

**CONFIRMED MINUTES**

**FOR THE**

**GREATER SHEPPARTON CITY COUNCIL**

**DEVELOPMENT HEARINGS PANEL**

**Meeting No. 4/2020**

**HELD ON**

**FRIDAY 18<sup>th</sup> December 2020**

**AT 10.00AM**

(VIA ZOOM)

**CHAIR**

**Councillor Rob Priestly**

## ACKNOWLEDGEMENT

Welcome everyone to Development Hearings Panel meeting number 4 for 2020

This Development Hearings Panel will be conducted via Zoom as per the new regulations due to Covid-19.

Please be patient with us as we navigate this new form of meeting practice

Any technical issue that may result in the Zoom connection failing will cause a delay or adjournment to this meeting.

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 and recorded and a recording of the meeting and 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.

## COMMITTEE MEMBERS PRESENT

Committee members present today are:

- Cr Rob Priestly (Chair) – **Via Zoom**
- Michael MacDonagh, Team Leader, Strategic Planning, Greater Shepparton City Council – **Via Zoom**
- Jonathan Griffin – Team Leader, Development Engineering, Greater Shepparton City Council – **Via Zoom**
- Andrew Fletcher - Planning and Building Manager - Campaspe Shire Council – **Via Zoom**
- Melissa Crane – Principal Planner - Strathbogie Shire Council - **Via Zoom**

## OFFICERS AND OTHERS PRESENT

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

- Andrew Dainton – **Presenting from Zoom**
- Sally Edmunds – **Presenting from Zoom**

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

## APOLOGIES

Nil

## CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- Minutes of DHP meeting No.3/2020 held on Friday 18 September 2020. Minutes have been circulated.

***Moved** by Melissa Crane or Andrew Fletcher and **seconded** by Melissa Crane or Andrew Fletcher that the minutes of the meeting held on 18 September 2020 be adopted.*

## DECLARATIONS OF CONFLICTS OF INTEREST

Are there any panel members who wish to declare a conflict of interest?

## 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 3 minutes per person with 1 extension.

## **MATTERS FOR CONSIDERATION**

There are 5 items listed for consideration in this session of the DHP:

1. Planning Permit application 2020-249 - use of land for a rural industry (processing camel milk), buildings and works in the Farming Zone and Land Subject to Inundation Overlay, alteration of access to a Road Zone Category 1 and removal of native vegetation all associated with a camel dairy.
  2. Planning Permit application 2020-296 – Removal of native vegetation
  3. Planning Permit application 2020-239 – construction of two double-storey dwellings in the Neighbourhood Residential Zone, Floodway Overlay and Land Subject to Inundation Overlay
  4. Planning Permit application 2017-340/A – 13 Lot Subdivision in the Low Density Residential Zone
  5. Planning Permit application 2018-281/A - 24 lot subdivision in the General Residential Zone and Land Subject to Inundation Overlay
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Meeting Closed 11.45am

## **11. NEXT MEETING**

To be determined

**Thank you - That now concludes today's DHP.**

## INDEX

<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2020-249	4660 Midland Highway, Girgarre East	Use of land for a rural industry (processing camel milk), buildings and works in the Farming Zone and Land Subject to Inundation Overlay, alteration of access to a Road Zone Category 1 and removal of native vegetation all associated with a camel dairy.	3.
2020-296	1730 Bitcon Road, Tatura	Removal of native vegetation  Moved: 2 <sup>nd</sup> : Carried	44
2020-239	26 Kennedy Road, Shepparton	Construction of two double-storey dwellings in the Neighbourhood Residential Zone, Floodway Overlay and Land Subject to Inundation Overlay	67
2017-340/A	279 & 289 Dhurringile Road, Tatura	13 Lot Subdivision in the Low Density Residential Zone  Moved: Melissa as written 2 <sup>nd</sup> : Andrew Fletcher Carried	102
2018-281/A	Skilton Avenue, Tatura	24 lot subdivision in the General Residential Zone and Land Subject to Inundation Overlay  Moved: 2 <sup>nd</sup> : Carried	135

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## Application Details:

Responsible Officer:	Andrew Dainton
Application Number:	2020-249
Applicants Name:	CAF Consulting Services Pty Ltd
Date Application Received:	5 August 2020
Statutory Days:	99
Land/Address:	4660 Midland Highway GIRGARRE EAST VIC 3616
Zoning and Overlays:	Farming Zone Floodway Overlay Land Subject to Inundation Overlay Specific Controls Overlay 3 Abuts Road Zone Category 1
Why is a permit required (include Permit Triggers):	Use of land for a rural industry (processing of camel milk) under 35.07-1 Buildings and works in the FZ under 35.07-4 Buildings and works in the LSIO under 44.04-2 Removal of native vegetation (3 Grey Box Trees) under 52.17-2 Alteration of access to a RDZ1 under 52.29-2
Are there any Restrictive Covenants on the title?	No

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## Proposal

The applications proposes a three-stage use and development that consists of:

- 900 camel dairy farm
- 60m by 32m dairy parlour and milk processor (1920sqm building area)
- 20m by 20m building for spray dryer and tanks (400sqm building area) producing about 60 tonnes of milk powder each year. As the output is less than 200 tonnes, per annum no EPA permission is triggered.
- Two open sided shelter sheds for camels of 135m by 30m (8100sqm building area)
- 16m by 41m hay shed (656sqm building area)
- Dwelling for on farm workers
- Road works to provide safe access and egress from the site including the construction of a right turn lane
- Removal of three Grey Box trees under the intermediate assessment pathway
- The application states that the use will create 30 new on farm jobs



Figure 9: Proposed Parlour, Processing facility and Shelter Sheds (white roof) amongst existing infrastructure (brown roof)









*Figure 1: Dead Grey Box tree - 86cm DBH*



*Figure 2: Remnant Grey Box tree - 97cm DBH*



*Figure 3: Remnant Grey Box tree - 133cm DBH*

## Summary of Key Issues

- The application was advertised and three objections to the application have been received. Grounds of objection relate to amenity impacts to neighbouring dwellings including odour, dust and traffic, number of camels, transmission of viruses and effluent disposal.
- Officers have identified that planning policies support agricultural investments in the FZ.
- The FZ contains a number of decision guidelines which are relevant to the application. Assessments have found that the application positively responds to the decision guidelines and acceptable planning outcomes are achieved.
- Officers have considered the grounds of objection and find that the objections do not warrant refusal of the application.

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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2020-249 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 35.07-1, 35.07-4, 44.04-2, 52.17-2 and 52.29-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 4660 Midland Highway GIRGARRE EAST VIC 3616, for the use of land for a rural industry (processing camel milk), buildings and works in the Farming Zone and Land Subject to Inundation Overlay, alteration of access to a Road Zone Category 1 and removal of native vegetation all associated with a camel dairy in accordance with the Notice of Decision and the endorsed plans.

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### Motion

Return the application to the Responsible Officer for issuing of permit, as objections were withdrawn prior to this meeting.

