox"/> Complies Comments: Dwelling 1 would be accessed from a cross over onto Lightfoot Street. Dwellings 2,3 and 4 will have a separate access from a driveway along the western boundary of the land. The driveway has been designed to ensure that vehicles can exit the site in a forward motion.

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	crossover should meet the requirements of the relevant road authority.	
<p>C22 Drink Water supply To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.</p>	<ul style="list-style-type: none"> • The supply of drinking water must be: <ul style="list-style-type: none"> - Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. - Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<input type="checkbox"/> Complies Comments: Drinking water would be supplied from town water,
<p>C23 Reused and recycled water To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<ul style="list-style-type: none"> • Reused and recycled water supply systems must be: <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. Provided to the boundary of all lots in the subdivision where required by the relevant water authority.	<input type="checkbox"/> Complies Comments: The proposal would not require large amounts of grey water due to the use of drought tolerant species within landscaped area.
<p>C24 Waste Water Management To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<ul style="list-style-type: none"> • Waste water systems must be: <ul style="list-style-type: none"> - Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. - Consistent with any relevant approved domestic waste water management plan. Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.	<input type="checkbox"/> Complies Comments: The dwellings will be connected to Goulburn Valley Water sewers.
<p>C25 Urban Run-off Management To minimise damage to properties and inconvenience to residents from urban run-off. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	The urban stormwater management system must be: <ul style="list-style-type: none"> - Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. - Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. - Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines 	<input type="checkbox"/> Complies Comments: The applicant will be required to provide and comply with a drainage discharge plan.

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
	<p>(Victorian Stormwater Committee 1999) as amended.</p> <ul style="list-style-type: none"> - Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <ul style="list-style-type: none"> - Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. - Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. 	
<p>C26 Site Management To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<ul style="list-style-type: none"> • A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: <ul style="list-style-type: none"> - Erosion and sediment. - Dust. - Run-off. - Litter, concrete and other construction wastes. - Chemical contamination. - Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p><input type="checkbox"/> Complies Comments: The applicants will be required to provide a construction management plan, to ensure all works are carried out in an appropriate manner.</p>
<p>C27 Shared Trenching To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<ul style="list-style-type: none"> • Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services. 	<p><input type="checkbox"/> Complies Comments: The applicants will be required to provide shared trenching where appropriate.</p>
<p>C28 Electricity, Telecommunications and Gas To provide public utilities to each lot</p>	<ul style="list-style-type: none"> • The electricity supply system must be designed in accordance with the requirements of the relevant 	<p><input type="checkbox"/> Complies Comments: As above.</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<p>electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</p> <ul style="list-style-type: none"> • Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. • The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority. • Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency. 	
<p>C29 Fire hydrants objective To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</p>	<p>Standard C29 Fire hydrants should be provided:</p> <ul style="list-style-type: none"> • A maximum distance of 120 metres from the rear of the each lot. • No more than 200 metres apart. <p>Hydrants and fire plugs must be compatible with the relevant fire service equipment.</p> <p>Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.</p>	<p>N/A</p>
<p>C30 Public lighting objective To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</p>	<p>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe</p>	<p>N/A</p>

Title and objective	Standard	Complies/ Does Not Comply/ Variation Required
<p>To provide pedestrians with a sense of personal safety at night.</p> <p>To contribute to reducing greenhouse gas emissions and to saving energy.</p>	<p>passage for pedestrians, cyclists and vehicles.</p> <p>Public lighting should be designed in accordance with the relevant Australian Standards.</p> <p>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p>	

The decision guidelines of Clause 65

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

65.01 Approval of an application or plan

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

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

The proposal would comply in the following ways:

- The proposal would comply with the purpose of the zone, which seeks to increase the density of residential development in proximity to activity centres.
- The proposal, which comprises of a single storey residential development would not detrimentally impact on the amenity of the area.

- The proposal would comply with the orderly planning of the area, which is residential in character.
- The land is not in proximity to any publicly owned land.
- The proposal would not lead to any land degradation.
- The proposal would not have any impact on stormwater drainage.

In light of the above, it is considered that the proposal would comply with the provisions of Clause 65 of the Planning Scheme.

Relevant incorporated or reference documents

There are no incorporated or reference documents that are associated with the proposal.

Other relevant adopted State policies or strategies policies

There are no other adopted State policies or strategies associated with the proposal.

Relevant Planning Scheme amendments

There are no Planning Scheme amendments which are associated with the proposal.

Are there any significant social & economic effects?

There are no significant social and economic effects associated with the proposal.

Discuss any other relevant Acts that relate to the application?

There are no other Acts that relate to the application.

The Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

The land is not identified as being within an area which has Aboriginal Cultural Heritage Sensitivity.

Charter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the assessment of this application.

Conclusion

The proposal comprises of a four unit development and 4 lot subdivision at 5 Lightfoot Street, Shepparton.

The application was referred to APA, GVW and Powercor, none of the authorities objected to the proposal.

The application was referred to Councils Development Engineering Department, who did not object to the proposal.

The application was notified to surrounding properties and 2 objections were received. The objections related to the density of the development and how the development would be appropriately screened from the existing residential dwelling to the east of the property.

In response to the objections it is considered that the proposal complies with the purpose of the Residential Growth Zone, which seeks to increase the density of appropriately located land. The proposal would also comply with local and state planning policies which seek increased density of land to ensure that existing settlements are consolidated in a sustainable way.

Further to this, it is considered that the increase in the height of the fence on the eastern boundary to 2.2m would represent an acceptable planning outcome for both the applicant and the objector.

The proposal complies with clauses 55 and 56 of the Planning Scheme.

