

CONFIRMED MINUTES

FOR THE

GREATER SHEPPARTON CITY COUNCIL

DEVELOPMENT HEARINGS PANEL

Meeting No. 8/2018

HELD ON

FRIDAY 23 NOVEMBER 2018

AT 11.01AM

IN THE HUNTER ROOM
90 WELSFORD STREET

CHAIR

Councillor Chris Hazelman

COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Chris Hazelman (Chair),
- Michael MacDonagh – Team Leader Strategic Planning, Greater Shepparton City Council
- Jonathan Griffin – Team Leader Development, Greater Shepparton City Council
- Joel Ingham – Planning Coordinator, Benalla Rural City Council
- Cameron Fraser – Principal Planner, Strathbogie Shire Council

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 8 for 2018.

I would like to begin with an acknowledgement of the traditional owners of the land.

“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”.

RECORDING OF PROCEEDINGS

I would like to advise all present today that:

- the proceeding is being minuted but not recorded and all minutes will be published on Council’s website.
- and 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.

OFFICERS AND OTHERS PRESENT

The Planning Officers that will be in attendance for today’s hearing are:

- Braydon Aitken

I would also like to acknowledge all other parties present today. We will get you to introduce yourself when your turn comes to present.

APOLOGIES

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- Minutes of DHP meeting No. 09/2018 held on Wednesday 23 November 2018. Minutes have been circulated.

***Moved** by Jonathan Griffin and **seconded** by Cameron Fraser that the minutes of the meeting held on 23 November 2018 be adopted.*

Carried

DECLARATIONS OF CONFLICTS OF INTEREST

No conflicts of interest declared

ORDER OF PROCEEDINGS

For those of you who are attending the DHP for the first time the process is as follows

- The DHP operates under Local Law No 2, with such modifications and adaptations as the DHP deems necessary for the orderly conduct of meetings.
- All DHP panel members have 1 vote at a meeting.
- Decisions of the DHP are by ordinary majority resolution. If a vote is tied the Chair of the DHP has the casting vote.
- The process for submitters to be heard by the Panel shall be:
 - The planning officer to present the planning report recommendation
 - Any objectors or representatives on behalf of the objectors present to make a submissions in support of their objection (should they wish to)
 - The applicant or representatives on behalf of the applicant to present in support of the application

- For the purpose of today's hearing the officer, objectors and applicant will be limited to a maximum of 6 minutes per person with no extensions.

MATTERS FOR CONSIDERATION

There is one item listed for consideration in this session of the DHP:

1. Planning Permit application 2018-10 seeking permission for a three (3) lot subdivision, and the construction of three (3) dwellings on the land at 5 Maude Street, Shepparton.
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10. LATE REPORTS

None

11. NEXT MEETING

14 December 2018

Meeting concluded at 11.22 am

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<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2018-10	5 Maude Street, Shepparton	Seeking permission for a three lot subdivision, and the construction of three dwellings.	3

Application Details:

Responsible Officer:	Tim Watson (report prepared by Alex Winfield)
Application Number:	2018-10
Applicants Name:	J Prasad
Date Application Received:	9 January 2018
Statutory Days:	43
Land/Address:	5 Maude Street SHEPPARTON VIC 3630
Zoning and Overlays:	General Residential Zone, Schedule 1 – (GRZ1) No Overlays
Why is a permit required (include Permit Triggers):	Clause 32.08-3 – a permit is required to subdivide land in the General Residential Zone Clause 32.08-6 – a permit is required to construct two or more dwellings on a lot in the General Residential Zone
Are there any Restrictive Covenants on the title?	Lot 58 on Plan of Subdivision 009644. There are no covenants or other restrictions registered on the Title to the land. There are no easements shown on the Title Plan to the land.

Proposal

The application proposes the subdivision of the land at 5 Maude Street, Shepparton, into three lots with common property, and the development of three dwellings.

The three proposed lots will be sited in a row along the southern boundary of the site. Common property access to Lots 2 and 3 is proposed along the northern boundary of the site. The area of Common Property will have an area of approximately 120 square metres.

Lot 1 will have a frontage to Maude Street and an area of 333.73 square metres. This dwelling will contain four bedrooms and be provided with an attached double garage. Minimum setback to the street will be 4 metres. Vehicle access will be via the existing vehicle crossover at the south west corner of the site. As the lot / dwelling has its own access to Maude Street, this lot will not be part of the proposed common property. A north facing court yard is proposed at the rear of the dwelling.

Lot 2 is located to the rear of Lot 1 and will have an area of 219.36 square metres. This dwelling is accessed via the proposed Common Property and will contain a three bedroom dwelling. The dwelling is provided with a single garage, and a second, uncovered parking space in front of the dwelling. A north facing court yard is proposed.

Lot 3 is located at the rear of the site and has an area of 229.87 square metres. This lot is also accessed via the proposed common property and will contain a three bedroom dwelling with an attached single garage. A second parking space is nominated in front of the garage. A north facing court yard is proposed for dwelling 3 at the rear of the site.

All three proposed dwellings are to be constructed with face brickwork to the walls with some rendered sections, and pitched, hipped roofs clad with ceramic tiles.

Summary of Key Issues

The application proposes the development of three dwellings and a three lot subdivision with common property at 5 Maude Street, Shepparton.