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**CARRIED**

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



The location of the site and its surrounding road network is shown in Figure 2.

Date: 15 September and 26 November 2020

The site currently contains:

- Agricultural land that is currently being cropped in part of hay production. The land contains two vehicle accesses to Midland Highway both of which are unsealed. A dwelling is located centrally on the land and is visible from the Midland Highway.
- Abutting the land in the Midland Highway road reserve is a densely growing stand of Grey Box trees which provide an effective landscape screen to the land.

The main site/locality characteristics are:

- The land is within an agricultural area that is some distance from Shepparton, which results in larger land holdings and fewer dwellings. Midland Highway is a two way sealed road that provides an important freight route from Bendigo to Shepparton and onto the Hume Highway.

The Photos below show the existing site:



View of the lands primary vehicle access to the farm



View of existing unsealed vehicle crossing to the Midland Highway



View of the Grey Box remnant vegetation abutting the land in the Midland Highway road reserve

## Permit/Site History

The history of the site includes:

- 2004-63/A allowed a two lot subdivision (house lot excision)
- 2012-283 authorised a whole farm plan. The endorsed plan is trimmed to M12/66870.

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## Further Information

Was further information requested for this application? Yes.

### Ag Vic Request – 21 August 2020

Total number of animals on farm to support a 900 head milking camel system, with regard to gestation and lactation periods, calving patterns, including;

- Dry camels
- Bull camels
- Calves and juveniles

Detail as to feed production/import required to support the enterprise including available grazing/browsing in paddock and cropping to support the cut and carry to the shelter sheds.

Available grazing area, stocking rate, in support of the definition of grazing animal production versus intensive animal production.

The intended milking days per year.

Detail as to liquid effluent and manure stockpile re-use to paddocks, with particular regard to areas subject to inundation and flooding.

Effluent and manure application to cropping/grazing paddocks and withholding periods on grazing paddocks which impacts on the available grazing area and stocking rate.

Given the shelter sheds are to provide for inclement weather protection for camels, the consideration given to shelter the total number of animals on farm considering;

- 2 open sided shelter sheds 135 m x 30 m with sand bedding areas for camels (animals not contained). Sand will be used for the bedding area to provide a warm and comfortable resting area.
- Assumed sand bedding as loafing area – combined area of sheds divided by 900 camels = 9 m<sup>2</sup> per camel. Given the proposal is to provide feed and water in the sheds the space per camel will be less than 9 m<sup>2</sup>
- Compared with Guidelines for Victorian Dairy feedpads and Freestalls the recommended loafing area is 9-12 m<sup>2</sup> per cow, it is assumed that the loafing area per camel would be required to be greater than 9 m<sup>2</sup>.

The proposed number of calves to housed in the calf shed, shed size and space allowance per calf.

CAF responded the this request on 7 September, Ag Vic subsequently recommended that the CAF planning report be updated, which was completed.

#### DOT Request – 24 August 2020

An updated Traffic Impact Assessment Report (TIAR) is required to consider the warrants for turning lanes with a review of the following:

A more even traffic distribution between east and west as towns to the west of the development are likely to contribute more prominently to traffic generation from the west due to employment opportunity.

Traffic volumes for the 6am morning shift noting the traffic volume data in Attachment A which indicates an hourly volume of 77 vehicles between 5am and 6am.

CAF provided an updated TIAR on 14 October. DOT consented to the application subject to conditions on 17 November.

#### CMA Request – 31 August 2020

The Goulburn Broken would like a summary of how the camel effluent is going to be managed.

I assume that the previous dairy farm set-up will be utilised. How many head did the dairy farm cater for, and will the proposed 900 camels be manageable?

CAF responded to the request on 3 September and on the same day CMA consented to the application.

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## **Public Notification**

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description use and development of land for a rural industry (processing of camel milk), removal of native vegetation, construction of a dwelling all associated with a camel dairy, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.



The application was exempt from being advertised in accordance with Clause 44.04-6 and 52.29-5 of the planning scheme.

Officers undertook a sign on site inspection on 28 August 2020.





## Objections

The Council has received three objections to date.

The below plan shows the location of the objectors.



Ground of objection	Officers Response
Number of camels proposed	The application seeks permission for a 900 camel farm. Conditions will limit the size of the farm to 900 camels.
Transmission of viruses	<p>Ecotone Wildlife prepared a report considering potential virus transmission from camels to cattle. The report made the following conclusions:</p> <p><i>In the opinion of the author, at the time of writing this report, camels introduced from arid zones of Australia to the Goulburn Valley pose a negligible, extremely low, or low risk of disease transmission to cattle. This is largely due to the dry environment within central Australia which is not conducive to many of the potential camel pathogens, the low population density of the nomadic feral camel population resulting in low pathogen exposure, and the absence of crucial disease transmission vectors within the Goulburn Valley (cattle tick and culicoides midge). The already extremely low risk of introducing camels infected with Bluetongue virus can be further decreased by sourcing camels from more southern arid areas (such as south of Alice Springs). The most plausible diseases that could be transmitted from introduced feral camels to cattle are Sarcoptic mange, which is easily treatable in cattle, and Ringworm, which self resolves over a small number</i></p>

	<p><i>of weeks.</i></p> <p>Based on the findings of this report officers do not consider that this ground of objection warrants refusal of the application.</p>
<p>Effluent disposal</p>	<p>CAF describe the effluent system as follows:</p> <p><i>The effluent from the milking parlour and yards will be managed in a 2 pond system. That is, all wash down will enter the first settlement pond, and then once settled, effluent water will be transferred into the holding pond.</i></p> <p><i>The holding pond will be emptied over the summer months and shandied with irrigation water to irrigate summer pasture and crops. This will not occur in the areas under the flood overlay.</i></p> <p>Officers propose that a Manure Management Plan form part of the permit. The purpose of this condition is to establish a manure management system for the farm that develops processes from capture of manure all the way to reuse. Officers have used this condition on large scale dairies in the past and the condition has led to improved amenity outcomes for the community.</p>
<p>Amenity impacts being odour and dust emissions</p>	<p>The activity area being the dairy and milk processor is setback about 900m to the Midland Highway boundary and about 1100m to the nearest objector. Officers consider that these substantial separation distances assist in limiting amenity impacts to neighbours.</p> <p>Officers also consider that the amenity expected by a dwelling in the FZ should be lower than what a dwelling in a residential zone is afforded.</p>

	<p>EPA have considered the application and determined that the proposal does not represent an unacceptable amenity outcome on neighbours. Officers agree with the EPA assessment.</p>
<p>Devaluation of property prices</p>	<p>No evidence has been provided to demonstrate that this proposal will impact on property values.</p>
<p>Traffic movements to the site</p>	<p>Traffic Works prepared a TIAR for the proposal and estimates traffic generation associated with the development as:</p> <p>At full development (i.e. completion of Stage 3), there may be up to:</p> <ul style="list-style-type: none"> <li>• 23 vph arriving shortly before 6am</li> <li>• 24 vph arriving shortly before 2pm (assuming the 5 staff that live on site work during the afternoon / evening shift)</li> <li>• 25 vph departing shortly after 2pm</li> <li>• 3 vph departing shortly after 10pm.</li> <li>• 1 x rigid milk tanker (inbound) for collections from other farms to the subject site</li> <li>• 1 x 19 m semi / mini B-double (outbound) for delivery of milk for processing in Melbourne.</li> </ul> <p>DoT acting as a determining referral authority have not objected to the proposed development subject to the construction of a right turn lane.</p> <p>Officers considered that the proposed traffic volumes are acceptable, particularly when the site is accessing a Road Zone Category 1 being the Midland Highway.</p>

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## Title Details

The title does not contain a Restrictive Covenant.