In light of the above and having considered all appropriate clauses of the Planning Scheme, it is recommended that a Notice of Decision to Grant a Planning Permit be issued.

Draft Notice Of Decision

APPLICATION NO: 2015-88

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: 5 LIGHTFOOT STREET SHEPPARTON VIC 3630

WHAT THE PERMIT WILL ALLOW: DEVELOPMENT OF LAND FOR 4 DWELLINGS AND A 4 LOT SUBDIVISION IN THE RESIDENTIAL GROWTH ZONE IN ACCORDANCE WITH THE ENDORSED PLANS FORMING PART OF THIS PERMIT

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) Plan of subdivision with the proposed lots labelled (ie. Lot 1, lot 2, lot 3, lot 4 and common property with lot 1 located closest to the street);
- b) Location of existing fire hydrant in nature strip;
- c) A mature large tree within the front open space of dwelling 1; in accordance with the landscape plan; and
- d) Landscaped areas within the common property.
- e) Provision of a fence on the eastern boundary with a height of 2.2 metres

2. Layout Not Altered

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

3. Drainage Discharge Plan

Before any of the development starts, a drainage plan with computations prepared by a suitably qualified person or organisation, 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 submitted in an electronic format. The plans must be in accordance with council's Infrastructure Design Manual and include:

- a) how the land will be drained;
- b) underground pipe drains conveying stormwater to the legal point of discharge,
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) maximum discharge rate shall not be more than **(37)** lit/sec/ha with **(9)** litres of storage for every square meter of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority).
- e) Incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the Responsible Authority; and
- f) Provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal; to the satisfaction of the Responsible Authority.

Before the occupation of any of the dwellings all works constructed or carried out must be in accordance with the endorsed drainage plans to the satisfaction of the Responsible Authority.

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

4. Urban Vehicle Crossing Requirements

Prior to the occupation of any of the units, vehicular crossings shall be constructed in accordance with the endorsed plan(s) and constructed to Councils IDM standard drawing SD235, and must:

- be constructed at right angles to the road, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);
- be setback a minimum of 1.5 metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or 3 metres from any street tree;
- residential vehicular crossings shall not be less than 3 metres nor more than 4.8 metres (9.8 m – double crossing) in width and shall be constructed from concrete or other material as approved in writing by the Responsible Authority; and
- be at least 9 meters apart.

5. Vehicle Turning

All car parking spaces and accessways must be designed to allow vehicles to enter and exit the land in a direction.

6. Landscape Plan

Before the development starts 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 two copies must be provided.

- a schedule of proposed tree shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- the method of preparing, draining, watering and maintaining the landscaped area;
- landscaping and planting within all open areas of the site;
- the provision of one mature tree (minimum height of 2 metres at the time of planting) to the front of lot 1;
- details of surface finishes of pathways and driveways.

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

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

Before the occupation of any dwellings 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.

7. Internal Access

Prior to the occupation of any of the dwellings, all internal access roads must be constructed of concrete, formed, finished and drained to the satisfaction of the responsible authority.

8. Construction Phase

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality, including:

- a) Avoiding the transport of mud onto roads;
- b) Minimising the generation of dust during earthworks or vehicles accessing site;
- c) The retention of all silt and sediment on the site during the construction phase, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991)' and;
- d) Maintaining a neat and tidy site.

9. 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 5 per cent of the site value of all land in the subdivision.

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.

10. 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.

11. Underground Connection

Before the occupation of the any of the dwellings, the electricity connection to that dwelling must be undergrounded to the satisfaction of the responsible authority

12. Fencing

Before the dwellings are occupied any internal, side and rear boundary fences (other than the eastern boundary) must be constructed a height of 1.8m (from finished ground level), and be constructed of materials which soften and enhance the development whilst maintaining privacy to the satisfaction of the responsible authority.

Before the dwellings are occupied side and rear boundary fencing must be constructed to a height of 1.8m (from finished ground level) consisting of a 1.8 m high colourbond fence and be constructed to enhance the character of the development and to ensure the privacy of adjoining properties. This fence must be stepped down from the garage of lot 1 to Lightfoot Street to allow for safe vehicle movements.

13. 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.

14. Compliance to Development Permit

Before a Statement of Compliance is issued under the *Subdivision Act 1988*,

- the works listed in Planning Permit number 2015-88 must be completed to the satisfaction of the relevant authority
- A section 173 agreement entered into in accordance with condition 15 of this permit.

15. Section 173 Agreement

If the owner does not wish to construct the buildings and works as required in the endorsed plans and vehicle crossings prior to the Statement of Compliance, the owner must then 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:

1. **Prior to the occupation of any of the dwellings, the works approved for the land, including the area of common property by planning permit 2015-88 must be completed, including drainage, in accordance with the endorsed plans;**

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.

16. Referral Authority Requirements

1. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
2. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easements or site is to be created.
3. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

17. Telecommunications Referral Condition

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

- a) 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
- b) 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:

- c) 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
- d) 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.

18. 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 separate water services and individual water supply meters to each allotment within the development;
- (c) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation;
- (d) Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- e) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;
- (f) A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development; Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation;
- (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.

19. 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:-
 - I. Provide an electricity supply to all lots in the subdivision with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electrical supply system, as required by Powercor.
 - The applicant shall 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.

- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

20. Time for Starting and Completion

This permit expires if the development does not start (which includes the certification of the plan of subdivision under the *Subdivision Act, 1988*) within two years of the date of the permit or the development is not completed which includes Statement of Compliance within five years of the date of the permit.