The site is located within an area zoned General Residential and identified in the GSHS as being within an identified “Incremental Change Area”. The site is fully serviced, and well located in terms of proximity to an existing activity centre and as a result has the capacity to accommodate residential development at a higher density that will support increased housing diversity.

The key considerations for this application are:

- Whether the proposal is consistent with the purposes of the General Residential Zone.
- Whether the proposal is consistent with the relevant objectives of Clause 55 (ResCode – Two or more dwellings on a lot) or Clause 56 (ResCode – Residential subdivision) of the Greater Shepparton Planning Scheme. In particular:
 - Whether adequate daylight is available to new habitable room windows.
 - Whether the dwellings are provided with adequate secluded private open space.
- Whether the proposal will result in any adverse amenity outcomes for the adjoining properties, particularly with respect to impact on privacy to the adjoining property to the east (rear).

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2018-10** 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 Clause 32.08-3 and 32.08-6 of the General Residential Zone of the Greater Shepparton Planning Scheme in respect of the land known and described as **5 Maude Street SHEPPARTON VIC 3630**, for a **three lot subdivision, and the construction of three dwellings on the land at 5 Maude Street, Shepparton.**

Key Conditions:

- 1) Standard servicing conditions to be applied in accordance with referral authority conditions.
- 2) Recommended that a Condition 1 requirement for amended plans be imposed on the permit to address the following

- (a) Preparation of a detailed landscape plan.
- (b) Location of mechanical equipment and plant (e.g. air conditioners) appropriately sited away from existing dwellings on neighbouring lots.
- (c) Site plans to show each dwelling provided with a minimum 25 m² secluded private open space, with a minimum dimension of 3 metres.
- (d) Dwelling 3 amended to delete eaves from the eastern elevation (over living room window) to allow for compliance with the Daylight to new windows objective of ResCode (Standard B27).

Moved by Joel Ingham

Seconded by Michael MacDonagh

That Council having caused notice of Planning Application No. **2018-10** 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 Clause 32.08-3 and 32.08-6 of the General Residential Zone of the Greater Shepparton Planning Scheme in respect of the land known and described as **5 Maude Street SHEPPARTON VIC 3630**, for a **three lot subdivision, and the construction of three dwellings on the land at 5 Maude Street, Shepparton** in accordance with the Notice of Decision and the endorsed plans and the addition of Condition 1 e) as below:

Condition 1. Amended Plans Required

- e) Plan of site to be amended to correlate with the Development Plan

CARRIED

Subject Site & Locality

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

Date: 17 May 2018 Time: 1 pm

The site has a total area of approximately 900 square metres and is currently vacant.

Key features/characteristics of the site are summarised as:

- Rectangular shaped allotment with a frontage to Maude Street of approximately 19 metres and a depth of approximately 47 metres.
- Oriented generally east to west along its longest axis.
- Relatively flat with minimal fall.
- No established landscaping or vegetation.
- No front fencing.
- Side and rear boundary fencing comprising colorbond fencing on the southern and rear boundaries, and a combination of colorbond and galvanised iron fencing on the northern boundary.
- Concrete vehicle crossover providing vehicle access to the site at the south west corner of the property.
- A single street tree is located generally centrally along the property's frontage to the street.

The main site/locality characteristics are:

- Maude Street is a sealed, local road.
- Concrete footpath is located on both sides of the street.
- Overhead powerlines on the eastern side of the street.
- Lot layouts are typically uniform, rectangular lots (some of which have been further subdivided as described below) running east to west presenting to Maude Street.
- Adjoining site to the rear (6 Orr Street) is developed with a single dwelling presenting to Orr Street, setback over 18 m from the common property boundary. A swimming pool is located in the rear yard of the dwelling, near the rear property boundary.
- The adjoining property to the south at 3 Maude Street is developed with six dwellings. This unit development comprises adjoining dwellings along the length of the site, near the southern boundary. Vehicle access is provided along the northern boundary of the property. The dwellings are constructed from brick with a low pitched roof. A high colorbond fence denotes much of the street boundary.
- Further north at the corner of Maude and Balaclava Road (1 Maude Street) is a dwelling development, with the corner dwelling presenting to Maude Street and the three other dwellings presenting to Balaclava Road. These dwellings sit behind a high horizontal timber slat fence presenting to Maude Street. The dwellings are brick homes with pitched, tiled roofs.

- Adjoining the site to the south at 7 Maude Street is a similarly proportioned approximately 900 square metre allotment developed with a single dwelling. The dwelling presents to the street. The dwelling is timber clad with a substantial, pitched roof form. The front garden of the dwelling is substantially landscaped with established trees / vegetation, limiting views to the site from the street. Access to the dwelling is along the northern property boundary, providing access to an outbuilding on the northern side of the lot.
- Further south at 9 Maude Street is another similarly proportioned allotment that has been subdivided and developed with three dwellings. The dwellings have a two storey element and are brick with a pitched, gable ended roof form (with dormer windows presenting to the street). A high brick pier and timber insert fence denotes the Maude Street property boundary.
- Further south of the site, single dwellings are located at 11 and 15 Maude Street, and residential subdivisions and developments have occurred at 13, 17, 19 and 21 Maude Street.
- Immediately opposite the site at 6 Maude Street is a single dwelling on a lot of approximately 900 square metres. The dwelling presents to the street and is a timber clad older home, with a pitched roof and gable section presenting to the street. The dwelling sits within a landscaped garden setting behind a timber picket fence on the street boundary.
- A three dwelling subdivision and development has occurred at 4 Maude Street north west of the site, with brick dwellings with hipped / gable roof forms developed on the property.
- Single dwellings are located at 8 and 10 Maude Street south west of the site. These properties contain dwellings set close to the street boundary with large rear yards. Further south west of the site are a number of residential unit developments (14, 18 and 20 Maude Street), along with an approved residential subdivision and development at 16 Maude Street.