The title contains a Section 173 Agreement. The terms of the agreement are shown below.

The Owner agrees and acknowledges that:

- (a) following the subdivision allowed by the Permit, neither lot may be further subdivided;
- (b) the owner and/or occupier of Lot 1 on the Plan may be subjected to nuisance from adjoining agricultural operations including animal husbandry, spray drift and the use of agricultural machinery such as pumps and trucks and the associated hours of operation of such agricultural machinery;
- (c) the owner of Lot 1 shall have an entitlement in perpetuity to discharge drainage water to the Perimeter Drain; and
- (d) the owner of Lot 2 on the Plan shall be responsible for maintaining the Perimeter Drain so that it is available for use at all times by the owner of Lot 1 for drainage purposes and to further ensure that the Perimeter Drain protects Lot 1 against the entry of irrigation runoff water from Lot 2 into that lot.

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## Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- An onsite meeting was held on 15 September 2020 which was attended by the applicant (farm manager and Leigh Findlay), two objectors (Graeme Osbourne and Vic) and Andrew Dainton. The meeting provided an opportunity for the applicant to explain the proposal to the neighbours.

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## Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
CMA	44.04-7	Recommending	CMA required that the dwelling be constructed above the flood level.
DoT	52.29-4	Determining	DoT consented to the application subject to conditions including the construction of a right turn lane.

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## Notice to Authorities

External Notice to Authorities:

<b>Section 52 - Notice Authority</b>	<b>Advice/Response/Conditions</b>
GMW	GMW consented to the application subject to 13 conditions.
EPA	EPA consented to the application subject to conditions about protecting amenity of nearby neighbours.

Internal Notice:

<b>Internal Council Notices</b>	<b>Advice/Response/Conditions</b>
Development Engineers	Council's engineers consented to the application subject to drainage conditions.
Sustainability Officer	Sustainability Officers consented to the application.

## **Assessment**

### **The zoning of the land**

Farming Zone

#### **Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Decision guidelines are at 35.07-6 and include:

#### **General issues**

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

#### **Agricultural issues and the impacts from non-agricultural uses**

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

#### **Environmental issues**

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

#### **Design and siting issues**

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

#### **Relevant overlay provisions**

The land is within the LSIO and FO as shown on the below plan.



LSIO

**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.

Decision guidelines are at 44.04-8.

The land is within the SCO3 however the proposed does not require permission under the SCO3.

**Planning Policy Framework (PPF)  
12.01-2S Native vegetation management**



### **Objective**

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

### **Strategies**

Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

## 13.05-1S Noise abatement

### **Objective**

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

### **Strategy**

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

## 14.01-1S

### **Protection of agricultural land**

#### **Objective**

To protect the state's agricultural base by preserving productive farmland.

#### **Strategies**

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.

- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Limit new housing development in rural areas by:
  - Directing housing growth into existing settlements.
  - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
  - Encouraging consolidation of existing isolated small lots in rural zones.
- Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:  
Desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
  - Compatibility between the proposed or likely development and the existing use of the surrounding land.
  - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
  - Land capability.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.

- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

#### **14.01-2S**

##### **Sustainable agricultural land use**

###### **Objective**

To encourage sustainable agricultural land use.

###### **Strategies**

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.
- Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.
- Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.
- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
- Support agricultural investment through the protection and enhancement of appropriate infrastructure.
- Facilitate ongoing productivity and investment in high value agriculture.
- Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.
- Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

#### **14.01-2R**

##### **Agricultural productivity – Hume**

###### **Strategy**

Support clustering of intensive rural industries and agricultural production.

Take advantage of locational opportunities, including separation from sensitive land uses and access to transport, power, water and communications infrastructure.

#### **17.01-1S**

##### **Diversified economy**

## **Objective**

To strengthen and diversify the economy.

## **Strategies**

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live.
- Support rural economies to grow and diversify.

## **17.01-1R**

### **Diversified economy - Hume**

#### **Strategy**

Encourage appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.

#### **Local Planning Policy Framework (LPPF)**

##### **21.05-1 Natural environment and Biodiversity**

Key biodiversity issues in Greater Shepparton are associated with native vegetation and with the myriad of river, floodplain and wetland systems. The natural landscape of the municipality and wider region has been modified significantly as a result of pastoral activities and more recently through extensive irrigation activities. As a result, areas of remnant native vegetation are now primarily limited to waterways, road reserves and corridors. These corridors (as well as native vegetation stands on private property) provide important habitat links for flora and fauna and for the fostering of biodiversity.

#### **Objectives - Natural Environment & Biodiversity**

- To maintain and enhance biodiversity of native flora and fauna communities.
- To protect and manage the natural resources of water, air and land.
- To identify natural landscape features which are to be protected and managed.
- To ensure planning for residential and rural residential growth provides for biodiversity protection and enhancement measures.

##### **21.06-1 Agriculture**

#### **Objectives - Agriculture**

- To ensure that agriculture is and remains the major economic driver in the region.
- To facilitate growth of existing farm businesses.
- To facilitate growth of new agricultural investment.

- To provide for small scale, specialized agriculture.

### **Strategies - Agriculture**

- Identify 'growth', 'consolidation' and 'niche' areas in the Farming Zone.
- Encourage growth and expansion of existing farm businesses and new investment in 'growth' and 'consolidation' areas.
- Encourage opportunities for smaller scale, specialized agriculture in 'niche' areas.
- Discourage land uses and development in the Farming Zone, Schedule 1 that would compromise the future agricultural use of the land, including farm related tourism.
- Encourage tourism in the Farming Zone, Schedule 2 that is carefully managed to prevent conflict and impact on agricultural operations.
- Encourage value adding and new enterprises for agricultural production.
- Encourage the preparation of Whole Farm Plans for on farm earthworks.
- Discourage non-agricultural uses on rural land other than rural based industry.
- Discourage non-agricultural development in rural areas except where development is dependent on a rural location, and cannot be accommodated within existing industrial or business zoned land.
- Discourage non-agricultural development along major roads in rural areas especially at the fringe of existing urban areas when it may contribute to ribbon development.
- Buildings for non-agricultural purposes in rural areas should be set back a minimum of 100 metres from any road, be constructed in muted coloured 'colorbond' materials or similar and screened from any road by dense tree and shrub planting.
- Signs for industrial and commercial development in rural areas will be strictly limited in size and number.

### **21.06-3**

#### **Dwellings in Rural Areas**

While it is acknowledged that a dwelling will often be needed to properly farm land, these must be limited to those that genuinely relate to agricultural production. The number of dwellings that a farm can economically sustain relates to its rural land capability, the labour needs of the farming practice, the intensity of the farm activity and the volume of rural output. Development of dwellings at a density greater than is required for the rural use of land can give rise to conflicts with legitimate farming practices. Isolated dwellings in the rural areas have the potential to disrupt agricultural activities and should not impinge on the appropriate use of farming land.

#### **Objectives - Dwellings in Rural Areas**

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

#### **Strategies - Dwellings in Rural Areas**

- Discourage the establishment of dwellings not associated with or required for the agricultural use of the land.
- Discourage dwellings on old and inappropriate lots where amenity may be negatively impacted by farming activities, or where dwellings may inhibit rural activities.

- Discourage dwellings which are proposed to meet personal or financial circumstances or to create dwellings for 'rural lifestyle' purposes.
- Discourage the clustering of new dwellings unless they do not limit the productive use and development of surrounding land.

### **Policy Guidelines - Dwellings in Rural Areas**

#### **Criteria**

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

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

#### **Exercise of discretion**

It is policy to:

- Discourage the construction of new dwellings on any land that is not suitable for the on-site disposal of septic tank effluent.
- Discourage the construction of new dwellings on any land with a water table within one metre of the surface when waste water is to be treated and retained on site.
- Require the applicant to enter into an agreement under section 173 of the Act to:
  - Ensure that the dwelling is used in conjunction with agricultural production;
  - Prevent the subdivision of the lot containing the dwelling where the proposed lot size is less than the minimum lot size for subdivision specified in the zone; and
  - Acknowledge the impacts of nearby agricultural activities.
- Discourage a second dwelling unless it is demonstrated that it is necessary to support a viable agricultural enterprise.
- Discourage the occupation of the second dwelling until the agricultural use with which it is associated has commenced.
- Require the applicant to enter into an agreement under Section 173 of the Act for a second dwelling (including a caretaker's house, a manager's house or a dwelling for agricultural workers) to prohibit the further subdivision of the land around the dwelling.

#### **Decision guidelines**

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

- The relationship between the proposed dwelling and the agricultural activity on the land.
- Evidence including an Integrated Land Management Plan under Clause 35.07-6 (or similar) addressing the relationship between agricultural activities on the land and the proposed dwelling.
- The agricultural productive capacity or the agricultural potential of the land.
- The nature of the existing agricultural infrastructure and activity on the land and any new proposed agricultural infrastructure and activity at the land.
- The nature of the agricultural activities on the land and whether they require permanent and continuous care, supervision or security.
- The proposed siting of the dwelling and whether it minimises impacts on existing and potential agricultural operations on nearby land.

- The lot size, context and physical characteristics of the land.
- Whether the dwelling will result in a rural living or rural residential outcome in the area.
- The planning history of the land.
- The potential for land to be consolidated with other land to enhance agricultural productivity.
- Whether the planning scheme identifies a 'non-agricultural' future for the land and the implications of development on future development options.

## 21.06-4 – Industry

### **Objectives and Strategies - Industry**

#### **General Objectives**

- To sustain a growing and diverse industrial base.
- To protect the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura.
- To provide an adequate supply of appropriately located industrial land relevant to measured demand that meets the needs of different industries.
- To require all future industrial development and subdivisions to be of a high quality in terms of urban design, environmental standards and amenity.
- To conserve places of industrial cultural heritage significance.
- To minimise land use conflicts.

#### **Economic Development Objectives**

- To provide an adequate supply of appropriately located industrial land that meets the needs of different industry sectors.
- To protect the integrity and viability of existing and future industrial areas within Shepparton, Mooroopna and Tatura from competing and non-compatible land uses.
- To direct different types of industrial development to appropriate locations within the municipality.
- To encourage future industrial land uses to locate on existing vacant industrial zoned lands and, where this is not possible, to examine opportunities to rezone additional lands to facilitate such industrial or related land uses.
- To facilitate the redevelopment of under-utilised industrial sites for more intensive forms of industrial uses to make more efficient use of existing infrastructure.
- To encourage resource recovery uses to establish across the region in locations where impacts on nearby land uses can be minimised.

#### **Amenity Objectives**

- To minimise any impact on the amenity and safety of surrounding land uses from traffic, noise and emissions generated by industrial land and resource recovery uses.
- To ensure appropriate standards of health, safety and amenity are provided by new and existing industries.
- To ensure a high standard of urban design and landscaping is achieved to improve the amenity and appearance of industrial areas.

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## Policy Guidelines – Industrial Development in Rural Areas

It is policy to:

- Discourage industrial use and development (other than rural industry) in rural areas, except where:
  - It is unable to be accommodated in existing industrial zoned areas;
  - It does not compromise the surrounding existing and future agricultural practices;
  - It adds value to the agricultural base of the municipality; and
  - It is a rural-based enterprise; or
  - It provides for the reuse of existing large scale packing sheds and cool stores.

### Relevant Particular Provisions

#### 52.17 Native Vegetation

##### Purpose

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the *Guidelines*):
  1. Avoid the removal, destruction or lopping of native vegetation.
  2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
  3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Number	Decision guidelines to be considered
1	<p>Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation, and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:</p> <ul style="list-style-type: none"><li>• the site has been subject to a regional or landscape scale strategic planning process that appropriately avoided and minimised impacts on native vegetation</li><li>• the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation</li><li>• feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.</li></ul>



Number	Decision guidelines to be considered
2	<p>The role of native vegetation to be removed in:</p> <ul style="list-style-type: none"> <li>Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the <i>Catchment and Land Protection Act 1994</i>.</li> <li>Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly:               <ul style="list-style-type: none"> <li>where ground slopes are more than 20 per cent</li> <li>on land which is subject to soil erosion or slippage</li> <li>in harsh environments, such as coastal or alpine areas.</li> </ul> </li> <li>Preventing adverse effects on groundwater quality, particularly on land:               <ul style="list-style-type: none"> <li>where groundwater recharge to saline water tables occurs</li> <li>that is in proximity to a discharge area</li> <li>that is a known recharge area.</li> </ul> </li> </ul>
3	The need to manage native vegetation to preserve identified landscape values.
4	Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the <i>Aboriginal Heritage Act 2006</i> .
5	The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.
6	Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site.
7	Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.

9	<p>For applications in both the <b>Intermediate and Detailed Assessment Pathway only</b> – consider the impacts on biodiversity based on the following values of the native vegetation to be removed:</p> <ul style="list-style-type: none"> <li>The extent.</li> <li>The condition score.</li> <li>The strategic biodiversity value score.</li> <li>The number and circumference of any large trees.</li> <li>Whether it includes an endangered Ecological Vegetation Class.</li> <li>Whether it includes sensitive wetlands or coastal areas.</li> </ul>
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## 52.29 – Land adjacent to a Road Zone Category 1

### Purpose

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

### 52.29-6

#### Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.

- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.

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

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

#### **65.01 Approval of an application or plan**

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

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

### Officers Assessment

#### Use of Land – The Rural Industry

Officers consider that the milk processing to a powder form is the land use of rural industry as camel milk will be imported to the farm from other camel dairies for processing. A 400sqm building is proposed to house the spray dryer and associated tanks.

The application proposes to manufacture 60 – 65 tonnes per annum of camel milk powder. EPA have informed that no Works Approval or similar is triggered by the milk processor as less than 200 tonnes of milk powder is produced each year.

Officers consider that local policy provides strategic support for the proposed rural industry being:

- To facilitate growth of new agricultural investment (21.06-1)

- Encourage value adding and new enterprise for agricultural production (21.06-1)
- Support food related industries and the development of value-adding opportunities (21.06-4)

Specific policy guidelines are at 21.06-4 for industrial development in rural areas. Whilst these guidelines do not apply to rural industries, officers consider that they provide a worthwhile assessment guide to the application.

Policy Guideline	Officers Response
Discourage industrial use and development (other than rural industry) in rural areas, except where:	
It is unable to be accommodated in existing industrial zoned areas	Limited industrial land is available in Tatura to accommodate the milk processor.
It does not compromise the surrounding existing and future agricultural practices	The milk processor complements planned agricultural activities.
It adds value to the agricultural base of the municipality	The milk processor allows value adding of the camel milk within the Goulburn Valley which maximises economic benefit to the community.
It is a rural based enterprise	The processing of camel milk to powder is a rural based business.
It provides for the reuse of existing large scale packing sheds and cool stores	The application proposes a new building to house the milk processor.

#### Conflict between dwellings and the proposal

The objections to this application raise the issue of the camel dairy and milk processor affecting the amenity of existing dwellings in the FZ. Officers acknowledge that this proposal brings more activity than the previous grazing and cropping use of the farm.

Officers consider that the FZ is a working zone where activities undertaken will not always be compatible with rural lifestyle living. Greater Shepparton has encountered the conflict between agriculture and rural lifestyle expectations on many occasions and the associated decision making difficulties.

Officers are of the view that ongoing agricultural investment in the municipality needs to be encouraged and facilitated. The application proposes a new type of agriculture that creates on farm employment. Such an outcome is sought by the FZ whose purposes relate to the use of land for agriculture, retention of productive agricultural land, ensure non-agricultural uses including dwellings do not adversely affect agriculture, retention of employment and population and sustainability.

It is considered that the amenity impacts from the activities are acceptable for the following reasons:

- The activity areas being the dairy and milk processor are located centrally on the land and about 1.1km from the nearest objector.
- Odour from effluent disposal is a potential issue for neighbouring properties. A permit condition will require the submission of a manure management plan, which establishes a process to manage effluent.

### Farming Zone Decision Guidelines

#### **General Issues**

State and local policy provides strategic direction for investment in agriculture. Planning policy also seeks to manage conflict between land uses.

The land is located on the Midland Highway, which is a RDZ1. The Midland Highway provides good access to the land for employees and milk tankers.

The subject site is substantial in size, about 296ha, which allows the disposal of onsite effluent from toilets and the like. Officers will require in accordance with standard practice for rural industries that a LCA be submitted for approval before the development starts. Officers are comfortable that this LCA can be required by condition given the size of the land assists in achieving compliance with setbacks to channels, drains and other on site infrastructure.

Officers consider that the site is suitable for the use for a camel dairy and camel milk processor given the lands frontage to a main road and the lands substantial size which allows for separation distances to nearby dwellings.

#### **Agricultural issues and the impacts from non-agricultural uses**

The use of land for a milk processor and camel dairy supports and enhances agricultural production by producing and processing camel milk. Officers consider that the proposed activities implement the FZ through investment in the dairy and milk processor.

The applicant sets out that the farm will be cropped to produce feed for the camels, the size of the land results in the farm being mostly self-sustainable in terms of feed.

Officers consider that rural industries such as milk processors are an important and necessary component of agricultural production. Value adding of agricultural produce through rural industries is an important part of the region's economy whether it is for fruit or milk processors or abattoirs.

#### **Dwelling Issues**

A component of this application is for the construction of a dwelling for on farm workers. Ordinarily, officers do not allow dwellings in the FZ. Despite this, officers consider that the proposed dwelling is reasonably required to assist in the farm operation. The dwelling is located centrally on the land, which reduces potential for conflict between the dwelling, and agricultural uses on neighbouring land.

Permit conditions will require the submission of detailed plans of the dwelling before the construction of the dwelling commences.

### **Environmental Issues**

The application seeks permission to remove three Grey Box trees to enable the construction of the dairy complex. The application documents have followed the three-step approach being avoid, minimise and offset.

Whilst the removal of large old paddock trees is not an ideal outcome, it is an acceptable one given that the tree removal enables a significant agricultural investment in the land.

On site, effluent ponds are proposed to service the dairy. Officers will require the submission of a manure management plan to ensure that processes are in place to properly manage the effluent from the dairy.

### **Design and siting issues**

Officers consider that design issues of the proposed dairy, rural industry and camel shelter sheds are largely addressed by their siting on the land. These buildings are setback about 900m to the Midland Highway; this setback provides a substantial separation from neighbouring dwellings and reduces their dominance in the landscape. Furthermore, existing and proposed landscaping will further screen these buildings from view from passing motorists and neighbouring dwellings.

DoT have considered road safety impacts associated with the use to the Midland Highway. DoT in consenting to the application have required the construction of a right turn lane. Officers are satisfied that subject to the implementation of DoT conditions, the proposal does not result in unacceptable traffic outcomes.

### **Tree Removal**

The 3 step approach to avoid, minimise and offset the loss of the three scattered grey box trees has been undertaken. Officers consider that the loss of the trees is unavoidable due to the proposed development. Officers will be requiring through conditions of the permit that offsetting for the removal of the tree be required and endorsed to for part of the permit.

A permit condition will require that the loss be offset in accordance with the Framework.

Whilst the loss of these trees is not the preferred outcome, it is considered the loss is acceptable as a substantial agricultural development can progress which will create jobs and services for the community.

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

*Guidelines for the removal, destruction or lopping of native vegetation* Department of Environment, Land, Water and Planning, 2017

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

Nil.

### **Relevant Planning Scheme amendments**

Nil.

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

The application does not raise any significant social or economic effects.

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

Nil.

### **The Aboriginal Heritage Act 2006**

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

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

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

### **Charter of Human Rights and Responsibilities**

The application has been assessed under the P&E Act including the giving of public notice which assists in achieving compliance with the Charter.

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## **Conclusion**

Officers having undertaken an assessment of the application have decided that the application achieves acceptable planning outcomes by investing in the regions farming base. A notice of decision to grant a planning permit should issue.

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# Draft Notice Of Decision

**APPLICATION NO:** 2020-249  
**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:** 4660 MIDLAND HIGHWAY GIRGARRE EAST VIC  
3618

**WHAT THE PERMIT WILL ALLOW:** USE OF LAND FOR A RURAL INDUSTRY  
(PROCESSING CAMEL MILK), BUILDINGS AND  
WORKS IN THE FARMING ZONE AND LAND  
SUBJECT TO INUNDATION OVERLAY,  
ALTERATION OF ACCESS TO A ROAD ZONE  
CATEGORY 1 AND REMOVAL OF NATIVE  
VEGETATION ALL ASSOCIATED WITH A CAMEL  
DAIRY

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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### 1. Plans Required

Before the development starts, 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 two copies (or as specified) must be provided. The plans must be generally in accordance with the advertised plans but modified to include any necessary information listed in Council's Infrastructure Design Manual and the following:

- a) Floor and elevation plans of the dwelling
- b) Floor and elevation plans of the office
- c) Floor and elevation plans of the dairy and camel housing buildings
- d) Security gates for the access to the development be setback a minimum of 25 m from the edge of the traffic lane on the Midland Highway
- e) Details of boundary fencing

**2. Layout Not Altered**

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

**3. Buildings and works on endorsed plans to be completed prior to occupation**

Before the building is occupied, all buildings and works on the endorsed plans must be completed to the satisfaction of the responsible authority unless otherwise agreed in writing by the responsible authority.

**4. Permitted Number of Camels**

The capacity (i.e. camel numbers) of the farm associated with this development must not exceed 900 to the satisfaction of the responsible authority.

**5. Health Requirements**

Except with the written permission of the responsible authority, before the development starts a Land Capability Assessment (LCA) must be prepared by a suitably qualified person in accordance with the Code of Practice Onsite Wastewater Management Publication 891.4, July 2016 and Victorian Land Capability Assessment (LCA) Framework January 2014. The LCA must be submitted to the responsible authority once approved the LCA must be implemented to the satisfaction of the responsible authority.

The investigation and report/design must be carried out and compiled by a suitably qualified person as described in point 1.8.3 – Land capability assessors – of the Code of Practice Onsite Wastewater Management Publication 891.4 July 2016.

**6. Manure Management Plan**

Before the development starts (excluding earthworks) a manure management plan (MMP) must be submitted to and approved by the responsible authority. The MMP must show an assessment and documented management plan of how nutrients, effluent and removed solids are to be managed in the day to day operation of an intensive dairy farm. 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;

- a) Effluent system design, pond design and soil testing for suitability of constructing an effluent pond
- b) Detailed response to the 13 key elements of a MMP being:
  - Statement of Intention
  - Property background and scale of enterprise
  - Farms current effluent system and management
  - Contribution to effluent stream including a water use audit



- Farm Specific environmental variables
- Effluent system options and design specifications
- Effluent system siting integration
- System management notes
- Effluent conveyance and application
- Nutrient application
- Manure stockpile management
- OH&S requirements
- Contingency measures

Before the development is occupied the MMP must be implemented to the satisfaction of the responsible authority and continue to be implemented on an ongoing basis to the satisfaction of the responsible authority.

## **7. Civil Construction Requirements**

Before any of the development starts, detailed plans with computations 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 information submitted must show the details listed in the Council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual.

- a) Details of the land drainage system
- b) carparking areas, circulation lanes and access shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'
- c) car parking areas must also be designed and constructed in accordance with the requirements of clause 52.06 of the Greater Shepparton Planning Scheme

Before the building is occupied all buildings and works must be completed as shown on the endorsed civil plans to the satisfaction of the responsible authority.

## **8. Landscape Plan**

Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided and show:

- a) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;

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

Before the occupation of the developments starts or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Once planted the landscape screens must be maintained to the satisfaction of the responsible authority.

## **9. Native Vegetation Offsets**

a To offset the removal of 3 large trees, the permit holder must secure the following native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017):

- A general offset of 0.029 general habitat units:
  - located within the Goulburn Broken Catchment Management boundary or City of Greater Shepparton municipal area
  - with a minimum strategic biodiversity value of at least 0.201
- 3 large trees

Before any native vegetation is removed, evidence that the required offset by this permit has been secured, must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:

- an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
- credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

## **10. Connection to Services and Access**

Before the dwelling hereby permitted is occupied:

- a Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- b All stormwater and surface water drainage from the land, buildings and works, must be retained on site or directed to the legal point of discharge to the satisfaction of the responsible authority and Goulburn Murray Water. Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.

- c The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- d The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

to the satisfaction of the responsible authority.

#### **11. Noise Control**

- a) The development hereby permitted must be conducted such that noise levels generated do not exceed permissible noise levels established in accordance with *Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011)* or as amended.
- b) Not more than three months after the occupation of the development noise measurements of actual in operation noise levels must be undertaken to determine if the use is achieving compliance with NIRV. If the monitoring finds compliance is not being achieved with NIRV noise mitigation measures must be implemented without delay to the satisfaction of the responsible authority.
- c) In the event of unreasonable noise being generated by activities conducted on from the subject land and being established by Council planning officers as likely to be causing a disturbance to nearby property, then further noise testing by a suitably qualified acoustic consultant must be undertaken to assess whether activities on the site are breaching the EPA permissible noise levels and to advise what measures must be implemented to minimise the problem to the satisfaction of the responsible authority.

#### **12. Odour Control**

In the event of unreasonable odour being generated by activities conducted from the subject land and being established by Council planning officers as likely to be causing a disturbance to nearby property, then odour testing by a suitably qualified consultant must be undertaken to assess whether activities on the site are resulting in unacceptable odour emissions and to advise what measures must be implemented to minimise the problem to the satisfaction of the responsible authority.

#### **13. Control of Lightspill**

Before the development is occupied external lighting must be designed, baffled and located so as to prevent any unreasonable adverse effect on adjoining land to the satisfaction of the responsible authority.

#### **14. Section 173 Agreement**

Before the occupation of the dwelling, 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) The owner acknowledges and accepts the possibility of nuisance from nearby agricultural operations.

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.

#### **15. Environment Protection Authority**

- a) Odours offensive to the senses of human beings must not be discharged, emitted or released beyond the boundaries of the premises.
- b) Surface water discharge from the premises must not be contaminated with waste.
- c) There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:
  - the environment in the area around the premises; and
  - the wellbeing of persons and/or their property in the area around the premises.

#### **16. Goulburn Broken Catchment Management Authority Requirements**

The finished floor level of the proposed staff living quarters (dwelling) and the proposed office must be constructed at least 300 millimetres above the general surrounding ground level, or higher level deemed necessary by the responsible authority.

#### **17. Goulburn Murray Water Requirements**

- (a) No buildings or works may be erected or carried out within 30 metres of any Goulburn-Murray Water infrastructure (including irrigation channels and drains).
- (b) All wastewater from the dwellings and offices must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the relevant EPA Code of Practice and Certificate of Conformity.
- (c) The wastewater management system(s) for accommodation and offices must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (to be specified), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land.

- (d) The wastewater disposal area must be located at minimum setback distances of:
  - at least 60 metres from Goulburn-Murray Water channel CG 2/4/8
  - at least 60 metres from any dams
  - at least 20 metres from any bores.
- (e) The new dwelling, offices and farm infrastructure must not encroach on the existing wastewater treatment system or disposal areas or breach the minimum setback distances specified in the relevant EPA *Code of Practice – Onsite Wastewater Management*.
- (f) The wastewater disposal areas must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. Reserve wastewater disposal fields of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
- (g) Stormwater run-off from buildings and car parks must be dissipated as normal unconcentrated overland flow or directed to a storage tank or dam.
- (h) The effluent lagoons must be located at least 30 metres from the toe of Goulburn-Murray Water channel CG 2/4/8. No works are to encroach on the channel reserve and any works or associated fixtures must not restrict Goulburn-Murray Water access along the channel.
- (i) The dairy effluent lagoons must be lined with appropriate liners or compacted to ensure the seepage rate does not exceed  $1 \times 10^{-9}$  m/sec. Specifications for the design of the lagoons must be to the satisfaction of the Environment Protection Authority and Responsible Authority based on anticipated flows, surge events, possible future development and the relevant hydrogeological assessment.
- (j) Any irrigation of reclaimed water must be done to optimize the uptake of water, nutrients and other pollutants such that they don't leach to groundwater or runoff to surface waters. The rate and application method must be consistent with the capability of the land and appropriate for the type of plant grown, the soil type and topography. Appropriate harvesting/mowing must be undertaken to ensure nutrient removal.
- (k) Any irrigation and wastewater reuse must be managed in accordance with the principles and requirements outlined in EPA Publication 464.2, *Guidelines for Environmental Management: Use of Reclaimed Water* (November 2003).
- (l) Any stockpiled waste must be stored on an impervious surface within a bunded area.
- (m) Areas irrigated with reclaimed wastewater dam must be located at least 100 metres from Goulburn-Murray Water channel CG 2/4/8 and 20 metres from any bores.

**18. VicRoads Requirements**

- a) Only two accesses will be permitted from the subject land to the Midland Highway as shown on the plan appended to the application located approximately 388m east and 822m east of the western boundary of the subject land respectively.
- b) Prior to the development coming into use the applicant must construct the mitigating works at the access to the development located approximately 822m east of the western boundary of the subject land to the satisfaction of and at no cost to the Head, Transport for Victoria as follows:
  - BAR right turn treatment at the proposed access in accordance with Fig A28 Rural BAR Right Turn Treatment of Austroads Guide to Road Design Part 4.
  - The crossover and driveway are to be constructed to the satisfaction of the Head, Transport for Victoria in accordance with VicRoads guideline drawing GD4010 Typical Access to Rural Properties to cater for a 26m b-double as detailed in Table 2 - Access Setout Details as shown on the guideline drawing.
- c) The driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).

**19. Time for Starting and Completion**

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

- a) the development has started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

**NOTATIONS**

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## Application Details:

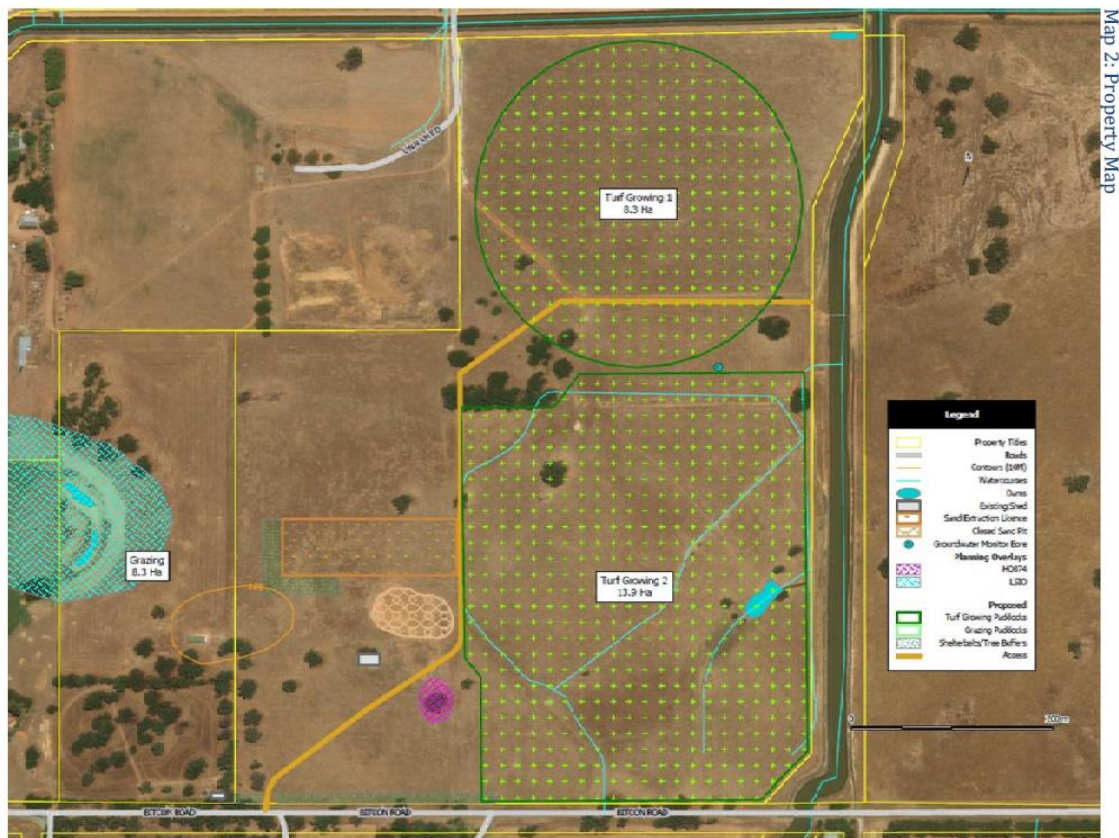
Responsible Officer:	Andrew Dainton
Application Number:	2020-296
Applicant Name:	Enprove Ag & Environment
Date Received:	04-Sep-2020
Statutory Days:	71
Land/Address:	1730 Bitcon Road TATURA VIC 3616
Zoning & Overlays:	FZ1 SCO3
Why is a permit required (include Permit Triggers):	Removal of native vegetation under 52.17-1 (four trees)
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No
Was the correct application fee paid?	Yes \$1318.10 – Removal of trees \$23.50 – Agreement search Total - \$1341.60

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## Proposal

The application initially sought permission to remove eight large trees which following the public notice period was reduced to four trees. The purpose of the four tree removal is to enable the development of the land for a turf farm including sprinkler irrigator in the form of a pivot irrigator and raised sprinklers.

Plans of the proposed development are below.

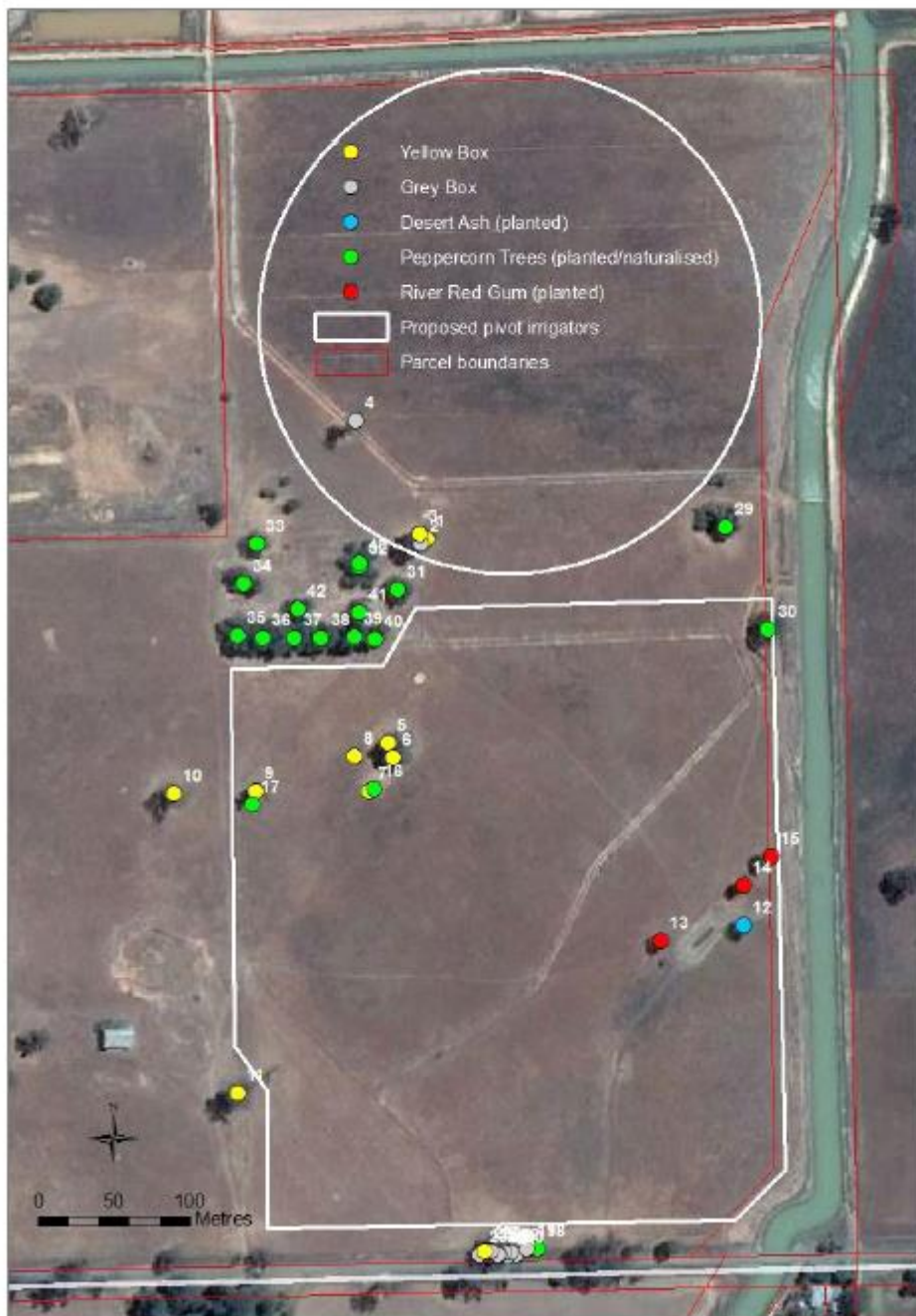




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Flora and Fauna Assessment and Net Loss Reporting – 1730 Bitcon Road, Tatura

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The application was placed on public notice and one objection was lodged. In response to the objection the applicant agreed to revise their irrigation design to allow retention of four Yellow Box trees being tree 5, 6, 7 and 9. This was achieved by changing the irrigation model from pivot to raised sprinklers.

The below table identifies trees to be removed by red font and trees to be retained by green font.

Tree Number	Type	Size
1	Yellow Box	125cm
2	Grey Box	130cm
3	Yellow Box	90cm
4	Grey Box	115cm
5	Yellow Box	130cm
6	Yellow Box	85cm
7	Yellow Box	125cm (Dead)
9	Yellow Box	120cm

Trees proposed for removal



Tree 1 - 3



Tree 4

The tree removal is to be considered under the intermediate assessment pathway.

Council's environmental officers and DELWP consented to the tree removal.

This application requires officers to consider conflicting policies between agricultural development and retention of native vegetation and decide in the favour of the net community benefit and sustainable development for the benefit of present and future generations.

Officers consider that the main assessment concern with this application is whether the loss of native vegetation, being four trees, is acceptable.

In considering the objections and the relevant planning policies, along with the purposes of the Farming Zone and 52.17 (the guidelines), officers are of the view that the proposal achieves an acceptable planning outcome for the following reasons:

- the proposal supports and enhances the use of the land for productive agriculture, turf growing
- the proposal has adequately addressed the application requirements and decision guidelines of the guidelines for the removal of native vegetation
- the proposal will result in acceptable biodiversity outcomes, reinforced through the Department of Environment, Land, Water and Planning consent to the application
- conditions are able to be imposed to ensure that the vegetation to be removed is able to be appropriately offset.

Officers consider that the proposed loss of four trees to enable an irrigation development is an acceptable planning outcome. Officers acknowledge the applicants willingness and efforts to work with the community to reduce the loss of Yellow Box trees.

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## Summary of Key Issues

- Permission is sought to remove native vegetation, four trees, to enable the installation of a pivot irrigator to grow turf for golf courses, ovals and the like.
- The application was advertised and one objection was lodged. In response to this objection that applicant revised their application to reduce the amount of tree loss from eight trees to four trees.
- Council's environmental officer reviewed the application and provided the following response:

*The adjustments the landholder has made meets all the criteria avoid and minimise*

- DELWP have considered the application and consented to the proposed tree removal subject to appropriate offsetting.
- Permit conditions will require that offsets be secured before the tree removal occurs.

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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2020-296 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 52.17-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 1730 Bitcon Road TATURA VIC 3616, for the removal of native vegetation in accordance with the Notice of Decision and the endorsed plans.

## **Recommendation**

### **Notice of Decision to Grant a Permit**

That Council having caused notice of Planning Application No. 2020-296 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 52.17-1 of the Greater Shepparton Planning Scheme in respect of the land known and described as 1730 Bitcon Road TATURA VIC 3616, for the removal of native vegetation in accordance with the Notice of Decision and the endorsed plans.

**Moved: Andrew Fletcher**

**Second: Melissa Crane**

**CARRIED**

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## **Subject Site & Locality**

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

Date: 27 November 2020

The site has a total area of 38.28ha.

- Officers observed that the pivot has been installed in the turf growing area, the pivot was irrigating at the time of the inspection. A number of large earthmoving vehicles were parked on the land including an excavator and dump truck.

The main site/locality characteristics are:

- The land is within agricultural area that is serviced with GMW channels. