

UNCONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 3/2019

HELD ON

FRIDAY 14 JUNE 2019

AT 10.00AM

**IN THE COUNCIL BOARDROOM
90 WELSFORD STREET**

CHAIR

Councillor Dennis Patterson

COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Dennis Patterson (Chair),
- Jonathan Griffin – Team Leader Development, Greater Shepparton City Council
- Emma Kubeil – Manager Planning & Investment, Shire of Strathbogie
- Nilesh Singh - Nilesh Singh – Manager Development – Benalla Rural City

ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 3 for 2019

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
- Sally Edmunds

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

Nil

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 2018-281 seeking permission for a 28 lot staged subdivision in the General Residential Zone and Land Subject to Inundation Overlay.
2. Planning Permit application 2018-321 seeking permission for a two lot subdivision.

10. LATE REPORTS

None

11. NEXT MEETING

N/A

Meeting concluded at 10.35am

Application Details:

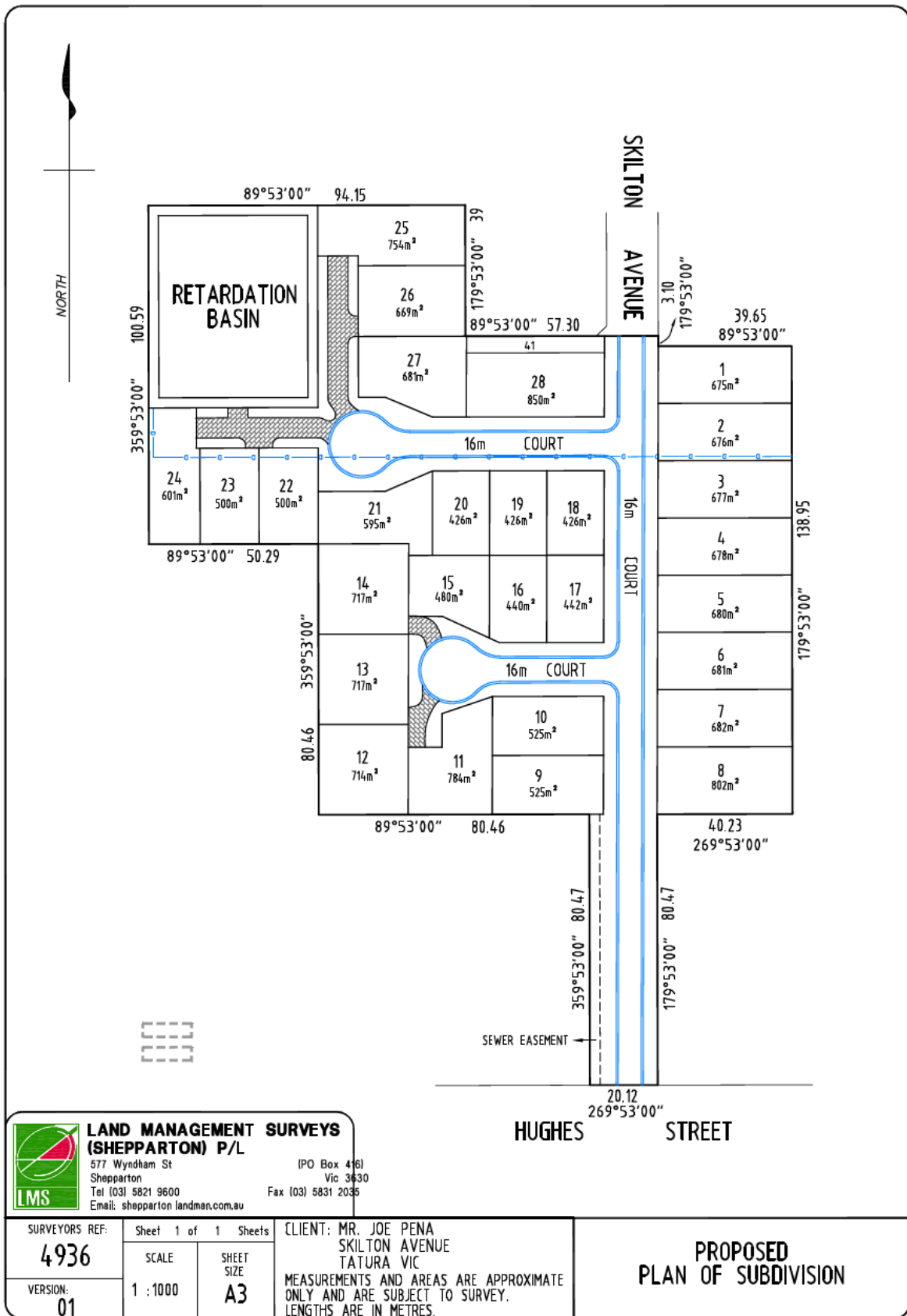
Responsible Officer:	Sally Edmunds
Application Number:	2018-281
Applicants Name:	Joe Pena & Sons P/L
Date Application Received:	22 October 2018
Statutory Days:	91
Land/Address:	Skilton Avenue TATURA VIC 3616
Zoning and Overlays:	General Residential Zone Development Plan Overlay - Schedule 1 Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	32.08-3 Subdivision in the General Residential Zone 44.04-3 Subdivision in the Land Subject to Inundation Overlay
Are there any Restrictive Covenants on the title?	No

Proposal

The application for a development plan and planning permit proposes a 28 lot subdivision in the General Residential Zone and Land Subject to Inundation Overlay.

Planning permit permission is required under Clause 32.08-3 to subdivide land within the General Residential Zone and Clause 44.04-3 to subdivide land within the Land Subject to Inundation Overlay.

The plan of the proposed subdivision is below:



LAND MANAGEMENT SURVEYS (SHEPPARTON) P/L
 577 Wyndham St (PO Box 416)
 Shepparton Vic 3630
 Tel (03) 5821 9600 Fax (03) 5831 2035
 Email: shepparton.landman.com.au

SURVEYORS REF: **4936**
 Sheet 1 of 1 Sheets
 SCALE: 1:1000
 SHEET SIZE: **A3**
 VERSION: **01**

CLIENT: **MR. JOE PENA**
 SKILTON AVENUE
 TATURA VIC
 MEASUREMENTS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY. LENGTHS ARE IN METRES.

PROPOSED PLAN OF SUBDIVISION



Summary of Key Issues

- The application proposes a 28 lot subdivision in the General Residential Zone, Land Subject to Inundation Overlay and Development Plan Overlay.
- The initial application has been amended once since lodgement to alter the subdivision layout.
- The applications have been publically notified, signs on site and letters to surrounding land owners.
- The notification periods resulted in 3 objections to the planning permit.
- The proposed subdivision will provide for additional housing allotments within the township of Tatura on land identified for residential development through the placement of the Development Plan Overlay. The proposed subdivision being located in an area completely developed for residential purposes is appropriate given the proximity to services (ie. open space and retail). After consideration of the objections and the submissions to the amended plans, the application for a planning permit is considered to achieve acceptable planning outcomes.

Recommendation

Planning Application

That Council having caused notice of Planning Application No. **2018-281** 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 **32.08-3 and 44.04-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **Skilton Avenue TATURA VIC 3616**, for the **28 Lot staged Subdivision** in accordance with the Notice of Decision and the endorsed plans.

Moved by Emma Kubeil

Seconded by Nilesh Singh

That Council having caused notice of Planning Application No. **2018-281** 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 **32.08-3 and 44.04-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **Skilton Avenue TATURA VIC 3616**, for the **28 Lot staged Subdivision** in accordance with the Notice of Decision and the endorsed plans.

CARRIED

Subject Site & Locality

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

Date: **2/5/19 and 3/5/19**

Time: **1:36pm**

The site has a total area of **2.76ha** and currently contains:

- vacant land
- retention dam

The main site/locality characteristics are:

- infill development
- surrounding residential properties
- access to Skilton Avenue and Hughes Street

The Photos below show the existing site:



Permit/Site History

The history of the site includes:

- 2014-20 a staged multi-lot subdivision (28 lots) in the General Residential Zone.

Further Information

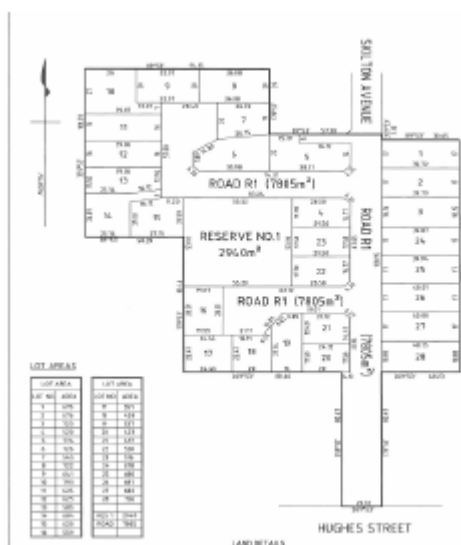
Was further information requested for this application? **No**

Public Notification

First Notice (shown below Plan A) – submitted 4 February 2019

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.

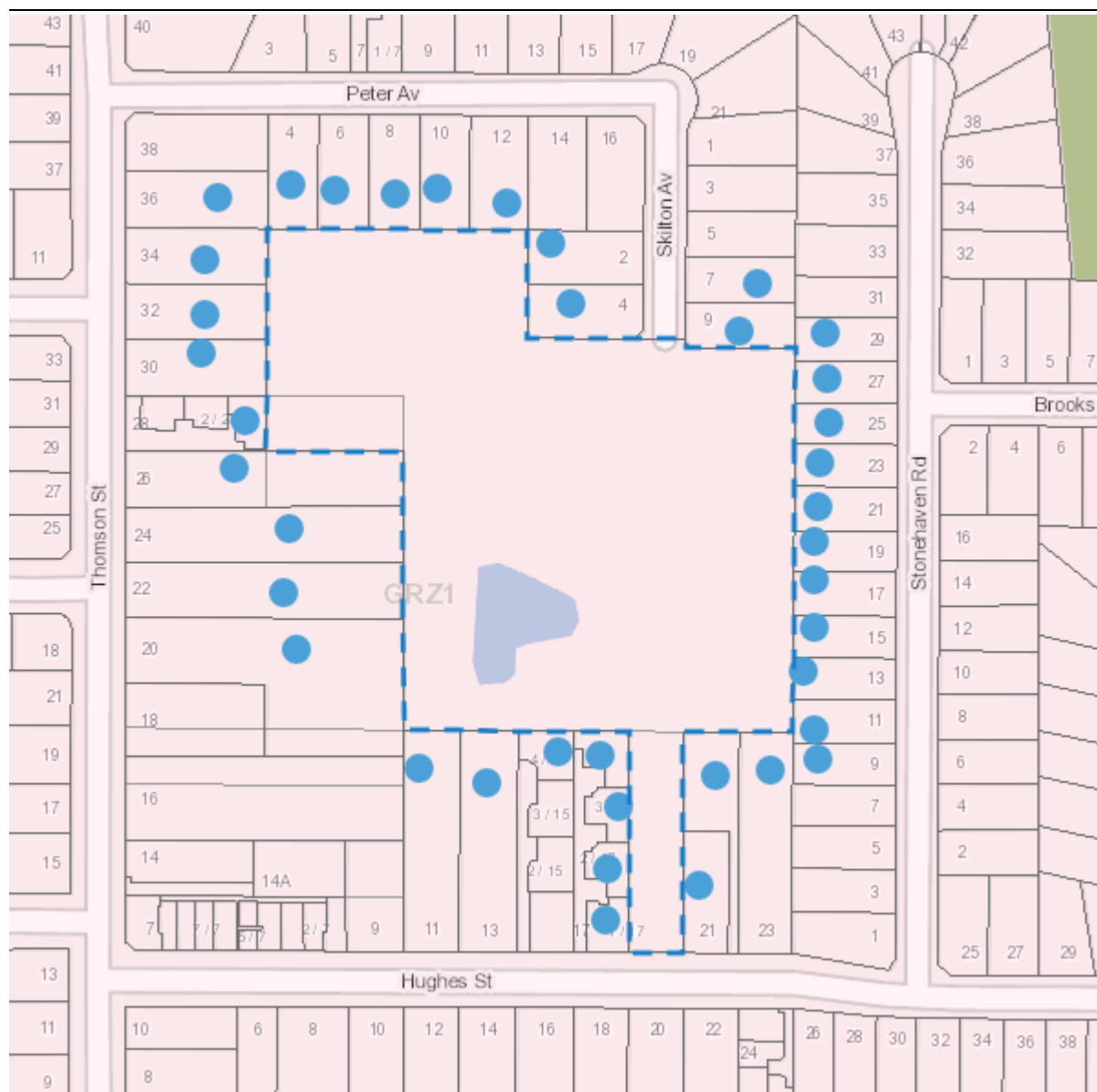


Plan A

Although a Development Plan has been prepared for the proposal, part of the land at 26 Thomson Street is outside of the DPO and therefore the application is not exempt from public notice.