The Photos below show the existing site:



Permit/Site History

The history of the site includes:

- Planning permit 2011-223 was issued on 31 October 2011 and allowed the construction of two dwellings. The permit was not acted on and has expired.

Further Information

Was further information requested for this application?

Yes. Further information was requested on 24 January, 2018. Details requested were:

- Plans showing vehicle turning movements for dwellings 2 and 3 to demonstrate vehicles can enter and exit in a forwards direction;
- A site plan showing how the proposal complies with the Garden Areas requirements of the General Residential Zone;
- Planning submission addressing the Planning Scheme requirements for consideration of a reduction of the car parking provisions; and
- Clarification of the plan scales.

A response to the request was received on 24 February 2018.

The response to the request for further information identified that the Planning Scheme requirements with respect to the provision of car parking have been satisfied and as a result no approval is required for a reduction of car parking.

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description Buildings and works for the construction of three dwellings and a three lot subdivision with the creation of a common property area in the General Residential Zone, by sending notices to the owners and occupiers of adjoining land. Notices were sent to a total of twenty six affected property owners / occupiers.

Following this process, one objection to the proposal was received.

Objections

One objection to the proposal was received.

The objection was received from the adjoining property owner to the rear at 6 Orr Street, Shepparton.

The grounds of objection are identified and responded to as follows:

Ground of Objection	Officer's Response
Loss of property value.	VCAT has consistently held that property de-valuation as a result of planning applications is not a relevant planning consideration.
Impact on privacy (proximity of new dwellings to existing swimming pool).	ResCode is the primary tool for considering the potential amenity impacts resulting from new developments. As the proposal complies with the relevant amenity considerations of ResCode, it is not considered that the proposal could be refused on the basis of any potential impacts on privacy.
Impact of rented properties on maintenance / presentation of properties.	Whether the properties are owner occupied or rented is not a planning consideration.
Two bedroom dwellings would be better to reduce the crowding of dwellings on the block.	Council is required to consider the application in the form it is presented by the applicant. As the proposal complies with the objectives and standards of ResCode, it is not considered that the proposal could be refused on the basis of the "crowding" of dwellings on the land.

Title Details

The land is known as 5 Maude Street, Shepparton.

The Title description is Lot 58 on Plan of Subdivision 009644.

There are no covenants or other restrictions registered on the Title Search to the land.

There are no easements or other restrictions shown on the Title Plan to the land.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Powercor	66	Determining	No objection subject to standard conditions.
Goulburn Valley	66	Determining	GVW requires that water and wastewater

Water			<p>facilities be provided to the land, and confirms that they are available. No objection subject to conditions:</p> <p>(a) <i>Payment of new customer contribution charges 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, clarification if the existing meter was re-used and the lot it will serve, to the satisfaction of the Goulburn Valley Region Water Corporation;</i></p> <p>(d) <i>Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;</i></p> <p>(e) <i>Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. In the case of multi-tenement development</i></p> <p>(f) <i>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</i></p> <p>(g) <i>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.</i></p>
APA Group	66	Determining	No objection and no conditions

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
No Section 52 Notices are required	Not applicable.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions

Development Engineers	No objection to the proposal was received, subject to the standard conditions.
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Assessment

The zoning of the land

The land falls within the **General Residential Zone, Schedule 1**.

The purposes of the zone include to encourage development that respects the neighbourhood character of the area, encourage a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.

Clause 32.08-3 of the General Residential Zone identifies that a permit is required to subdivide land. An application must meet the requirements of Clause 56 (ResCode – Residential subdivision).

Clause 32.07-6 of the Zone identifies that a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55 (ResCode – Two or more dwellings on a lot).

Schedule 1 to the General Residential Zone does not specify any variations to the requirements of Clause 55.

The Zone identifies a number of Decision Guidelines, identified and responded to as follows:

General

- *The State and Local Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
The relevant provisions of the Scheme are addressed later in this report. The proposal is considered to be consistent with the relevant State and Local Planning Policy frameworks.
- *The purpose of this zone.*
The proposed development of three dwellings is consistent with the purposes of the zone that seek to encourage development that respects the neighbourhood character of the area and encourage a diversity of housing types and housing growth particularly in locations of offering good access to services and transport.
- *The objectives set out in a schedule to this zone.*
Not applicable as no objectives are specified in Schedule 1 to the General Residential Zone.
- *Any other decision guideline set out in a schedule to the zone.*
Not applicable as no decision guidelines are set out in Schedule 1 to the General Residential Zone.

Subdivision

- *The pattern of subdivision and its effect on the spacing of buildings.*
The subdivision application is accompanied by a development application showing the development of three new dwellings. Officers are satisfied that the proposed development will result in an appropriate built form outcome having regard to the zoning of the land and the site and its context (i.e. the development is a satisfactory design response for the land).
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*
The application has been considered against the relevant objectives, standards and decision guidelines of Clause 56 of the Scheme (see later discussion for details). The proposal is considered to comply with Clause 56 of ResCode.

Dwellings and residential buildings

- *For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.*
Not applicable as the proposal is not for a single dwelling.
- *For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.*
The application has been considered against the relevant objectives, standards and decision guidelines of Clause 55 of the Scheme (see later discussion for details). The proposal is considered to comply with Clause 55 of ResCode, or be able to comply subject to appropriate planning permit conditions.

- *For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.*

Not applicable as the proposal is not for an apartment development of five or more storeys.

Non-residential use and development

As the proposal is for residential development only, these considerations are not applicable to this development.

Garden Area Calculation

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area.

Each lot needs to contain at least 25% garden area.

Garden Area is defined as:

Any area on a lot with a minimum dimension of 1 metre that does not include:

- a) a dwelling or residential building, except for:
 - an eave, fascia or gutter that does not exceed a total width of 600mm;
 - a pergola;
 - unroofed terraces, patios, decks, steps or landings less than 800mm in height;
 - a basement that does not project above ground level;
 - any outbuilding that does not exceed a gross floor area of 10 square metres; and
 - domestic services normal to a dwelling or residential building;

b) a driveway; or

c) an area set aside for car parking.

Lot 1 = 333sqm

91sqm of garden area provided.

83sqm required – complies

Lot 2 = 219sqm

57.75sqm of garden area provided

54.75sqm required - complies

Lot 3 = 217sqm

57.6sqm of garden area provided.

54.25sqm required – complies

Based on these calculations the garden area requirements are met.

Relevant overlay provisions

The land is not affected by any Overlays.

The State Planning Policy Framework (SPPF)

Clause 11.01-1 aims to promote the sustainable growth of Victoria. The major regional areas, including Shepparton, are to be the focus of investment and growth as it is a place of State significance.

Clause 16 – Housing seeks to provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Clause 16.01-2 seeks to locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport. The proportion of new dwellings in designated locations within established urban areas should be increased, along with encouraging higher density housing development on sites that are well located in relation to jobs, services and public transport.

Clause 16.01-4 aims to provide for a range of housing types to meet increasingly diverse needs. Well-designed medium density housing which respected neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficient housing is expressly encouraged.

The proposal is consistent with the State Planning Policy objectives to encourage increased housing density in identified locations that are fully serviced with both physical and social infrastructure (i.e. urban consolidation).

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

Clause 21.04-1 – Urban Consolidation and Growth identifies that population forecasts predict that the population of the City will grow from 59,502 persons in 2006 to 71,509 by 2026. It is expected that to accommodate this additional population, there will need to be a corresponding growth in the number of dwellings.

The *Greater Shepparton Housing Strategy 2011* (GSHS) outlines Council's approach to housing delivery and growth in the municipality. A significant portion of the residential growth in the short-medium term will be met by the identified growth corridors, along with the urban areas of Shepparton and Mooroopna.

The proposed development of three dwellings on vacant land within well serviced land within an established General Residential Zone will contribute to achieving the aim of the Urban Consolidation and Growth Policy, and in particular is consistent with the following identified objectives of Clause 21.04-1:

- *To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.*
- *To provide a greater range of housing choices to attract more people to live in the Shepparton CBD which will support the vibrancy and economy of the CBD.*
- *To make better use of available land by allowing higher scale built form in appropriate locations within the CBD.*
- *To increase the supply of medium density housing in appropriate locations.*
- *To balance the need to achieve urban consolidation with the need to respect and retain the valued characteristics of existing neighbourhoods*

The *Greater Shepparton Housing Strategy 2011* (GSHS) is a reference document listed at Clause 21.10 of the Scheme. The GSHS identifies the site is within an identified “Incremental Change Area”, immediately opposite a precinct of identified “Substantial Change Area” (as shown on the map on the following page). These areas are established residential areas that over time have the capacity to accommodate a moderate level of residential development. This will mostly include extensions to existing dwellings, new single or double storey dwellings on existing lots and low rise medium density housing. It is expected that the general character of Incremental Change Areas will evolve over time as new types and more intense development is accommodated.

The proposal is consistent with the objectives of the GSHS as it will result in a low rise medium density development in an area that has the capacity to accommodate new residential development that is well serviced by public transport and open space and is close to an established Activity Centre.



Clause 21.07 – Infrastructure seeks to provide for the appropriate design, management and delivery of infrastructure in the Shire. The *Infrastructure Design Manual* prepared by the Local Government Infrastructure Design Association is a Reference document in the Planning Scheme. The proposed development, along with standard planning permit conditions, will be consistent with the requirements of the IDM.

Relevant Particular Provisions

Clause 55 (ResCode – Two or More Dwellings on a Lot) applies to the development. An assessment of the proposal against the relevant objectives and standards of Clause 55 is provided as follows.

Objectives	Standards	Compliance
<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>Complies The proposed construction of three dwellings on the allotment is consistent with the desired character of the area where an increased density through low rise medium density dwellings is encouraged through the zone and the housing strategy. The new dwellings have been designed and sited in a manner that is consistent with the pattern of development in the area, providing for a new dwelling presenting to the street and utilising traditional building forms including pitched, hipped roof forms.</p>
<p>Clause 55.02-2 Residential Policy 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 polices; To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>Standard B2 (Cannot be varied) 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>Complies The application proposes to provide additional housing variety within the municipality. The subject land is within an identified incremental change area where low rise medium density housing is encouraged owing to the site being well serviced and located close to an activity area and open space.</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 	<p>N/A Not applicable as the development is for less than 10 dwellings.</p>

Objectives	Standards	Compliance
	<p>number of bedrooms; and</p> <ul style="list-style-type: none"> at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level. 	
<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 infrastructure.</p>	<p>Complies The application proposes three dwellings on the lot. The development will provide one new vehicle access point and provide for the reuse of the existing crossover. All other infrastructure is existing in the area. Connection to services will be to the requirements and standards of the relevant servicing providers. No objections from the servicing authorities have been received.</p>
<p>Clause 55.02-5 Integration with the Street Objective To integrate the layout of development with the street</p>	<p>Standard B5 (Can be varied) Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Dwellings should be orientated to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.</p>	<p>Complies Dwelling one at the frontage of the site has been designed and oriented to present to Maude Street. No front fencing is provided ensuring dwelling 1 will make a positive contribution to the street.</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</p>	<p>Standard B6 (Can be varied) Walls of buildings should be setback from streets the distance specified in Table B1</p>	<p>Varied The response and justification in the applicant submission is incorrect (identifies a 5 m setback and compliance with ResCode). The application proposes a</p>

Objectives	Standards	Compliance
make efficient use of the site.		<p>minimum 4 m setback from the street. ResCode standard requires the average (6 m to north and approximately 10 m to the south. Average would be approximately 7.5 m.</p> <p>A reduced setback is proposed for the unit fronting Maude Street. This setback is acceptable as there are a number of examples of smaller setbacks in this section of Maude Street (1, 17, 19 Maude Street) as well as other examples on the opposite side of the street (i.e. consistency of dwelling front setbacks is not an identified character element).</p> <p>The land is also in a well located and serviced area, close to an activity centre and public transport, and immediately opposite an area zoned for Substantial change.</p> <p>On balance, the proposed setback achieves an acceptable outcome in terms of character and satisfies the street setback objective that encourages new development to make efficient use of the site.</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 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>Complies Buildings will not exceed 9 metres, satisfying Standard B7.</p>
<p>Clause 55.03-3 Site Coverage Objective 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) The site area covered by buildings should not exceed 60%.</p>	<p>Complies The overall site area is 906 square metres.</p> <p>The buildings will cover 494 square metres being 55% of the site area.</p>
<p>Clause 55.03-4 Permeability Objectives To reduce the impact of increased stormwater run-off on the drainage system; To facilitate on-site stormwater</p>	<p>Standard B9 (Can be varied) At least 20% of the site should not be covered by impervious surfaces.</p>	<p>Complies The total permeability of the site is 23% of the site, meeting the minimum requirement of 20% under Standard B9.</p>

Objectives	Standards	Compliance
infiltration.		
<p>Clause 55.03-5 Energy Efficiency Objectives 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) 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 The proposed development responds well to the orientation of the site. Living areas and SPOS areas of all dwellings are located on northern side of the buildings.</p>
<p>Clause 55.03-6 Open Space Objective To integrate the layout of the development with any public or communal open space provided in or adjacent to the development</p>	<p>Standard B11 (Can be varied) Any public or communal open space should:</p> <ul style="list-style-type: none"> • be substantially fronted by dwellings, where appropriate; • provide outlook for as many dwellings as practicable • be designed to protect any natural features on the site; and • be accessible and useable. 	<p>N/A There is to be no communal open space as part of this development. Public space is located throughout Shepparton.</p>
<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 The entrance to the front dwelling is visible from Maude Street. The entrance to the second and third dwellings is not visible to from the street (some long range views to the entrance to dwelling 3 may be available along the length of the driveway), however views are available from the windows of both dwellings over the accessway to provide a level of surveillance.</p>
<p>Clause 55.03-8 Landscaping Objectives</p>	<p>Standard B13 (Can be varied) Landscape layout and design.</p>	<p>Able to Comply through permit conditions</p>

Objectives	Standards	Compliance
<p>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>The provided plan shows limited landscaping on the subject site. It is recommended that a condition be imposed on any permit to issue requiring a landscape plan to be prepared.</p>
<p>Clause 55.03-9 Access Objectives To ensure vehicle access to and from a development is safe, manageable and convenient; To ensure the number and design of vehicle crossovers respects the neighbourhood character</p>	<p>Standard B14 (Can be varied) Accessways should: 1. Be designed to allow 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>Complies Driveways widths provided appropriate. Vehicle crossing permits will be required to create the new access to the development.</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</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; 	<p>Complies Dwelling one (four bedroom, requires 2 parking spaces, one undercover) is provided with an attached double garage directly accessed from Maude Street. Parking is safe, secure and</p>

Objectives	Standards	Compliance
<p>and the neighbourhood; To protect residents from vehicular noise within developments</p>	<ul style="list-style-type: none"> • 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 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>convenient for this dwelling.</p> <p>Dwellings 2 and 3 (both 3 bedroom, require two parking spaces, one undercover) are provided with single attached garages and a second vehicle parking space in front of the garages.</p> <p>In all cases, habitable room windows are offset at least 1.5 m from shared accessways in accordance with the standard to protect residents from vehicular noise.</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 Dwellings are setback at least 1.2 metres from the southern boundary and are single storey (except where garage walls are sited on the boundary), and a minimum of 1 m off the eastern boundary in accordance with the standard.</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 200mm 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 	<p>Complies Garage walls for all three dwellings are sited on the southern boundary. Garage 1 (6.47 metres) at the front of the site, garages 2 (3.91 metres) and 3 (4.02 metres) adjacent each other towards the rear.</p> <p>Total length of the walls on the boundary is 14.4 metres.</p> <p>The length of walls on the boundary is less than 10 metres plus 25% of the remaining boundary length (which would</p>

Objectives	Standards	Compliance
	<p>boundary where the slope and retaining walls would result in the effective height of the 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>allow a wall of up to 19.38 metres in length).</p>
<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 There are no existing habitable room windows within 3 metres of the proposed buildings. The nearest habitable rooms to the development are located to the north of the site, being part of the units at 3 Maude Street. These units are offset just over 3 m from the common boundary.</p>
<p>Clause 55.04-4 North-facing windows objective To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20 (Can be varied) If a north-facing habitable 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 	<p>Complies The existing dwelling to the south of the site is offset more than 3 m from the boundary between the two sites. As a result the proposal will not impact on daylight to this adjoining property.</p>

Objectives	Standards	Compliance
	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 Overshadowing diagrams submitted which identify that the proposal will not impact the adjoining properties to the north or north east. Only limited shadow will occur (late afternoon) over the adjoining property to the east, well within the allowable limits given the size of the open space available to this property. Adjoining site to the south will be impacted by the 9 am, 12 pm and 3 pm shadows however at all times these are within the allowable limits defined by the standard as the property has a large area of open space to the rear of the dwelling that will not be impacted by shadow. Much of the shadow will be cast over the existing outbuilding on this adjoining property.</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>Complies All proposed dwellings are single storey. Overlooking is able to be addressed through fencing. Minimum 1.8 m high fencing at the property boundaries will ensure no overlooking under the standard.</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 buildings with a development</p>	<p>Standard B23 (Can be varied) Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and in the same development.</p>	<p>Complies All dwellings are single storey. Internal fencing to 1.8 m high as shown on the application plans will prevent overlooking.</p>
<p>Clause 55.04-8 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Standard B24 Noise sources should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and private open space should</p>	<p>Complies Plans will need to be submitted to show location of mechanical equipment away from existing dwellings.</p>

Objectives	Standards	Compliance
	consider noise sources on immediately adjacent properties. Noise levels should be limited in habitable rooms in dwellings and residential buildings. Dwellings and residential buildings should be designed to limit noise levels in habitable rooms close to busy roads, railway lines or industry.	
Clause 55.05-1 Accessibility Consider people with limited mobility in the design of developments.	Standard B25 Dwelling entries of the ground floor of buildings should be accessible or able to be easily made accessible to people with limited mobility.	Complies All dwellings provided with an accessible entry and facilities on the ground floor.
Clause 55.05-2 Dwelling Entry Provide a sense of identity to each dwelling/residential building	Standard B26 Entries are to be visible and easily identifiable from streets and other public areas. The entries should provide shelter, a sense of personal address and a transitional space.	Complies All dwelling entries are visible from the street or common property with use of porticos to provide shelter and a sense of personal address.
Clause 55.05-3 Daylight to New Windows Allow adequate daylight into new habitable room windows.	1. Standard B27 2. Habitable room windows to face: <ul style="list-style-type: none"> ■ Outdoor space open to the sky or light court with minimum area of 3sqm and a min. dimension of 1m clear to the sky or; ■ Verandah, provided it is open for at least one third of its perimeter or; ■ A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	Complies Habitable room windows of all dwellings face areas of open space. All windows face an outdoor space clear to the sky except for the east facing living room window to dwelling three that has eaves encroaching into the 1 metres setback from the eastern boundary. Condition of permit required to address.
Clause 55.05-4 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space	3. Standard B28 4. Unless specified in the schedule to the zone, a dwelling should have private open space consisting of: <ul style="list-style-type: none"> ■ 40sqm with one part at the side or rear of the dwelling/residential building with a minimum dimension of 3m, a minimum area of 25sqm and convenient access from a living room 	Amended Plans required Dwellings 2 and 3 are very close to achieving 25sqm but generally about a square metre below the minimum standards, without including space with a minimum dimension of less than 3 m as it appears the applicant has. Recommend condition to require plan alterations to ensure the minimum 25sqm is achieved.

Objectives	Standards	Compliance
	<p>or;</p> <ul style="list-style-type: none"> ■ Balcony - minimum 8sqm, minimum width 1.6m and accessed from living room or; ■ Roof-top – minimum 10sqm, minimum width 2m and convenient access from living room 	
<p>Clause 55.05-5 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Standard B29 The private open space should be located on the north side of the dwelling if appropriate. Southern boundary of open space should be setback from any wall on the north of the space at least $(2+0.9h)h$ = height of wall.</p>	<p>Complies The SPOS for the three dwellings is located on the northern side of the dwellings. The spaces will achieve good solar access.</p>
<p>Clause 55.05-6 Storage Provide adequate storage facilities for each dwelling.</p>	<p>Standard B30 Each dwelling should have access to a minimum 6m³ of externally accessible, secure storage space.</p>	<p>Amended Plans Required Condition 1 will require the inclusion of the minimum storage area within the development.</p>
<p>Clause 55.06-1 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>5. Standard B31 (Can be varied)</p> <p>6. Design of buildings should respect the existing or preferred neighbourhood character and address:</p> <ul style="list-style-type: none"> ■ Façade articulation & detailing. ■ Window and door proportions. ■ Roof form. ■ Verandahs, eaves and parapets. <p>Garages and carports should be visually compatible with the development and neighbourhood character.</p>	<p>Complies The proposed three dwellings are provided with pitched roofs and eaves.</p> <p>The construction of the units is not considered to be at variance with the locality with a number of unit sites within the locality.</p>
<p>Clause 55.06-2 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character</p>	<p>Standard B32 (Can be varied) The front fence should complement the design of the dwelling or any front fences on adjoining properties. A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone or if no max. specified, the front fence should not exceed:</p> <ul style="list-style-type: none"> ■ 2m if abutting a Road Zone, Category 1. ■ 1.5m in any other streets 	<p>Complies No front fence proposed</p>
<p>Clause 55.06-3 Common Property Objectives</p>	<p>Standard B33 (Can be varied) Developments should clearly</p>	<p>Common Property Common property area to be</p>

Objectives	Standards	Compliance
<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>delineate public, communal and private areas. Common property where provided, should be functional and capable of efficient management.</p>	<p>managed with owner corporation through plan of subdivision.</p>
<p>Clause 55.06-4 Site Services Objectives 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) 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 The proposed dwellings are appropriately located to allow for the provision of connection to services and the location of mailboxes.</p>

Clause 56 (ResCode – Residential Subdivision) also applies to the development.

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 subject land is identified within the incremental change area of the housing strategy which seeks to allow for low rise medium density development in appropriately serviced locations.</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>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><input type="checkbox"/> Complies Comments: The proposal creates allotments with appropriate areas and orientation to enable the appropriate siting and construction of dwellings. This is demonstrated through the plans that seek approval for the development of three dwellings.</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: 	<p><input type="checkbox"/> Complies Comments: The subdivision layout provides for future dwelling development that will achieve good solar access with north facing living areas and open</p>

	<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>	space.
<p>C11 Common Area To identify common areas and the purpose for which the area is commonly held.</p> <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>	<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 by the body corporate, including any streets and open space. - 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><input type="checkbox"/> Complies Comments: Plan submitted which shows a small area of common property to be used for access purposes only. Common property is able to be managed through standard body corporate arrangements.</p>
<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. <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	<p><input type="checkbox"/> Complies Comments: Dwelling 1 will be provided with its own crossover, whilst dwellings 2 and 3 will share a crossover all of which will be required to be constructed to Council standards. Council's Development Engineers have consented to the application with standard conditions requiring vehicle crossing permits.</p>
<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 	<p><input type="checkbox"/> Complies Comments: The proposed lots will have independent connections to reticulated town water to the satisfaction of Goulburn Valley Regional Water Corporation.</p>

	satisfaction of the relevant water authority.	
<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. <p>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p><input type="checkbox"/> Complies Comments: The proposed lots will be connected to the reticulated water and sewer systems so as to make efficient use of existing infrastructure to the satisfaction of the Goulburn Valley Regional Water Corporation.</p>
<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. <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p><input type="checkbox"/> Complies Comments: Reticulated Sewage is provided to the land and each proposed lot can easily be connected to the satisfaction of the Goulburn Valley Regional Water Corporation.</p>
<p>C25 Urban Run-off Management To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>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>	<ul style="list-style-type: none"> • 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 (Victorian Stormwater Committee 1999) as amended. - 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. • The stormwater management system should be integrated with 	<p><input type="checkbox"/> Complies Comments: Council's Development Engineers have responded to the development application and consented to the application subject to generally standard conditions. Drainage plans will need to be submitted to the satisfaction of Council.</p>

	<p>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 proposed subdivision will require the construction of minor works only. Submission of a construction management plan is not considered necessary; however a permit condition will require site management to the Council's satisfaction (eg dust, mud, erosion and sediment control).</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: Services should be connected to the site and undergrounded using shared trenching as required by condition.</p>
<p>C28 Electricity, Telecommunications and Gas To provide public utilities to each lot 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>	<ul style="list-style-type: none"> • The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. • Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. • The telecommunication system 	<p><input type="checkbox"/> Complies Comments: Service to be connection to the satisfaction of the relevant authorities.</p>

	<p>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.</p> <ul style="list-style-type: none">• 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.	
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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 adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Response – As identified in this report, the proposal is consistent with the objectives of the General Residential Zone. The proposal will also implement the objectives of the relevant state and local planning policy frameworks that seek to promote urban consolidation and the development of medium density housing in locations well serviced by physical and social infrastructure.

The proposed development is consistent with the relevant objectives of ResCode that seeks to protect residential amenity.

In addition, there is no native vegetation on the site and there are no identified hazards on the site being located in an established urban setting.

Relevant incorporated or reference documents

The *Greater Shepparton Housing Strategy 2011* (GSHS) is a Reference Document in the Greater Shepparton Planning Scheme. As previously discussed, the GSHS identifies the site is within an identified “Incremental Change Area” where there is capacity to accommodate substantial residential development, including low rise medium density housing.

Other relevant adopted State policies or strategies policies

There are no relevant adopted State or strategic policies that relate to this application for a planning permit.

Relevant Planning Scheme amendments

There are no Planning Scheme amendments applicable to this application.

Are there any significant social & economic effects?

There are no relevant significant social or economic effects that relate to this application for a planning permit.

Discuss any other relevant Acts that relate to the application?

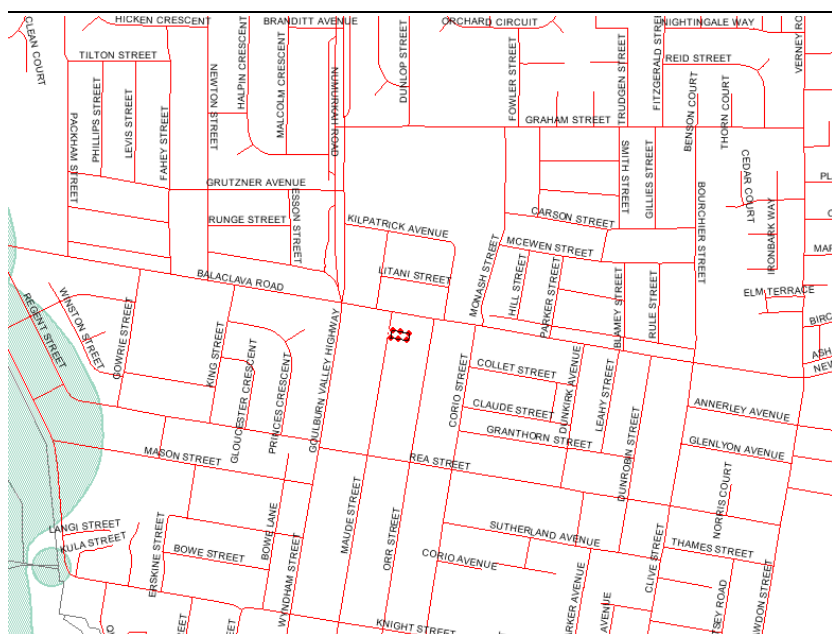
There are no other relevant Acts that relate to this application for a planning permit.

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 Charter of Human Rights and Responsibilities has been considered when assessing this application and it is not considered that the application impinges on the Charter.

Conclusion

It is considered that:

- The land is appropriately zoned for infill residential development.
- State and Local Planning Policies support residential infill development in this location.
- The proposal complies, or is able to comply (subject to planning permit conditions) with the relevant objectives and standards of Clause 55 (ResCode – Two or more dwellings on a lot) of the Greater Shepparton Planning Scheme.
- The proposal complies with the relevant objectives and standards of Clause 56 (ResCode – Residential subdivision) of the Greater Shepparton Planning Scheme.
- The proposal will not result in any adverse amenity impacts to the adjoining properties.

Draft Notice Of Decision

APPLICATION NO: 2018-10

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 MAUDE STREET SHEPPARTON VIC 3630

WHAT THE PERMIT WILL ALLOW: BUILDINGS AND WORKS FOR THE CONSTRUCTION OF THREE DWELLINGS AND A THREE LOT SUBDIVISION WITH CREATION OF A COMMON PROPERTY AREA IN THE GENERAL RESIDENTIAL ZONE

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Amended Plans Required

Before the development starts or the certification of the plan of subdivision, 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 (or as specified) must be provided. Such plans must be generally in accordance with the plan submitted with the application but modified to show:

- a) Location of mechanical equipment and plant (e.g. air conditioners) appropriately sited away from existing dwellings on neighbouring lots
- b) Site plans to show each dwelling provided with a minimum 25sqm secluded private open space, with a minimum dimension of 3 metres
- c) Dwelling 3 amended to delete eaves from the eastern elevation (over living room window) to allow for compliance with the Daylight to new windows objective of ResCode (Standard B27)
- d) Provision of at least 6 cubic metres of externally accessible, secure storage space

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 the certification of the Plan of Subdivision or before the development starts whichever occurs first, 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 (to the side entry pit at Maude/Balaclava intersection);
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) maximum discharge rate shall not be more than 37lit/sec/ha, 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 statement of compliance is issued or the occupation of the dwellings whichever occurs first all drainage works required by the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

4. Landscape Plan

Before any of 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 three copies must be provided. The landscaping plan must be drawn to scale with dimensions and two copies must be provided and show:

- a) a schedule of all proposed trees, 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;

- b) details of surface finishes of pathways and driveways;
- c) landscaping and planting within all open areas of the site
- d) all landscaped areas to be used for stormwater retardation and treatment.

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

All trees planted as part of the landscape works must be a minimum height of 1.2 metres at the time of planting.

Before the occupation of the dwellings the landscaping must be carried out as shown on the endorsed landscape plans to the satisfaction of the responsible authority.

5. 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.

6. Urban Vehicle Crossing Requirements

Before the Statement of Compliance is issued or before the occupation of the dwellings whichever occurs first, vehicular crossings shall be constructed in accordance with the endorsed plan(s) and constructed to Councils IDM standard drawing SD235, and must:

- 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 6 metres 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.

- e) a Works within Road Reserves permit must be obtained from the Responsible Authority prior to carrying out of any vehicle crossing works.

7. Payment in Lieu of Open Space

Before the statement of compliance is issued under the *Subdivision Act 1988*, the owner must pay to the responsible authority a sum of equivalent to 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.

8. 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.

9. 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.

10. Telecommunications Referral Condition

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

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

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

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

11. 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.

12. Goulburn Valley Region Water Corporation Requirements

- a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) Provision of 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, clarification if the existing meter was re-used and the lot it will serve, to the satisfaction of the Goulburn Valley Region Water Corporation;
- d) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- e) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and include disconnection of any existing house connection drain 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.

13. 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.

The applicant shall:

- b) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
- c) 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.
- d) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- e) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

14. 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 certification.