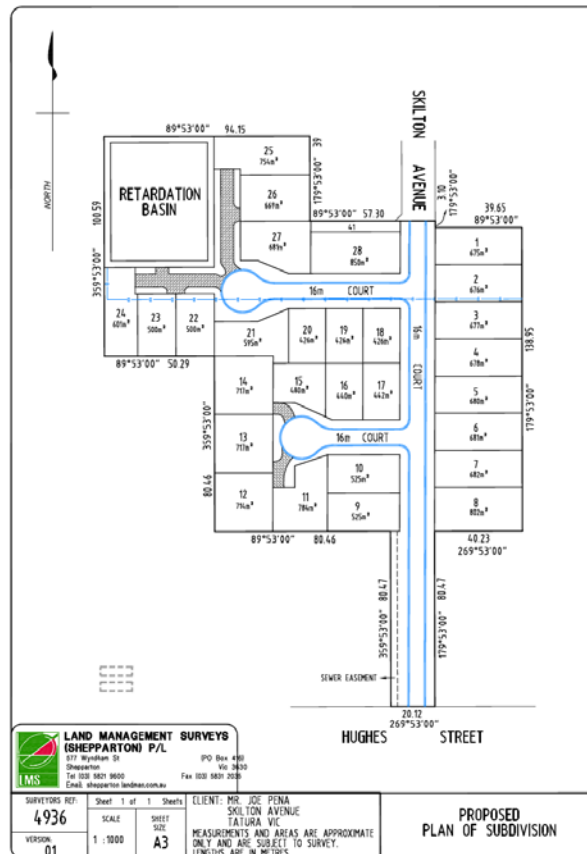
The application was sent to public notice and referral on 5 February 2019. LMS supplied the incorrect Plan of Subdivision and officers informed them that a Section 57A will need to be applied for to amend the plans.

The Section 57A was submitted on 21 February 2019 and officers re-advertised the application with the new plans. The description of the second public advertising notice read: 'amended plans to show a new location for the retardation basin and revised lot numbering'.



Second Notice (shown below Plan B) – submitted 19 March 2019

Officer's received a s57A to amend the plans to include the correct numbering and show the creation of access to 4 Skilton Avenue.



Plan B

The application was exempt from being advertised in accordance with Clause **32.08-12**, **43.04-3** and **44.04-6** of the planning scheme.

Objections

The Council has received three objections.

The objectors are identified as:

Alfred Huperman- Owner 24 Thompson Street TATURA

C & A Nevins – Owners 21 Hughes Street TATURA

John Corrigan – Owner 4 Skilton Avenue TATURA

The key issues that were raised in the objections are:

Ground of Objection	Officers Response
Creation of a carriageway easement to 4 Skilton Avenue Tatura.	The creation of access to 4 Skilton Avenue was addressed as the incorrect plans were submitted for advertising. Through the s57A process, a creation of access was

	established to 4 Skilton Avenue. A permit condition requires that Lot A be consolidated with 4 Skilton Avenue.
Detail the stormwater drain easement along the north/south allotments 12, 13, 14 and 24 Thompson Street Tatura is currently without access to a drainage outlet.	<p>Drainage of the land is to be addressed through the submission of a drainage plan and the construction of a retention basin.</p> <p>The plan and basin are to be prepared and constructed to the satisfaction of the Council's Development Engineers.</p> <p>Stormwater drains and pits are to be installed at 24 Thompson Street as part of Stage 1 development and will be required as part of a condition should a permit be granted.</p>
The location of the creation of access for Skilton Avenue on Hughes Street will create additional traffic, especially for the construction machinery for the future dwellings in the subdivision.	<p>Conditions will be placed on the permit to manage the amount of dust and mud created by the construction process.</p> <p>Condition will also require that the 2m high acoustic fence be constructed before stage 1 of the development commences.</p>
Amenity issues, e.g. dust, noise and air pollution	Conditions on the permit, should one grant will require the construction of an acoustic fence along the boundaries of the two properties (1/17-4/17, 21 and 2/21 Hughes Street) which abut the proposed through road exiting onto Hughes Street.
Devaluing of property	VCAT has consistently held that property devaluation as a result of planning applications is not a relevant planning consideration.

Title Details

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

Consultation

Consultation was not undertaken.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Goulburn Broken Catchment Management Authority	<p>Consented to the application subject to the following conditions:</p> <ul style="list-style-type: none"> a) The applicant demonstrates that the hydraulic connection remains from the west. In this regard this may be achieved setting aside a 20 metres wide open space at natural surface elevation, at the location of the retardation basin. b) Roadway crest elevations must be no lower than 111.95 metres AHD in order to limit the depth of flooding to 300 millimetres during a 100-year ARI type flood. c) A cut and fill report be provided to demonstrate the cut to fill ratio must be balanced to achieve no net loss in flood storage. d) Documentation to address the above conditions must be submitted as part of the statement of compliance using as constructed survey.
Goulburn Valley Water	<p>Consented to the application subject to the following conditions:</p> <ul style="list-style-type: none"> a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment; b) Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; c) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment; d) Provision of reticulated sewerage and associated construction works to 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; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains); e) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property; f) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request; g) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.
Powercor	<p>Consented to the application subject to the following conditions:</p> <ul style="list-style-type: none"> a) This letter shall be supplied to the applicant in its entirety. b) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act. c) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant. d) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the

	<p>Victorian Service and Installation Rules (VSIR). Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.</p> <p>e) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations. Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:</p> <ul style="list-style-type: none"> • RESERVES established by the applicant in favour of the Distributor. • SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision. <p>f) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements. Notes:</p> <ul style="list-style-type: none"> • Existing easements may need to be amended to meet the Distributor's requirements • Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows: <table border="1" data-bbox="531 1014 1377 1115"> <thead> <tr> <th>Easement Reference</th> <th>Purpose</th> <th>Width (Metres)</th> <th>Origin</th> <th>Land Benefited / In Favour Of</th> </tr> </thead> <tbody> <tr> <td></td> <td>Power Line</td> <td></td> <td>Section 88 - Electricity Industry Act 2000</td> <td>Powercor Australia Ltd</td> </tr> </tbody> </table>	Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of		Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd
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	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd							
<p>APA</p>	<p>Consented to the application subject to the following conditions:</p> <p>a) Easements in favor of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT.</p> <p>b) The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the Subdivision Act 1988.</p>										
<p>Country Fire Aurhtoitoy</p>	<p>Consented to the application subject to the following conditions:</p> <p>a) Hydrants</p> <ul style="list-style-type: none"> • Prior to the issue of a Statement of Compliance under the <i>Subdivision Act 1988</i> the following requirements must be met to the satisfaction of the CFA: • Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries. • The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority. • Note – CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au) <p>b) Roads</p> <ul style="list-style-type: none"> • Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 										

	<p>tonnes for the trafficable road width.</p> <ul style="list-style-type: none"> • The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle. • Curves must have a minimum inner radius of 10 metres. • Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way. • Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.
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Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>Consented to the application subject to the following conditions: <u>Drainage Discharge Plan</u></p> <p>Before the development starts or certification of the Plan of Subdivision, a drainage plan with computations prepared by a suitably qualified person 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 two copies must be provided. The plans must be in accordance with council's Infrastructure Design Manual and include:</p> <ul style="list-style-type: none"> a) how the land will be drained; b) a maximum discharge rate from the site of 37 l/sec/ha; c) Each dwelling including open space areas shall be independently drained; d) Underground pipe drains conveying stormwater to the legal point of discharge; e) Incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999 or as otherwise approved in writing by the Responsible Authority; f) details of how the basin will be aesthetically pleasing and have regard to the area in which it will be located; g) details of how the runoff from the land is to be retarded; h) 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. i) documentation demonstrating how drainage will be designed so neighbouring properties are not adversely affected by the development, including water flow to and from neighbouring properties. j) documentation demonstrating that all fencing abutting existing development is at a height that would protect amenity of residents and would not adversely affect the flow of water to and from neighbouring properties. k) Redundant pit/s to be removed if required. <p>Before the statement of compliance is issued all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority.</p>

Detailed Construction Plan

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

- a) fully sealed pavement with kerb and channel, line marking of roads and vehicular crossings
- b) Design details of the intersection of roads including the intersection on Hughes Street
- c) details of intersection lighting of roads
- d) services and streetlights
- e) Details of concrete footpaths
- f) vehicle crossing to each lot in accordance with the IDM standard drawing SD235
- g) Traffic management measures
- h) Turning movements for a Garbage truck within the Court bowl
- i) water sensitive urban design features
- j) underground drains unless otherwise agreed by Council's development engineers
- k) site grading from the rear to the frontage of each lot of at least 1:200
- l) silt and erosion control measures

All road, drainage and landscaping works must be constructed in accordance with the endorsed plans.

Before the issue of the statement of compliance for each stage all works as shown on the endorsed construction plans must be completed to the satisfaction of the responsible authority.

Urban Vehicle Crossing Requirements

Before the building(s) is/are occupied vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the responsible authority, and must:

- a) be constructed at right angles to the road
- 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.

Works within Road Reserves Permit Required

For the works within the Road Reserve, a permit must be obtained from the Responsible Authority prior to carrying out of any work (eg. Vehicle crossing).

Construction of Works

Before the Statement of Compliance is issued for the relevant stage under the *Subdivision Act 1988*, the owner must construct and complete road works, drainage and other civil works, in accordance with endorsed plans and specifications approved by the responsible authority and in accordance with the Infrastructure Design Manual.

Road works, drainage and other civil works to be constructed must include:

	<p>a) Street and drainage in accordance with the approved construction drawings;</p> <p>b) landscaping in accordance with the approved landscape plans;</p> <p>c) planting of street trees or as otherwise agreed in writing by the responsible authority</p> <p>d) underground drainage;</p> <p>e) footpaths</p> <p>f) underground conduits for water, gas, electricity and telephone;</p> <p>g) intersection and traffic control/mitigation measures;</p> <p>h) street lighting and signage;</p> <p>i) high stability permanent survey marks;</p> <p>j) installation of a street name plate sign</p> <p>to the satisfaction of the responsible authority.</p> <p><u>Council's Assets</u></p> <p>Before the development commences, the owner/operator must submit to the Responsible Authority a written report on and photos of public infrastructure adjacent to the land. The report must detail the condition of Kerb & Channel, Footpath, seal, street lights, signs and other public infrastructure fronting the land and at least two allotments either side of the land. 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.</p>
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Assessment

The zoning of the land

32.08 GENERAL RESIDENTIAL ZONE

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.08-3 Subdivision

Permit requirement

- A permit is required to subdivide land.

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. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:

- An approved precinct structure plan or an equivalent strategic plan;
- An incorporated plan or approved development plan; or
- A permit for development.

- An application to subdivide land, other than an application to subdivide land into lots each
- containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

Must meet all of the objectives included in the clauses specified in the following table.

Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

32.08-13 Decision guidelines

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

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Relevant overlay provisions

43.04 DEVELOPMENT PLAN OVERLAY

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

43.04-2 Requirement before a permit is granted

- A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.
- This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.

A permit granted must:

- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay.

44.04 LAND SUBJECT TO INUNDATION OVERLAY

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

44.04-3 Subdivision

- A permit is required to subdivide land.

44.04-8 Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework .
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.

- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.
- Any other matters specified in a schedule to this overlay.

11.01-1S Settlement

Objective

- To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Strategies

- Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.
- Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

11.02-1S Supply of urban land

Objective

- To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
- Planning for urban growth should consider:
 - Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
 - Neighbourhood character and landscape considerations.
 - The limits of land capability and natural hazards and environmental quality.

- Service limitations and the costs of providing infrastructure.
- Monitor development trends and land supply and demand for housing and industry.
- Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.
- Restrict rural residential development that would compromise future development at higher densities.

13.03-1S Floodplain management

Objective

To assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river health.

Strategies

- Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.
- Avoid intensifying the impact of flooding through inappropriately located use and development.
- Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters and schools) outside the 1 in 100 year floodplain and, where possible, at levels above the height of the probable maximum flood.
- Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.

15.01-3S Subdivision design

Objective

- To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.

- Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing native habitat.
- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.
- Reduce car dependency by allowing for:
 - Convenient and safe public transport.
 - Safe and attractive spaces and networks for walking and cycling.
 - Subdivision layouts that allow easy movement within and between neighbourhoods.
- A convenient and safe road network.
- Being accessible to people with disabilities.
- Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.

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

21.04-1 Urban Consolidation and Growth

Population forecasts predict that the population of the City of Greater Shepparton will grow from 59,202 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 (a separate estimate suggests a further 9,100 dwellings will be required by 2031).

At the same time, changing demographic trends such as an increase of persons aged 65 and over, smaller household sizes and an increase in non-Australian born persons will create demand for a broad range of housing types within the municipality.

Objectives - Urban Consolidation and Growth

- To contain urban growth to identified growth areas in order to protect higher quality and intact agricultural areas and achieve a more compact built up area.
- 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 minimise the impacts of housing on the natural environment.
- To release land efficiently in terms of location, supply of services and infrastructure and in accordance with land capability.

- To support increased residential densities, such as 15 dwellings per hectare, in established areas and the conventional living growth areas.
- To increase the supply of medium density housing in appropriate locations.
- To provide land for small township expansion, subject to a supply and demand analysis.
- To coordinate the assessment, planning, development and servicing of identified investigation areas in an integrated manner.
- To ensure any small township expansion occurs without impacting on the long-term growth potential of urban centres or productive agricultural land.
- To ensure any small township expansion is dependent on land capability where no reticulated sewer is available.
- To balance the need to achieve urban consolidation with the need to respect and retain the valued characteristics of existing neighbourhoods.
- To ensure that land proposed for residential purposes is not contaminated.
- To ensure protection of ground water and natural systems.
- To ensure that provision is made for community infrastructure.
- To ensure that a Precinct Structure Plan and, where relevant, a Development Contributions Plan are prepared for land in the Urban Growth Zone.
- To provide for the appropriate development of Investigation Areas generally where the Investigation Area Study has been completed.

Strategies - Urban Consolidation and Growth

- Maintain residential development targets outlined in the GSHS based on the type, amount and proportion of existing residential zones; the existing average lot sizes in each residential zone type; a qualitative assessment of dwelling demand and housing market conditions; sustainable development principles and the need to conserve land and energy; and the need to achieve the strategic directions and objectives of the GSHS. These targets are:
- Infill Development – accommodate at least 10 percent of the 9,100 dwellings (910 dwellings) in existing areas through infill and redevelopment at higher densities. New dwelling construction in these areas is highly encouraged by the GSHS and this target should be exceeded where possible.
- Greenfield Development – accommodate the remaining 8,190 dwellings in Greenfield locations with:
 - 60% as conventional living (450 – 800 square metres).
 - 20% as medium density housing (less than 450 square metres).
 - 15% as low density living (2,000 – 8,000 square metres).
 - 5% as rural living (2 – 8 hectares).
- Promote development in accordance with the attached Framework Plans.
- Maintain a supply of land to accommodate projected population growth over at least a 15 year period.
- Encourage the consolidation of existing residential areas in the municipality in accordance with the change areas identified in the Housing Change Area plans.
- Ensure the rezoning of future residential land is informed by the 'Growth Management Plans' and development principles identified in the Greater Shepparton Housing Strategy 2011.
- Ensure that township growth is determined by infrastructure provision (including water supply) and a supply and demand analysis, with developers funding the extension of water and sewerage services.
- Support applications to rezone land for residential purposes where the land has previously been used for orchard or other agricultural uses only where the application

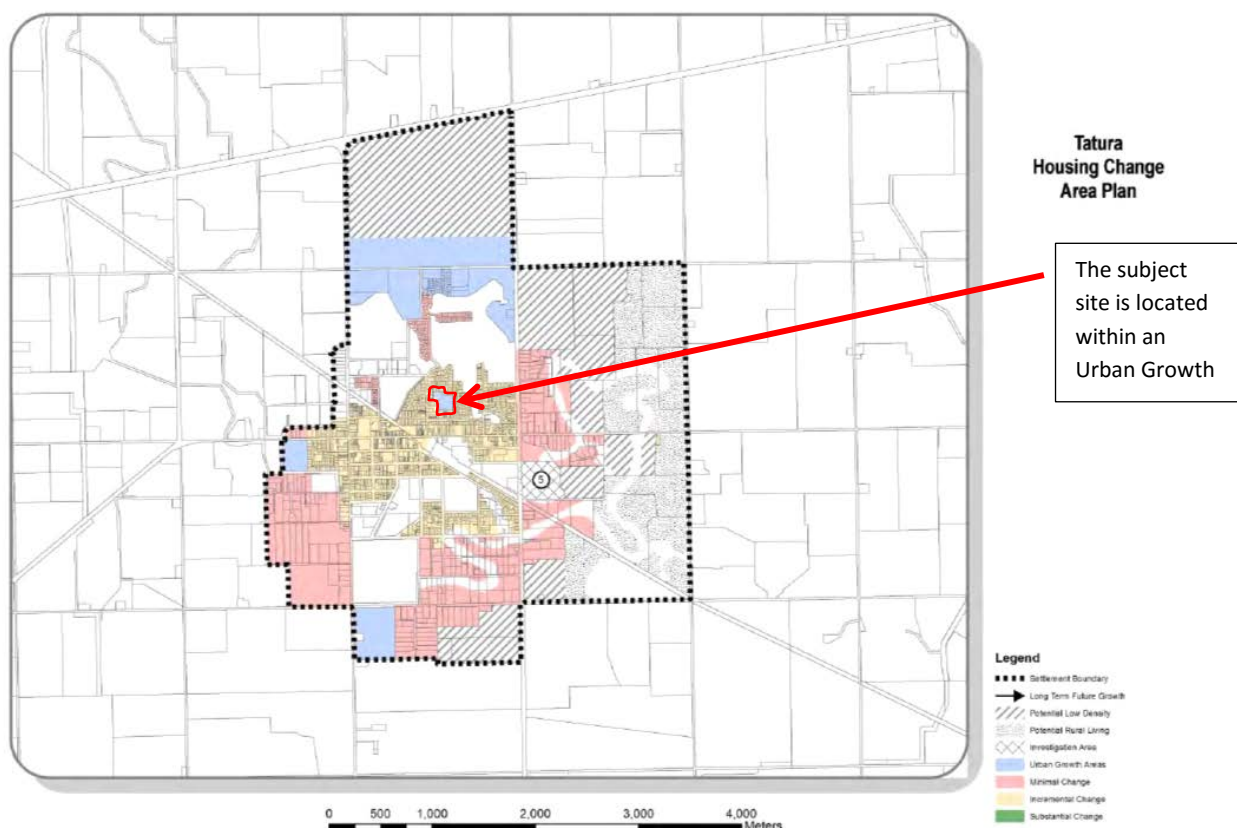
is accompanied by a soil report which confirms that the land is suitable for residential use (as required by Ministerial Direction No. 1).

- Support increased densities, such as 15 dwellings per hectare, where reticulated sewer and urban services are provided in the existing residential areas, while maintaining and protecting existing sewerage reticulation assets.
- 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.
- Encourage medium density, apartment style and shop-top housing, and including student accommodation, as part of the redevelopment of Shepparton CBD commercial sites.
- Encourage the provision of smaller lots to meet the changing demographics structure.
- Discourage multi dwelling developments within areas affected by the Floodway Overlay.
- Provide a settlement boundary beyond which additional urban growth and rezoning should not be supported.
- Encourage new subdivision and developments to promote walking and cycling between homes and schools, open spaces and shops.
- Ensure appropriate design, location and density for expanding residential areas in Shepparton North to maintain amenity protection between residential and other uses such as industry, agriculture and the Goulburn Valley Freeway.
- Link the parks, open spaces and bicycle paths to create connectivity between the three urban areas of Shepparton, Mooroopna and Kialla, with the floodplain becoming a recreation asset.
- Avoid incremental approvals and development in identified investigation areas until an integrated investigation has been completed to assess and resolve future land opportunities and constraints, land use, development opportunities, subdivisional layout and servicing for the area.
- Apply the Development Plan Overlay (DPO) to the growth areas to ensure coordinated development.
- Require development plans to be accompanied by an approved Development Contributions Plan (DCP) or an alternative such as a negotiated Pre- Development Agreement.
- Consider the effect that use or development may have on nearby existing or proposed residential development in the Urban Growth Zone.
- Consider the effect that use or development in an Investigation Area may have on nearby existing or proposed development.

21.04-2 Housing Change Areas

Objective - Housing Change Areas

- To manage the impacts of change in the established neighbourhoods and ensure that residential development contributes to the character of residential areas rather than undermining them.
- The residential areas have been divided into three areas indicated in the attached Framework Plans:



21.05-2 Floodplain and Drainage Management

The catchments of the various rivers and streams within the municipality include areas of flood prone land, where flooding has historically caused substantial damage to the natural and built environment. Floods are naturally occurring events and the inherent functions of the floodplains to convey and store floodwater should be recognised and preserved to minimise the deterioration of environmental values, the long term flood risk to floodplain production, assets and communities.

Flooding imposes substantial costs on individuals and the community. While significant costs are incurred by direct damage to public and private property, indirect costs to the community such as loss of productivity, displacement of residents, closure of roads, trauma and ill health are also significant. Notwithstanding these significant impacts, natural flooding of floodplains and their associated wetlands provide essential breeding habitats for bird and aquatic species, and promotes the health of rivers and floodplains.

Sound floodplain management is the means by which the economic, social and environmental risks associated with floodplain use and development can be minimised.

This level of management is provided by six "local floodplain development plans (LFDP)" incorporated into the scheme at Clause 81.

Objectives - Floodplain and Drainage Management

- To recognise the constraints of the floodplain on the use and development of land.

Strategies - Floodplain Management

- Discourage development and subdivision on land subject to flooding.
- Ensure that all new development maintains the free passage and temporary storage of floodwater, minimises flood damage is compatible with flood hazard and local drainage conditions, and minimises soil erosion, sedimentation and silting.
- Prevent tree removal to minimise loss of riparian vegetation as a result of development on the floodplain.

Officer's Assessment

The application for a development plan and planning permit proposes a 28 lot subdivision in the General Residential Zone and Land Subject to Inundation Overlay.

Planning permit permission is required under Clause 32.08-3 to subdivide land within the General Residential Zone and Clause 44.04-3 to subdivide land within the Land Subject to Inundation Overlay.

The proposed development will strengthen the municipality's ability to provide a diverse mixture of housing within central locations close to services within the main existing urban area.

The proposed subdivision respects the character and existing nature of allotments within the locality with the proposed allotments generally of similar size to the allotment to the north and east. The existing allotments to the south and west provide a wider scope of size with smaller allotments to the south and larger to the west.

The above mentioned decision guidelines and the provisions of Clause 56 are addressed under other sections within this report.

The assessment of the development plan application and planning permit application has been undertaken concurrently and therefore some points of the assessment have been undertaken within other sections of this report.

The proposed subdivision will relate with the existing development of the locality allowing for road links and similar size allotments to those within the locality.

The requirement of the service agencies will be implemented through planning permit conditions, should one grant. There is no need for a pre-development agreement for this subdivision.

As identified the traffic solution in providing a through road to Hughes Street is considered acceptable given the ability to provide better access during emergencies, while also creating better connectivity for the proposed lots to the Tatura town centre.

The application has been referred to the Goulburn Broken Catchment Management Authority in accordance with Clause 44.04-5 of the Planning Scheme. The Authority provided consent to the application which showed a connection through to Hughes Street.

The proposed subdivision which will create a through road and two exit points for Peter Avenue, Skilton Avenue and the proposed subdivision thus reducing the potential flood risk to life and safety provides for an acceptable outcome.

The proposed subdivision will provide for additional housing allotments within the township of Tatura on land identified for residential development through the placement of the Development Plan Overlay. The proposed subdivision being located in an area completely developed for residential purposes is appropriate given the proximity to services (ie. open space and retail).

The subdivision design is such that it will encourage a walkable neighbourhood, with the area to be used for open space within close proximity to all proposed lots. In addition the through road to Hughes Street, not only provides a shorter routes to key services for the proposed lots but some of the existing allotments on Skilton Avenue and Peter Avenue.

Stormwater for the subdivision will be directed to the retention basin area where it will be required to be treated to Council Standards.

The proposed development will provide for infill development of a large allotment for residential purposes in the township of Tatura. The Council's Housing Strategy identifies the land as one for Urban Growth and therefore the proposed residential subdivision is not considered at variance with this document.

The subdivision pattern of the general locality is generally of existing conventional residential lots. The density of the proposed subdivision is deemed to be reasonable as the proposed lot sizes reflect the existing subdivision pattern of the area and therefore the subdivision will reflect the surrounding neighbourhood character. The area and dimensions of each lot in the subdivision are deemed to be appropriate to cater for a dwelling on each lot.

The roads will be created in accordance with the IDM as a requirement of the permit conditions. The movements of pedestrians and vehicles throughout the subdivision is deemed to be satisfactory. The road layout has avoided uncontrolled cross intersections.

Permit conditions will require the construction of areas of open space/basin at the developer's expense. The subdivision will be undertaken in two stages. The risk of fire is minimal as the land is within an urban area. The provision of off-street parking can be accommodated within each lot.

No common property is proposed and therefore will not be any owners corporation involved. The subject land is located within an existing residential area of Tatura and will therefore be connected to existing infrastructure and utility services, including water, sewerage, drainage, electricity and gas.

Relevant Particular Provisions

52.01 PUBLIC OPEN SPACE CONTRIBUTION

A person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

A condition will be included on the permit which requires that applicant to make a contribution prior to Statement of Compliance.

CLAUSE 56 ASSESSMENT

CLAUSE 56.01	
SUBDIVISION SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE	
<p>CLAUSE 56.01-1</p> <p>SUBDIVISION SITE AND CONTEXT DESCRIPTION</p> <p>The site and context description may use a site plan, photographs or other techniques and must accurately describe:</p> <ul style="list-style-type: none"> • In relation to the site: <ul style="list-style-type: none"> - Site shape, dimensions and size. - Orientation and contours. - Trees and other significant vegetation. - The siting and use of existing buildings on the site. - Street frontage features such as poles, street trees and kerb crossovers. - Access points. - Drainage and infrastructure connections. - Easements. - Any significant natural features of the site, including drainage lines, watercourses, significant habitat and habitat corridors for the movement of fauna. - Significant views to and from the site. - Noise and other sources or other external influences. - Soil conditions, including any land affected by contamination, salinity or fill. - Any other notable features or characteristics of the site. • In relation to the surrounding area: <ul style="list-style-type: none"> - The pattern of subdivision of the surrounding area. - Existing land uses. - The siting and use of existing buildings on adjacent properties. - The location and type of significant vegetation. - Street and footpath widths, materials and detailing. - Location distances and characteristics of any nearby public open space. - Direction, distances and to existing neighbourhood, town and regional activity centres and major employment areas and their catchments. - Existing Transport routes, including freeways, arterial and sub-arterial roads and major roads connecting neighbourhoods. - Local street network. - Traffic Volumes and movements on adjacent roads. - Pedestrian and bicycle paths. - Any places of natural or cultural significance. 	<p>✓ Complies</p> <p>Comments The applicant has provided with the application an appropriate written response for the site description and surrounding area.</p>
<p>CLAUSE 56.01-2</p> <p>SUBDIVISION DESIGN RESPONSE</p>	<p>✓ Complies</p> <p>Comments The applicant has provided an appropriate written</p>

<p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> • Derives from and responds to the site and context description. • Meets the objectives of Clause 56. • Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay. • The design response must include correctly proportioned plan showing the subdivision in context with the adjacent area. 	<p>response for the Subdivision.</p>
<p>CLAUSE 56.02 POLICY IMPLEMENTATION</p>	
<p>CLAUSE 56.02-1</p> <p>STRATEGIC IMPLEMENTATION</p> <p>Objective</p> <p>To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.</p> <p>Standard C1</p> <ul style="list-style-type: none"> • An application must be accompanied by a written statement that describes how the subdivision is consistent with and implements any relevant growth area, activity centre, housing, access and mobility, community facilities, open space and recreation, landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme. 	<p>✓ Complies</p> <p>Comments</p> <p>The application was submitted with an appropriate response which describes how the subdivision is consistent with and implements the relevant State and Local Planning Policy. The proposed subdivision is to occur within the existing township of Tatura on a site which has been identified for further development through the placement of a Development Plan Overlay.</p>
<p>CLAUSE 56.03 LIVABLE AND SUSTAINABLE COMMUNITIES</p>	
<p>CLAUSE 56.03-4</p> <p>BUILT ENVIRONMENT</p> <p>Objective</p> <p>To create urban places with identity and character.</p> <p>Standard C5</p> <ul style="list-style-type: none"> • The built environment should: <ul style="list-style-type: none"> - Implement any relevant urban design strategy, plan or policy for the area set out in this scheme. - Provide living and working environments that are functional, 	<p>✓ Complies</p> <p>Comments</p> <p>The subject site is an undeveloped site surrounded by land which has been developed for residential purposes. The subdivision will provide an area of open space while also providing an important through road for Skilton Avenue.</p>

<p>safe and attractive.</p> <ul style="list-style-type: none"> - Provide an integrated layout, built form and urban landscape. - Contribute to a sense of place and cultural identity. <ul style="list-style-type: none"> • An application should describe the identity and character to be achieved and the elements that contribute to that identity and character. 	
<p>CLAUSE 56.04 LOT DESIGN</p>	
<p>CLAUSE 56.04-1</p> <p>LOT DIVERSITY AND DISTRIBUTION</p> <p>Objectives</p> <p>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> <p>Standard C7</p> <ul style="list-style-type: none"> • A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme. • Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme. • A range and mix of lot sizes should be provided including lots suitable for the development of: <ul style="list-style-type: none"> - Single dwellings. - Two dwellings or more. - Higher density housing. - Residential buildings and Retirement villages. • Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station. • Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings 	<p>✓ Complies</p> <p>Comments</p> <p>The proposed subdivision will have 28 lots ranging between 426 and 802 sqm. This range provides for a diverse range of lots, within the existing established urban area of Tatura.</p>

<ul style="list-style-type: none"> • and Retirement villages should be located in and within 400 metres street walking distance of an activity centre. 	
<p>CLAUSE 56.04-2</p> <p>LOT AREA AND BUILDING ENVELOPES</p> <p>Objective</p> <p>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>Standard C8</p> <ul style="list-style-type: none"> • An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows: <ul style="list-style-type: none"> - That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or - That a dwelling may be constructed on each lot in accordance with the requirements of this scheme. • Lots of between 300 square metres and 500 square metres should: <ul style="list-style-type: none"> - Contain a building envelope that is consistent with a development of the lot approved under this scheme, or - 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. • 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. • Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope. • A building envelope may specify or incorporate any relevant siting and design requirement. • Any requirement should meet the relevant standards of Clause 54, unless: <ul style="list-style-type: none"> - The objectives of the relevant standards are met, and - The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. • Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope: <ul style="list-style-type: none"> - The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and - The building envelope must not regulate siting matters 	<p>✓ Complies</p> <p>Comments</p> <p>No lots as part of the proposed subdivision will have an area of less than 300 sqm.</p> <p>Lots with an area between 300 and 500 sqm are generally square in shape and can easily cater for a rectangle of 10 by 15 metres.</p> <p>As identified all lots within the subdivision are generally square and lots with an area exceeding 500 sqm are able to cater for a rectangle building shape of 10 by 15 metres.</p>

<p>covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</p> <ul style="list-style-type: none"> • Lot dimensions and building envelopes should protect: <ul style="list-style-type: none"> - Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. - Existing or proposed easements on lots. - Significant vegetation and site features. 	
<p>CLAUSE 56.04-3</p> <p>SOLAR ORIENTATION OF LOTS</p> <p>Objective</p> <p>To provide good solar orientation of lots and solar access for future dwellings.</p> <p>Standard C9</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. • 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>✓ Complies</p> <p>Comments</p> <p>Approximately 71.42 percent (20 lots) of the lots are orientated so that the long axis is within range north 20 degrees west to north 30 degrees east, or 20 degrees north to east 30 degrees south.</p>
<p>CLAUSE 56.04-4</p> <p>STREET ORIENTATION</p> <p>Objective</p> <p>To provide a lot layout that contributes to community social interaction, personal safety and property security.</p> <p>Standard C10</p> <ul style="list-style-type: none"> • Subdivision should increase visibility and surveillance by: <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 	<p>✓ Complies</p> <p>Comments</p> <p>All lots proposed will have either access onto streets or small access places.</p> <p>The area which is to be provided as a park,/retention basin will have lots which front onto it ensuring passive surveillance of this area. This area will be bounded on two sides by the small access places.</p>

<p>2 or more dwellings around activity centres and public open space.</p> <ul style="list-style-type: none"> - 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>CLAUSE 56.04-5</p> <p>COMMON AREA</p> <p>Objectives</p> <p>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> <p>Standard C11</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. - The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. 	<p>✓ Not Applicable</p> <p>Comments No common property is proposed.</p>
<p>CLAUSE 56.05 URBAN LANDSCAPE</p>	
<p>CLAUSE 56.05-1</p> <p>INTEGRATED URBAN LANDSCAPE</p> <p>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>✓ Complies</p> <p>Comments There is no significant vegetation on the land. Street trees will be planted in the street to the satisfaction of the responsible authority. The areas of open space will be constructed by the developer and be required to incorporate shaded areas and park furniture.</p>

To incorporate natural and cultural features in the design of streets and public open space where appropriate.

To protect and enhance native habitat and discourage the planting and spread of noxious weeds.

To provide for integrated water management systems and contribute to drinking water conservation.

Standard C12

- An application for subdivision that creates streets or public open space should be accompanied by a landscape design.
- The landscape design should:
 - Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.
 - Create attractive landscapes that visually emphasise streets and public open spaces.
 - Respond to the site and context description for the site and surrounding area.
 - Maintain significant vegetation where possible within an urban context.
 - Take account of the physical features of the land including landform, soil and climate.
 - Protect and enhance any significant natural and cultural features.
 - Protect and link areas of significant local habitat where appropriate.
 - Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space.
 - Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.
 - Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.
 - Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.
 - Provide for walking and cycling networks that link with community facilities.
 - Provide appropriate pathways, signage, fencing, public lighting and street furniture.
 - Create low maintenance, durable landscapes that are capable of a long life.
 - The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.

<p>CLAUSE 56.05-2</p> <p>PUBLIC OPEN SPACE PROVISION</p> <p>Objectives</p> <p>To provide a variety of open spaces with links to other open spaces and regional parks where possible.</p> <p>To ensure that public open space of appropriate quality and quantity is provided in convenient locations to meet the recreational and social needs of the community.</p> <p>To support active and healthy communities.</p> <p>Standard C13</p> <ul style="list-style-type: none"> • The provision of public open space should: <ul style="list-style-type: none"> - Implement any relevant open space plan, strategy or policy for the area set out in this scheme. - Provide a network of well-distributed regional and local open space that includes: <ul style="list-style-type: none"> - Regional public open space where appropriate, including along foreshores, streams and permanent water bodies. - Regional parks of at least 3 hectares, combining passive and active use, within 2 kilometres of all dwellings. - Large local parks of at least 1 hectare for active and passive use, within 500 metres safe walking distance from all dwellings. - Small local parks within 150 metres to 300 metres safe walking distance of all dwellings, where appropriate. - Include land used for drainage control or stream and floodway purposes if generally available for recreational use. - Be integrated with urban water management systems including watercourses and water bodies. - Incorporate natural and cultural features where appropriate. - Encourage shared use of active open space. - Adjoin schools and other community facilities where practical. - Meet the social, cultural, recreational and sporting needs of the community including different age groups and abilities. - Be linked to existing or proposed future public open spaces where appropriate. - Include publicly owned plazas or parks in activity centres where appropriate. • Land provided for public open space should be: <ul style="list-style-type: none"> - Of a quality, quantity and character that makes it fit for its potential functions. - Located so that every lot in the subdivision is within 500 metres street walking distance of existing or proposed public open space. - Related to the street and lot layout in a manner that promotes personal safety and surveillance of users of the public open space from streets along public open space 	<p>✓ Complies</p> <p>Comments</p> <p>The subdivision proposes the provision of open space area in conjunction with the use of the land for a retardation basin in the west corner of the subject land. The proposed area will be required to be landscaped in accordance with an endorsed plan and passive surveillance of the park is to be provided by the lots fronting the reserve. Every lot within the subdivision will be within walking distance of the proposed area of open space/retardation basin.</p>
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<p>boundaries.</p> <ul style="list-style-type: none"> - Of an area and dimensions to allow easy adaptation to different uses in response to changing community sport and recreational preferences. 	
<p>CLAUSE 56.06 ACCESS AND MOBILITY MANAGEMENT</p>	
<p>CLAUSE 56.06-2</p> <p>WALKING AND CYCLING NETWORK</p> <p>Objectives</p> <p>To contribute to community health and wellbeing 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>Standard C15</p> <ul style="list-style-type: none"> • The walking and cycling network should be designed to: <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 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>✓ Complies</p> <p>Comments Footpaths are to be provided along all roads proposed.</p>
<p>CLAUSE 56.06-4</p>	<p>✓ Complies</p>

NEIGHBOURHOOD STREET NETWORK	Comments
<p>Objective</p> <p>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> <p>Standard C17</p> <ul style="list-style-type: none"> • The neighbourhood street network must: <ul style="list-style-type: none"> - Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, cycle paths, footpaths and public transport routes. - Provide clear physical distinctions between arterial roads and neighbourhood street types. - Comply with the Roads Corporation's arterial road access management policies. - Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport. - Provide safe and efficient access to activity centres for commercial and freight vehicles. - Provide safe and efficient access to all lots for service and emergency vehicles. - Provide safe movement for all vehicles. - Incorporate any necessary traffic control measures and traffic management infrastructure. • The neighbourhood street network should be designed to: <ul style="list-style-type: none"> - Implement any relevant transport strategy, plan or policy for the area set out in this scheme. - Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand. - Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand. - Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles. - Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles. - Provide an appropriate level of local traffic dispersal. - Indicate the appropriate street type. - Provide a speed environment that is appropriate to the street type. - Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles). - Encourage appropriate and safe pedestrian, cyclist and driver behaviour. - Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles. - Minimise the provision of culs-de-sac. - Provide for service and emergency vehicles to safely turn at 	<p>The proposed subdivision will provide a through road from Skilton Avenue to Hughes street. This being a positive outcome particularly in the case of emergencies. The subdivision provides for two courts, this is considered acceptable given the site constraints.</p>

<p>the end of a dead-end street.</p> <ul style="list-style-type: none"> - Facilitate solar orientation of lots. - Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees. - Contribute to the area's character and identity. - Take account of any identified significant features. 	
<p>CLAUSE 56.06-5</p> <p>WALKING AND CYCLING NETWORK DETAIL</p> <p>Objectives</p> <p>To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.</p> <p>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p> <p>Standard C18</p> <ul style="list-style-type: none"> • Footpaths, shared paths, cycle paths and cycle lanes should be designed to: <ul style="list-style-type: none"> - Be part of a comprehensive design of the road or street reservation. - Be continuous and connect. - Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots. - Accommodate projected user volumes and mix. - Meet the requirements of Table C1. - Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound. - Provide appropriate signage. - Be constructed to allow access to lots without damage to the footpath or shared path surfaces. - Be constructed with a durable, non-skid surface. - Be of a quality and durability to ensure: <ul style="list-style-type: none"> - Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles. - Discharge of urban run-off. - Preservation of all-weather access. - Maintenance of a reasonable, comfortable riding quality. - A minimum 20 year life span. - Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities. 	<p>✓ Complies</p> <p>Comments</p> <p>Footpaths will be required to be constructed along all roads and will provide important links along Skilton Avenue to Hughes Street.</p>
<p>CLAUSE 56.06-7</p>	<p>✓ Complies</p>

NEIGHBOURHOOD STREET NETWORK DETAIL	Comments
<p>Objective</p> <p>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> <p>Standard C20</p> <ul style="list-style-type: none"> • The design of streets and roads should: <ul style="list-style-type: none"> - Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. - Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. - Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. - Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. - Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay. - Provide a safe environment for all street users applying speed control measures where appropriate. - Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles. - Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners. • Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> - Enable the carriage of vehicles. - Avoid damage by construction vehicles and equipment. • Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> - Safe passage of pedestrians, cyclists and vehicles. - Discharge of urban run-off. - Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality. • Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority. • Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span. • Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> - Perform the required integrated water management functions. - Delineate the edge of the carriageway for all street users. - Provide efficient and comfortable access to abutting lots at appropriate locations. 	<p>The proposed street widths are in accordance with the Infrastructure Design Manual. Permit conditions will require the submission of road cross sections of the roads within the development.</p>

<ul style="list-style-type: none"> - Contribute to streetscape design. - Provide for the safe and efficient collection of waste and recycling materials from lots. - Be accessible to people with disabilities. • A street detail plan should be prepared that shows, as appropriate: <ul style="list-style-type: none"> - The street hierarchy and typical cross-sections for all street types. - Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices. - Water sensitive urban design features. - Location and species of proposed street trees and other vegetation. - Location of existing vegetation to be retained and proposed treatment to ensure its health. - Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes. 	
<p>CLAUSE 56.06-8</p> <p>LOT ACCESS</p> <p>Objective</p> <p>To provide for safe vehicle access between roads and lots.</p> <p>Standard C21</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 crossover should meet the requirements of the relevant road authority. <p>Table C1 Design of Roads and Neighbourhood Streets</p> <p>Access Lane</p> <p>A side or rear lane principally providing access to parking on lots with another street frontage.</p> <ul style="list-style-type: none"> ▪ Traffic volume¹: 300vpd ▪ Target speed²: 10kph ▪ Carriageway width³ & parking provision within street reservation: 5.5m6 wide with no parking spaces to be provided. Appropriately signed. ▪ Verge width⁴: No verge required. 	<p>✓ Complies</p> <p>Comments</p> <p>All lots will have vehicular access from Council roads. The roads are to be designed in accordance with the Infrastructure Design Manual.</p>

<ul style="list-style-type: none">▪ Kerbing⁵▪ Footpath provision: None. Carriageway designed as a shared zone and appropriately signed.▪ Cycle path provision: None <p>Access Place</p> <p>A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.</p> <ul style="list-style-type: none">▪ Traffic volume¹: 300vpd to1000vpd▪ Target speed²: 15kph▪ Carriageway width³ & parking provision within street reservation: 5.5m wide with 1 hard standing verge parking space per 2 lots <i>or</i> 5.5m wide with parking on carriageway - one side. Appropriately signed.▪ Verge width⁴: 7.5m minimum total width. For services provide a minimum of 3.5m on one side and a minimum of 2.5m on the other.▪ Kerbing⁵: Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.▪ Footpath provision: Not required if serving 5 dwellings or less and the carriageway is designed as a shared zone and appropriately signed <i>or</i> 1.5m wide footpath offset a minimum distance of 1m from the kerb.▪ Cycle path provision: None <p>Access Street - Level 1</p> <p>A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.</p> <ul style="list-style-type: none">▪ Traffic volume¹ : 000vpd to 2000vpd▪ Target speed²: 30kph▪ Carriageway width³ & parking provision within street reservation: 5.5m wide with1 hard standing verge parking space per 2 lots.▪ Verge width⁴: 4m minimum each side▪ Kerbing⁵: Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.▪ Footpath provision: 1.5m wide footpaths on both sides. Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre. Be offset a minimum distance of 1m from the kerb.▪ Cycle path provision: Carriageway designed as a shared zone and appropriately signed. <p>Access Street - Level 2</p> <p>A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.</p> <ul style="list-style-type: none">▪ Traffic volume¹: 2000vpd to 3000vpd▪ Target speed²: 40kph▪ Carriageway width³ & parking provision within street	
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- reservation:** 7m-7.5m wide with parking on both sides of carriageway
- **Verge width⁴:** 4.5m minimum each side
 - **Kerbing⁵:** Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.
 - **Footpath provision:** 1.5m wide footpaths on both sides. Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre. Be offset a minimum distance of 1m from the kerb.
 - **Cycle path provision:** Carriageway designed as a shared zone and appropriately signed.

Connector Street - Level 1

A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

- **Traffic volume¹:** 3000vpd
- **Target speed²:** 50kph⁸ reduced to 40kph at schools and 20kph at pedestrian and cycle crossing points.
- **Carriageway width³ & parking provision within street reservation:** 6m-6.5m wide with indented parking on both sides on a bus route **or** 7m-7.5m wide with indented parking on one side and kerbside parking opposite on a bus route **or** 7.2m-7.5m wide with parking on both sides of carriageway.
- **Verge width⁴:** 4.5m minimum each side with adequate road reserve width for widening for future bus route if required.
- **Kerbing⁵:** Layback or flush and swale or other water sensitive urban design treatment area.
- **Footpath & cycle path provision:** 2.5m wide shared path on each side **or** 1.5m wide footpath on each side and 1-1.5m cycle lane marked on carriageway on each side.

Connector Street - Level 2

A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

- **Traffic volume¹:** 3000vpd to 7000vpd
- **Target speed²:** 60kph⁹
- **Carriageway width³ & parking provision within street reservation:** 2 x 5.5m wide carriageways with central median. Parallel parking should be provided in locations that allow cars to exit in a forward direction **or** 7.2m-7.5m wide carriageway with indented parking on both sides and turning lanes at intersections with other Level 2 connector Streets and Arterial Roads. Bus bays to be indented.
- **Verge width⁴:** 6m minimum each side (plus central median).
- **Kerbing⁵:** Layback or flush and swale or other water sensitive urban design treatment area.
- **Footpath & cycle path provision:** 2.5m wide shared path on each side **or** 1.5m wide footpath on each side and 1-1.5m cycle lane marked on carriageway on each side appropriately signed.

<p>Arterial Road</p> <ul style="list-style-type: none"> ▪ Traffic volume¹: Greater than 7000vpd ▪ Target speed²: Arterial road design as required by the relevant roads authority. ▪ Carriageway width³ & parking provision within street reservation: Arterial road design as required by the relevant roads authority. ▪ Verge width⁴: Arterial road design as required by the relevant roads authority. ▪ Kerbing⁵: Arterial road design as required by the relevant roads authority. ▪ Footpath & cycle path provision: 2.5m wide shared path on each side or as otherwise required by the relevant roads authority. <p>Key to Table C1:</p> <ol style="list-style-type: none"> 1. Indicative maximum traffic volume for 24-hour period. These volumes depend upon location. Generation rates may vary between existing and newly developing areas. 2. Target speed is the desired speed at which motorists should travel. This is not necessarily the design speed and is not greater than the marked legal speed limit. 3. The maximum width within the range should be used when bus use is anticipated or when upright kerbs are used. Width is measured from kerb invert to kerb invert. Widening may be required at bends to allow for wider vehicle paths using appropriate Australian Standards for on street and off-street parking but should not negate the function of bends serving as slow points. 4. Verge width includes footpaths. Additional width may be required to accommodate a bicycle path. 5. Where drainage is not required a flush pavement edge treatment can be used. Layback kerbs are preferred for safety reasons. Upright kerbs may be considered for drainage purposes or in locations where on-street parking should be clearly defined and parking within the verge is not desired. 6. Turning requirements to access and egress parking on abutting lots may require additional carriageway width. The recommended carriageway width of 5.5m will provide adequate access to a standard 3.5m wide single garage built to the property line. 7. 7m-7.5m widths should be used when parking is required on each side. 8. 50kph is the default urban speed limit in Victoria. 9. Target speed must not exceed the legal speed limit. 	
<p>CLAUSE 56.07 INTEGRATED WATER MANAGEMENT</p>	
<p>CLAUSE 56.07-1</p> <p>DRINKING WATER SUPPLY</p> <p>Objectives</p>	<p>✓ Complies</p> <p>Comments All proposed lots will have independent connections to reticulated town water to the Satisfaction of the Goulburn Valley Regional Water Authority.</p>

<p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water.</p> <p>Standard C22</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. 	
<p>CLAUSE 56.07-2</p> <p>REUSED AND RECYCLED WATER</p> <p>Objective</p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p> <p>Standard C23</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. 	<p>✓ Complies</p> <p>Comments Reticulated re-used water is not available to this subdivision, future owners should consider incorporating water harvesting features into house design.</p>
<p>CLAUSE 56.07-3</p> <p>WASTE WATER MANAGEMENT</p> <p>Objective</p> <p>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> <p>Standard C24</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 	<p>✓ Complies</p> <p>Comments Connections to the reticulated Sewerage system will be provided to each proposed lot to the satisfaction of the Goulburn Valley Regional Water Authority.</p>

<p>authority and the Environment Protection Authority.</p> <ul style="list-style-type: none"> - 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. 	
<p>CLAUSE 56.07-4</p> <p>URBAN RUN-OFF MANAGEMENT</p> <p>Objectives</p> <p>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> <p>Standard C25</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 the overall development plan including the street and public open space networks and landscape design. • For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard: <ul style="list-style-type: none"> - Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. - Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. • For storm events greater than 20% AEP and up to and including 1% AEP standard: 	<p>✓ Complies</p> <p>Comments</p> <p>The development engineers have required a drainage plan as part of the permit conditions for the subdivision. The subdivision will connect to the Council's Storm water drainage system.</p> <p>The retention basin will be required to include landscaping a point of interest as part of the WSUD measures.</p>

<ul style="list-style-type: none"> - Provision must be made for the safe and effective passage of stormwater flows. - All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority. - Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $da Vave < 0.35 \text{ m}^2/\text{s}$ (where, da = average depth in metres and $Vave$ = average velocity in metres per second). • The design of the local drainage network should: <ul style="list-style-type: none"> - Ensure run-off is retarded to a standard required by the responsible drainage authority. - 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. - Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. - 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. • Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority. 	
<p>CLAUSE 56.08 SITE MANAGEMENT</p>	
<p>CLAUSE 56.08-1</p> <p>SITE MANAGEMENT</p> <p>Objectives</p> <p>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> <p>Standard C26</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 	<p>✓ Complies</p> <p>Comments Site management to be managed through conditions and submission of construction management plan.</p>

<p>set out requirements for managing:</p> <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. <ul style="list-style-type: none"> • Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable. 	
<p>CLAUSE 56.09 UTILITIES</p>	
<p>CLAUSE 56.09-1</p> <p>SHARED TRENCHING</p> <p>Objectives</p> <p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p> <p>Standard C27</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>✓ Complies</p> <p>Comments Shared trenching for service connections to the lots will be utilized where appropriate and to the satisfaction of the responsible authority.</p>
<p>CLAUSE 56.09-2</p> <p>ELECTRICITY, TELECOMMUNICATIONS AND GAS</p> <p>Objectives</p> <p>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> <p>Standard C28</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 	<p>✓ Complies</p> <p>Comments Appropriate connections to be provided as per conditions and the service authority requirements.</p>

<p>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>CLAUSE 56.09-3</p> <p>FIRE HYDRANTS</p> <p>Objective</p> <p>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</p> <p>Standard C29</p> <ul style="list-style-type: none"> • Fire hydrants should be provided: <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. • Hydrants and fire plugs must be compatible with the relevant fire service equipment. 	<p>✓ Complies</p> <p>Comments Fire hydrants to be provided in accordance with Country Fire Authority Requirements.</p>
<p>CLAUSE 56.09-4</p> <p>PUBLIC LIGHTING</p> <p>Objectives</p> <p>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</p> <p>To provide pedestrians with a sense of personal safety at night.</p> <p>To contribute to reducing greenhouse gas emissions and to</p>	<p>✓ Complies</p> <p>Comments Street lighting to be provided as per conditions.</p>

<p>saving energy.</p> <p>Standard C30</p> <ul style="list-style-type: none">• 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 passage for pedestrians, cyclists and vehicles.• Public lighting should be designed in accordance with the relevant Australian Standards.• Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.	
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Relevant incorporated or reference documents

The following reference documents are relevant to this application:

- Infrastructure Design Manual.
- Local Floodplain Development Plan – Precinct of Mosquito Creek.

Other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

There are no relevant Planning Scheme Amendments.

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?

Subdivision Act 1988.

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 for a planning permit and it is not considered that the application impinges on the Charter.

Conclusion

The proposed 28 lot subdivision in the General Residential Zone is considered to achieve an acceptable planning outcome.

The subdivision of a large allotment covered by the Development Plan Overlay for Residential purposes will provide for more housing options within Tatura, thus meeting the intended purpose of the land's zoning.

The inclusion of a through road to Hughes Street not only provides for good connectivity, but a sensible option for an alternate entry/exit during emergency situations.

Provided the above it is recommended that the application for development plan and planning permit issue.

Draft Notice Of Decision

APPLICATION NO: 2018-281
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: SKILTON AVENUE TATURA VIC 3616
WHAT THE PERMIT WILL ALLOW: 28 LOT STAGED SUBDIVISION IN THE GENERAL RESIDENTIAL ZONE AND LAND SUBJECT TO INUNDATION OVERLAY

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 (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) Detailed boundary fencing plan for each stage.
- b) Location for concrete bin pads serving each court bowl i.e. Lots 11 to 14 and lots 22 to 27.

2. Layout Not Altered

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

3. Section 173 Agreement

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

- a) ***Garbage shall only be collected from the main roads at the constructed concrete bin pads and will not be collected from the small access places.***
- b) ***The concrete bin pads will need to service lots 11 to 14 and lots 22 to 27 for both court bowls.***

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

4. Payment in Lieu of Open Space

Before the statement of compliance is issued for each stage 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.

5. Soil Assessment

Before the commencement of any works, a soil assessment must be undertaken by a suitably qualified person to determine the extent of any contaminated soils that may exist on the subject land or determine that the land is suitable for residential development.

If contaminants are detected, a more detailed assessment outlining the location of contaminated soil, the type of contaminants detected and the strategies required to be undertaken to decontaminate the affected areas must be prepared and submitted to the responsible authority and works carried out to decontaminate the land to the satisfaction of the responsible authority.

6. Drainage Discharge Plan

Before the plan is certified for each stage, a drainage plan with computations prepared by a suitably qualified person 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 two copies must be provided. The plans must be in accordance with Council's Infrastructure Design Manual and include:

- a) Details to demonstrate that the hydraulic connection remains from the west. In this regard this may be achieved setting aside a 20 metres wide open space at natural surface elevation, at the location of the retardation basin.
- b) Roadway crest elevations must be no lower than 111.95 metres AHD in order to limit the depth of flooding to 300 millimetres during a 100-year ARI type flood.
- c) A cut and fill report be provided to demonstrate the cut to fill ratio must be balanced

to achieve no net loss in flood storage.

- d) How the land will be drained;
- e) A maximum discharge rate from the site of 37 l/sec/ha;
- f) Underground pipe drains conveying stormwater to the legal point of discharge;
- g) Incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999 or as otherwise approved in writing by the Responsible Authority;
- h) Details of how the basin will be aesthetically pleasing and have regard to the area in which it will be located including details of fencing;
- i) Details of how the runoff from the land is to be retarded;
- j) 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.
- k) Documentation demonstrating how drainage will be designed so neighbouring properties including but not limited to 20 – 24 Thomson Street, Tatura are not adversely affected by the development, including water flow to and from neighbouring properties. Drainage works required to satisfy this requirement must be installed before the issue of a statement of compliance for stage 1.
- l) Documentation demonstrating that all fencing abutting existing development is at a height that would protect amenity of residents and would not adversely affect the flow of water to and from neighbouring properties.
- m) Redundant pit/s to be removed if required.

Before the issue of statement of compliance for each stage, the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

7. Landscape Plan

Before the commencement of development, 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 show:

- a) Street trees.
- b) The landscaping of the retention basin.
- c) 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;
- d) The method of preparing, draining, watering and maintaining the landscaped area;
- e) Details of surface finishes of pathways and driveways;
- f) Landscaping and planting within all open areas of the site
- g) The sewer and water supply connection points;
- h) All landscaped areas to be used for stormwater retardation;
- i) Landscaping of the road reserve either side of the extension of the Skilton Avenue

extension to Hughes Street.

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 Statement of Compliance is issued for each stage, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

8. Detailed Construction Plans

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

- a) Fully sealed pavement with kerb and channel, line marking of roads and vehicular crossings.
- b) Design details of the intersection of roads including the intersection on Hughes Street.
- c) Details of intersection lighting of roads.
- d) Services and streetlights.
- e) Details of concrete footpaths.
- f) Traffic management measures.
- g) Turning movements for a garbage truck within both court bowls.
- h) Water sensitive urban design features.
- i) Underground drains unless otherwise agreed by Council's development engineers.
- j) Site grading from the rear to the frontage of each lot of at least 1:200.
- k) Silt and erosion control measures.
- l) Construction details of the 2m high acoustic fence.

All road, drainage and landscaping works must be constructed in accordance with the endorsed plans.

Before the issue of the statement of compliance for each stage all works as shown on the endorsed construction plans must be completed to the satisfaction of the responsible authority.

9. Construction of Works

Before the Statement of Compliance is issued for the relevant stage under the *Subdivision Act 1988*, the owner must construct and complete road works, drainage and other civil works, in accordance with endorsed plans and specifications approved by the responsible authority and in accordance with the Infrastructure Design Manual.

Road works, drainage and other civil works to be constructed must include:

- a) Street and drainage in accordance with the approved construction drawings;
- b) Before development of stage 1 starting a 2m high acoustic fencing abutting 17 and 21 Hughes Street, Tatura as shown on the endorsed plans;
- c) Landscaping in accordance with the approved landscape plans;
- d) Planting of street trees or as otherwise agreed in writing by the responsible authority;
- e) Underground drainage;
- f) Footpaths;
- g) Underground conduits for water, gas, electricity and telephone;
- h) Intersection and traffic control/mitigation measures;
- i) Street lighting and signage;
- j) High stability permanent survey marks;
- k) Installation of a street name plate sign;

to the satisfaction of the responsible authority.

10. Boundary Fencing

Before statement of compliance is issued for each stage, the fencing of boundaries must be undertaken in accordance with the endorsed fencing plan. The cost of such fencing shall be borne by the developer.

11. General Provision of Services

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

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

12. 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.

13. Construction Phase

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

During the construction of buildings and/or works approved by this permit, measures must be employed to minimise mud, crushed rock or other debris being carried onto public roads and/or footpaths from the land, to the satisfaction of the responsible authority.

Dust suppression must be undertaken to ensure that dust caused on the land does not cause a nuisance to neighbouring land to the satisfaction of the responsible authority.

14. Subdivision Development

Form 13

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

Other Matters

Before a Statement of Compliance is issued for each stage under the *Subdivision Act 1988* the owner must provide to the satisfaction of the Responsible Authority

- a) Lot A must be consolidated into 4 Skilton Avenue.
- b) An assets statement for each street.
- c) Street name plates.
- d) A valuation for land within each road reserve.
- e) Full set of 'as constructed' digitised construction plans in PDF format and CAD format for landscaping, roads and drainage (CD or other format as appropriate).
- f) An electronic copy on CD a survey enhances 'as constructed' GIS data for the drainage information component of the subdivision, in accordance with the current version of D-SPEC.
- g) Fire plugs in accordance with the Country Fire Authority requirements (generally at a

maximum spacing of 120 m), at the subdivider's expense.

- h) A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments.
- i) Issue of a preliminary acceptance certificate by Council's Development Engineers for the acceptance of street construction, site grading, landscaping.
- j) A bond to the value of 5% of the cost of works shall be submitted to the Council for the maintenance of the street and drainage and landscaping construction for the duration of the maintenance period.

All to the satisfaction of the responsible authority.

15. Goulburn Broken Catchment Management Authority Requirements

- a) The applicant demonstrates that the hydraulic connection remains from the west. In this regard this may be achieved setting aside a 20 metres wide open space at natural surface elevation, at the location of the retardation basin.
- b) Roadway crest elevations must be no lower than 111.95 metres AHD in order to limit the depth of flooding to 300 millimetres during a 100-year ARI type flood.
- c) A cut and fill report be provided to demonstrate the cut to fill ratio must be balanced to achieve no net loss in flood storage.
- d) Documentation to address the above conditions must be submitted as part of the statement of compliance using as constructed survey.

16. 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 a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;
- c) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- d) Provision of reticulated sewerage and associated construction works to 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; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains);
- e) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- f) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of

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

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

17. Powercor Requirements

- a) This letter shall be supplied to the applicant in its entirety.
- b) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- c) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- d) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

- e) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- RESERVES established by the applicant in favour of the Distributor.
- SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years.

The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

- f) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements
- Easements required by the Distributor shall be specified on the

subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

18. Country Fire Authority Requirements

a) Hydrants

- Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
- Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.
- Note – CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au)

b) Roads

- Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- Curves must have a minimum inner radius of 10 metres.
- Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

19. 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.

20. Time for Starting and Completing a Subdivision

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

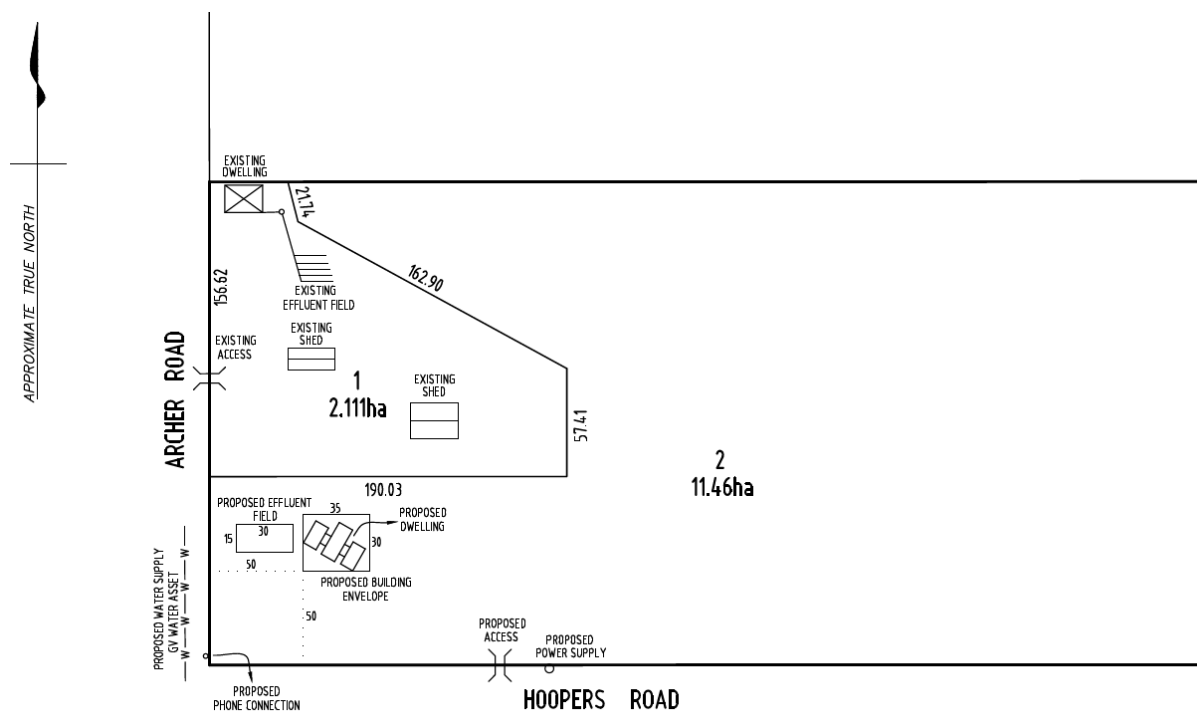
- a) The subdivision is not started (certification of the first stage) within **two (2)** years of the date of this permit;
- b) The subdivision is not completed (statement of compliance of the last stage) within **seven (7)** years of the date of certification.

Application Details:

Responsible Officer:	Braydon Aitken
Application Number:	2018-321
Applicants Name:	Michel Property P/L
Date Application Received:	14 November 2018
Statutory Days:	189 as of 4/6/19
Land/Address:	535 Archer Road KIALLA VIC 3631
Zoning and Overlays:	Part Urban Growth Zone Part Urban Floodway Zone Part Floodway Overlay Part Land Subject to Inundation Overlay Abuts Road Zone Category 2
Why is a permit required (include Permit Triggers):	37.03-3 – Subdivision in the UFZ 37.07-3 – Subdivision in the UGZ 44.03-3 – Subdivision in the FO 44.04-3 - Subdivision in the LSIO
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No – not in an area of Aboriginal Cultural Heritage Sensitivity

Proposal

The application proposes a two lot subdivision as shown below:





The proposed plan of subdivision was prepared in accordance with pre application advice which shows the Urban Floodway Zone within one allotment (shown in blue above).

Following a review of the application by Council's Environmental Health officers the proposed plan of subdivision was amended to increase the size of lot 1 to include the septic tanks for the existing dwelling. While this will mean a small portion of lot 1 will be in the Urban Floodway Zone it will ensure that all effluent storage and treatment for lot 1 will be contained within its proposed boundaries.



Summary of Key Issues

The application proposes a two lot subdivision of the land at 535 Archer Road Kialla.

The subdivision proposes the excision of an existing dwelling, nursery and landscape construction depot, from the balance of the land which is identified for future urban growth subject to the approval of a precinct structure plan.

The two lot subdivision is permissible within the applicable zones and overlays subject to the granting of a planning permit.

The key considerations for this application are:

- Whether the proposal is consistent with the purposes of the Urban Floodway Zone and Urban Growth Zone
- Whether the proposal will result in an acceptable outcome having regard to the Decision Guidelines of the Urban Floodway Zone and Urban Growth Zone.
- Whether the proposal is consistent with the relevant policies relating to urban growth areas.
- Whether the proposal will result in any adverse amenity outcomes for the adjoining properties.
- Whether the proposal appropriately responds to the flood risk associated with the property.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2018-321** 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 **37.03-3, 37.07-3, 44.03-3 and 44.04-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **535 Archer Road KIALLA VIC 3631**, for a **two lot subdivision (house lot excision)** in accordance with the Notice of Decision and the endorsed plans.

Moved by Emma Kubeil

Seconded by Nilesh Singh

That Council having caused notice of Planning Application No. **2018-321** 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 **37.03-3, 37.07-3, 44.03-3 and 44.04-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **535 Archer Road KIALLA VIC 3631**, for a **two lot subdivision (house lot excision)** in accordance with the Notice of Decision and the endorsed plans

CARRIED

Subject Site & Locality

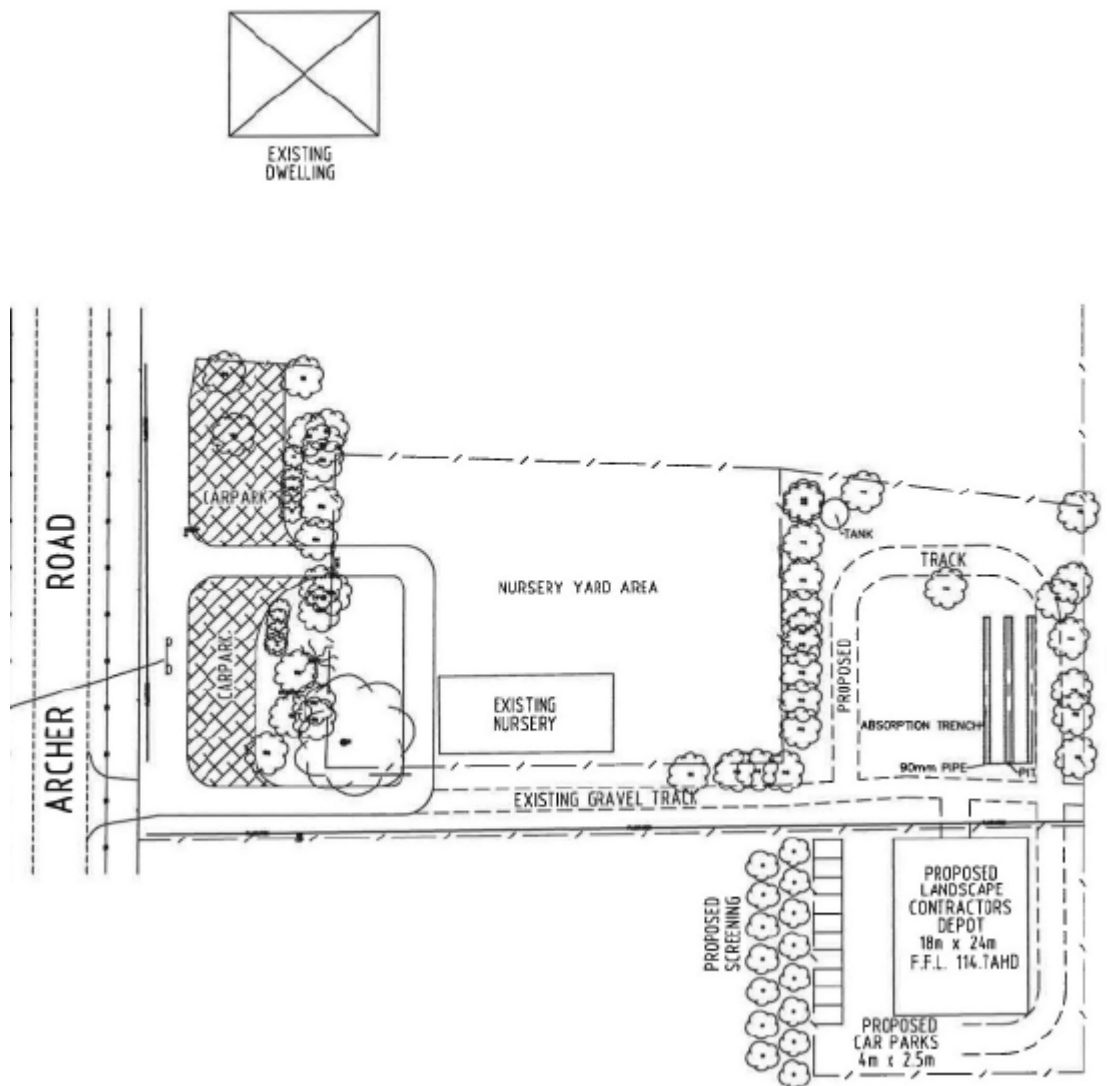
An inspection of the site and the surrounding area has been undertaken.

Date: **4/6/19** Time: **3.00** pm

The site has a total area of **13.59ha** and currently contains:

- A dwelling and home office
- Nursery
- Landscape construction depot
- A floodway runs through the land which is visible on aerial photography and generally follows the Urban Floodway Zone as shown on planning scheme mapping.

The plan below shows the location of existing buildings on the proposed lot 1.



The main site/locality characteristics are:

- A mixture of rural, low density and standard residential properties bordered by the Broken River to the North, River Road to the south, Doyles Road to the east and the Goulburn Valley Highway to the West.

The Photos below show the existing site:



The above photo shows the existing dwelling and vehicle access to Archer Road that will form part of lot 1.



The above photo shows the existing vehicle access to the landscape construction depot and nursery that will form part of lot 1. The open paddock area behind the tree line shows the proposed lot 2.



The above photo shows the nursery (looking east from Archer Road) that will be located on lot 1.



The above photo shows the southern boundary of lot 1 (tree and fence line), the existing access to Archer Road and internal access ways leading to the nursery and landscape construction depot.



The above photo shows a view of the proposed lot 2 looking south east along Archer Road.



The above photo shows the proposed lot 2 looking north from Hoopers Road. In the background is the existing landscape construction depot and shed which will be located on the proposed lot 1.



The above photo shows the approximate location of the proposed vehicle access for lot 2 from Hoopers Road.

Permit/Site History

The history of the site includes:

- EF-2016-15 – Enforcement file in relation to fill and materials being placed in the Urban Floodway Zone. No formal action taken.
- EF-597 – As above. No formal action taken.
- 2009-161 – Dwelling extension.
- 2005-361/A – Use and development of the land for a plant nursery and landscape construction depot.

Further Information

Was further information requested for this application? Yes

What date was the further information requested?: **11 February 2019**

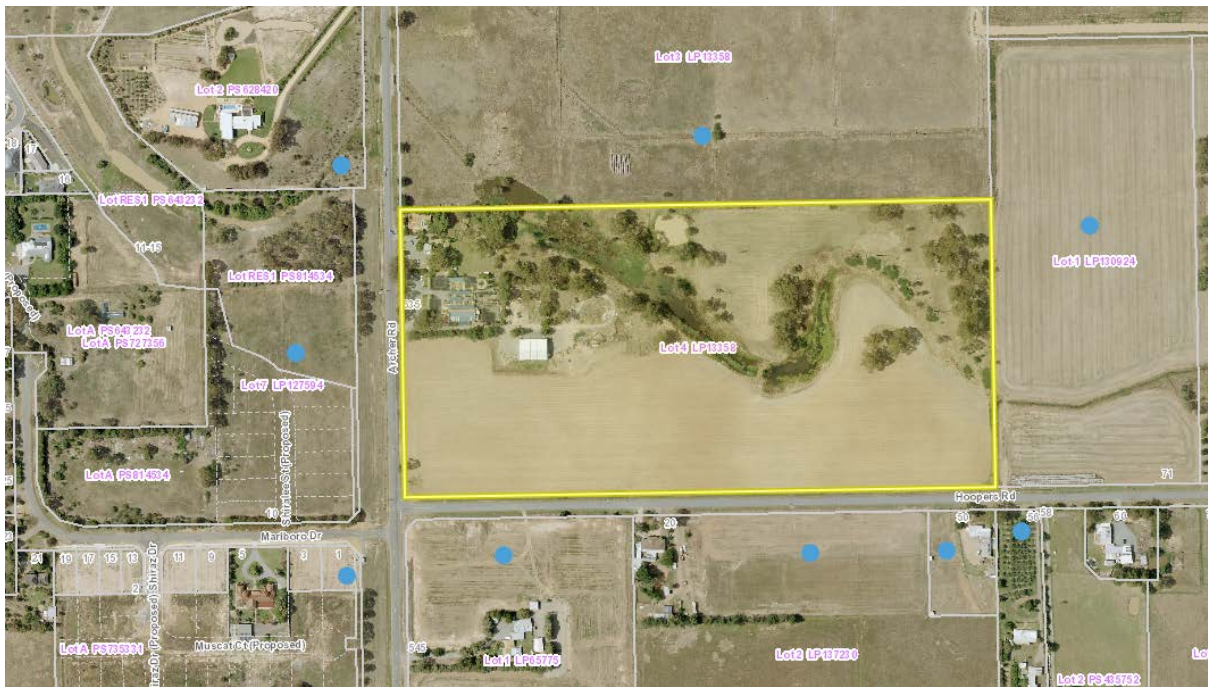
What date was the further information received?: **11 April 2019**

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description **a two lot subdivision – house lot excision**, by:

- Sending notices to the owners and occupiers of adjoining land (as shown below).

- Placing a sign on site.



The applicant provided a signed declaration stating that the sign on site was displayed on the land between 7-1-19 to 7.2.19.

535 Archer Road Kialla—sign-on-site—18 January 2019¶



Objections

The Council has received **5** objections to date. The key issues that were raised in the objections are.

- The location of fill (dirt and rubble) on the land within the Urban Floodway Zone and the potential for this to impact the free flow of water from surrounding properties in a flood event.
- One objection also referenced matters specific to their own property which is now being investigated as a separate matter.

Title Details

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

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Planning officers met on site with the applicant to discuss the grounds of objection.
- The applicant provided a written response to the grounds of objection stating that they are willing to remove any fill from the Urban Floodway Zone.
- Officers believe that the inclusion of a condition requiring the removal of fill from the Urban Floodway Zone, prior to the issue of the Statement of Compliance will adequately address the objectors concerns.

Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
GBCMA	37.03-5 44.03-6 44.04-7	Recommending	No objections and no conditions
DELWP	37.07-5	Determining	No objections and no conditions

Section 52 - Notice Authority	Advice/Response/Conditions
Goulburn Valley Water	No objections and no conditions
Goulburn Murray-Water	No objections subject to standard conditions in relation to the storage and treatment of wastewater.

Internal Notice

Internal Council Notices	Advice/Response/Conditions
Development Engineers	No objections subject to standard conditions in relation to vehicle access and stormwater drainage.
Environmental Health Officer	No objections and no conditions as plans have been provided that demonstrate that that all waste from the existing dwelling is contained within that allotment (proposed Lot 1).

Assessment

The zoning of the land

The land falls partly within the **Urban Floodway Zone** and partly within the **Urban Growth Zone**.

Urban Floodway Zone

The purpose of the zone includes to ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sediment and silting.

Clause 37.03-3 identifies that a planning permit is required to subdivide land. A permit may only be granted to subdivide land if any of the following circumstances apply:

- The subdivision does not create any new lots, which are entirely within this zone. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

In this instance bullet point one applies as neither of the proposed allotments are entirely within the Urban Floodway Zone (each lot is also partially within the Urban Growth Zone).

The relevant decision guidelines identified within the zone are:

- The local floodplain development plan.
- Any comments of the relevant floodplain management authority.

The application has been referred to the Goulburn Broken Catchment Management Authority (relevant floodplain management authority) who have consented to the application.

The relevant Local Flood Plain Development Plan is for the Precinct of the Broken River (October 2006). The relevant Section of the Plan is 9.4 Subdivision which states that any subdivision must not increase the number of lots except for the purposes of a lot excision agreed to by the responsible authority and the floodplain management authority.

To help ensure the proposed subdivision maintains the free passage and temporary storage of floodwater a condition has been included on the draft Notice of Decision to require the removal of any fill that has been placed in the Urban Floodway Zone prior to the issue of the Statement of Compliance.

Urban Growth Zone

No precinct structure plan has been approved for the area of land within the Urban Growth Zone that is bordered by the Broken River to the north, Doyles Road to the east, River Road to the South and Archer Road to the west (which includes the subject site), therefore Part A zone applies. Where no precinct structure plan applies, the relevant purpose of the zone is to ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.

Clause 37.07-3 identifies that a planning permit is required to subdivide land. A permit may be granted to create lots smaller than 40ha where the subdivision is to create a lot for an existing dwelling and the proposed subdivision is a two lot subdivision.

As required by Clause 37.07-5 the application was referred to DELWP who had no objections to the application.

The relevant decision guidelines identified within the zone are:

- The effect on the future urban development and use of the land, and adjacent or nearby land, having regard to any relevant Growth Corridor Framework Plan and any comments or directions of the referral authority.
- Whether the proposal will prejudice the logical, efficient and orderly future urban development of the land, including the development of roads, public transport and other infrastructure.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

Under the Shepparton South Framework Plan the land has been identified as an urban growth area subject to the approval of a precinct structure plan. As identified above no precinct structure plan has been approved. The area within the Urban Growth Zone is impacted by flooding. The land to be subdivided will not prejudice the logical, efficient and orderly future urban development of the land. It will separate an existing dwelling and business from land located in the Urban Floodway Zone and land that may be developable in the future which is located in the Floodway Overlay and Land Subject to Inundation Overlay.

Part A of the zone allows the construction of a dwelling on the proposed lot 2, subject to the granting of a separate planning permit. Any future subdivision of this land will be subject to approval of a precinct structure plan which will include an investigation into flooding impacts in the area. The configuration of the proposed lot 2 will not prevent a future road connection to the north, should any future flood investigation allow this to occur.

The applicant has satisfied Council's Environmental Health Officers that all effluent from the existing dwelling on lot 1 can be stored and treated within the proposed lot boundaries. The treatment of any effluent for any dwelling on the proposed lot 2 will be subject to separate approval.

Relevant overlay provisions

The land falls partly within the **Floodway Overlay** and partly within the **Land Subject to Inundation Overlay**.

The relevant purposes of the **Land Subject to Inundation Overlay** are:

- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Clause 44.04-3 identifies that a permit is required to subdivide land under the Overlay.

Clause 44.04-4 identifies that an application must be accompanied by any information specified in a schedule to the Overlay. The schedule to the Overlay does not identify any application requirements.

Clause 44.04-5 identifies that if a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan. The Floodplain development plan identifies the application requirements and general development requirements that have been satisfied through the proposal and referral process.

The Overlay identifies a number of Decision Guidelines at Clause 44.04-8, identified and responded to as follows:

- *Any local floodplain development plan*

The site is identified on the Greater Shepparton Local Floodplain Development Plan Map as being within the Precinct of the Broken River, October 2006. The plan identifies significant flood impacts in the area.

Development requirements for subdivision are identified as plans showing the boundaries of the site, locality plan, layout of proposed subdivision boundaries, and access routes along flood free land. The relevant details are appropriately shown in the application material.

- *Any comments from the relevant floodplain management authority.*

The application was referred to the Goulburn Broken Catchment Management Authority, who consented to the proposal. The GBCMA offered no objection to the application, and their consent was not subject to any conditions.

- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.*

No new development (buildings) is proposed under the application.

- *The susceptibility of the development to flooding and flood damage.*

No new buildings or works are proposed. The GBCMA responded to the application and did not object to the proposed subdivision or require any conditions to address any identified risk of flood damage.

- *The potential flood risk to life, health and safety associated with the development.*
Flood risk factors to consider include:

- *The frequency, duration, extent, depth and velocity of flooding of the site and accessway.*
- *The flood warning time available.*
- *The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.*

No new buildings or works are proposed. The subdivision will create an additional vacant lot. Any future dwelling on the land would be subject to planning approval. The GBCMA referral response did not identify any objection or conditions associated with flood risk factors associated with the proposal.

- *The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.*

No new buildings or works are proposed under the application. The GBCMA referral response does not identify any risk associated with the redirection or obstruction of floodwaters resulting from the proposed subdivision.

- *The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.*

The GBCMA referral response does not identify any risk associated with river health values.

The relevant purposes of the **Floodway Overlay** are:

- *To identify waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit is required to subdivide land under the Floodway Overlay. A permit may only be granted to subdivide land if the following apply:

- *The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the*

owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.

- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.*

The first point is satisfied by the subdivision as there are parts of each proposed lot that will be wholly unaffected by the Floodway Overlay.

The second point is addressed at point 9.4 – Subdivision of the Local Floodplain Development Plan. Particular requirements for the Floodway Overlay and Land Subject to Inundation Overlay within rural areas are:

- *Any subdivision does not increase the number of lots, except for the purpose of a lot excision agreed to by the responsible authority and the floodplain management authority.*

These requirements are satisfied as the CMA has not objected to the proposal on the basis of flood depths of proposed new lot boundaries, and carriageway access to the lots is located on land outside both the Flood and the Land Subject to Inundation Overlays.

Clause 44.03-4 identifies application requirements under the Overlay. The requirement is for proposals to be consistent with the Local Floodplain Development Plans incorporated into the Scheme. As identified above, the proposal is consistent with the Plan and is satisfactory to the CMA.

The Overlay identifies a number of Decision Guidelines at Clause 44.03-7, identified and responded to as follows:

- *The local floodplain development plan or flood risk report.*

The site is identified on the Greater Shepparton Local Floodplain Development Plan Map as being within the Precinct of the Broken River, October 2006. The plan identifies significant flood impacts in the area. The proposal is consistent with the plan as access outside the FO and UFZ is available to proposed new lot and CMA has not objected to the proposal on the basis of flood impacts.

As the proposal is within an area affected by a Local Floodplain Development Plan, no flood risk report was required to be prepared for the application.

- *Any comments of the relevant floodplain management authority.*

The application was referred to the CMA as part of the application process. No objections to the proposal were received, and no conditions identified.

- *The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.*

The proposal is for the subdivision of the land only. No new use or other development is proposed. The CMA has not objected to the proposal or identified any specific requirements to address the Victorian River Health Strategy.

Planning Policy Framework (SPPF)

Clause 11.01-1S 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 11.01-1R Settlement – Hume aims to facilitate growth and development specifically in the regional cities including Shepparton.

Clause 11.02-2S aims to facilitate the orderly development of urban areas.

Response: The proposal for a two lot subdivision of the land is generally in accordance with the Planning Policy Framework objectives to promote sustainable and orderly growth for the reasons outlined in zoning assessment section of this report.

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

Clause 21.04 Settlement identifies that a significant portion of the residential growth in the short-medium term will be met by the four main growth corridors identified in the Greater Shepparton 2030 Strategy including the southern corridor to the south of the Broken River at Kialla.

As identified earlier in this report the Urban Growth Zone has been applied to the Adams Road area, Kialla (including the land subject to this planning permit application). This land has been identified for future residential development subject to the resolution of flooding impacts and the approval of a precinct structure plan.

Response: As identified in the zoning assessment section of this report, the proposal will not prejudice the future development of the land for residential purposes.

Clause 21.05-2 Floodplain and Drainage Management recognises the constraints of the floodplain on the use and development of land. The relevant flood impact consideration considerations have been addressed in the zoning and overlay assessment section of this report.

Relevant Particular Provisions

There are no relevant particular provisions.

The decision guidelines of Clause 65

65.02 Approval of an application to subdivide land

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

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

Response: As identified previously in this report the land is suitable for subdivision and will not impact on the future development of nearby land which has been identified for development for residential purposes. The subdivision is not staged and does not propose the creation of any road.

A condition of any planning permit issued will require the construction of suitable vehicle access to both lots and the provision of a stormwater drainage plan for approval.

The subdivision does not propose the removal of any native vegetation. By locating the balance of the floodway (Urban Floodway Zone) within the proposed lot 2 it will help ensure vegetation in this area can be retained and incorporated into an open space area as part of any future precinct structure plan.

A condition of any planning permit issued will require the removal of any fill that has been placed in the Urban Floodway Zone to assist with the free passage of floodwaters.

Conditions of any planning permit issued will require the provision of the relevant utility services prior to the issue of a Statement of Compliance.

The applicant has satisfied Council's Environmental Health Officers that all effluent from the existing dwelling on lot 1 can be stored and treated within the proposed lot boundaries. The treatment of any effluent for any dwelling on the proposed lot 2 will be subject to separate approval.

Relevant incorporated or reference documents

There are no other relevant incorporated or reference documents.

Other relevant adopted State policies or strategies policies

There are no other relevant State or strategic policies.

Relevant Planning Scheme amendments

There are no current relevant planning scheme amendments.

Are there any significant social & economic effects?

There are no significant social & economic effects associated with the application.

Discuss any other relevant Acts that relate to the application?

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

Conclusion

It is recommended that a Notice of Decision be granted for the following reasons:

- The proposal is consistent with the purposes of the Urban Floodway Zone and Urban Growth Zone and will not prejudice any future residential development of the land, which is subject to the approval of a precinct structure plan.
- The proposal will result in an acceptable outcome having regard to the Decision Guidelines of the Urban Floodway Zone and Urban Growth Zone.
- The proposal is consistent with the relevant policies relating to urban growth areas.
- The proposal will not result in any adverse amenity outcomes for the adjoining properties. The removal of fill from the Urban Floodway Zone will help ensure free passage of flood waters from surrounding land.
- The proposal responds appropriately to the flood risk associated with the property, is in accordance with the local floodplain management plan and is supported by the Catchment Management Authority.

Draft Notice Of Decision

APPLICATION NO: 2018-321
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: 535 ARCHER ROAD KIALLA VIC 3631

WHAT THE PERMIT WILL ALLOW: TWO LOT SUBDIVISION

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Layout Not Altered

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

2. Removal of fill from the Urban Floodway Zone

Prior to the certification of the plan of subdivision a survey of the land must be undertaken to determine:

- a) The extent of the Urban Floodway Zoned Land
- b) The extent of fill located within this area.

Prior to the issue of the Statement of Compliance any fill located within the Urban Floodway Zone must be removed to the satisfaction of the responsible authority.

3. Independent Drainage - Works

Before the plan of subdivision is certified under the Subdivision Act 1988, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn by a suitably qualified person or organisation to scale with dimensions. The plans must include

- a) direction of stormwater runoff, demonstrated by contours or levels,
- b) independent drainage for each lot to the legal point of discharge
- c) how the discharge rate from the new properties has no detrimental effect on the upstream or downstream properties

- d) documentation demonstrating approval from the relevant authority for the point of discharge.
- e) incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.

Prior to the issue of the Statement of Compliance the drainage works shown on the endorsed drainage plan must be constructed to the satisfaction of the responsible authority, unless otherwise agreed to in writing.

4. Vehicle Crossing Works

Before the Statement of Compliance is issued a vehicle crossing providing access to the proposed lot 2 must be constructed at a location and of dimensions and standard to the satisfaction of the responsible authority. The vehicle crossing(s) must be constructed at the owner's expense.

The vehicle crossing for **lot 2** must:

- a) be sealed no less than 5 metres in length (from the existing edge of road to the new lot).;
- b) include a pipe of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of (375) mm);
- c) ensure 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.

5. 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.

6. Goulburn Murray Water Requirements

- a) Any plan of subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- b) The existing on-site wastewater treatment and disposal systems for proposed new lot 1 must be wholly contained within the boundaries of the new lot created by subdivision.
- c) For subdivision of property holding delivery shares the applicant must either:
 - make application to Goulburn Murray Water pursuant to sections 224 and 229 of the Water Act 1989 to: terminate or transfer the delivery shares in relation to the property; make a declaration that the property cease to be a serviced property (to effect excision from the district); or alternatively

- demonstrate to Goulburn Murray Water reasonable satisfaction the means by which a Goulburn Murray Water water supply will be metered and delivered to the lots created by the subdivision, bearing in mind requirements for water use licences and annual use limits.

Planning Note:

Any enquiries or applications regarding access to water for the proposal should be made to Goulburn-Murray Water, Retail Operations Area by calling 1800 013 357. The procurement of water for the proposal is the responsibility of the applicant and not addressed through the planning permit referrals process.

7. Referral Authority Requirements

- a) 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.
- b) 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.
- c) 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.

8. Time for Starting and Completing a Subdivision

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

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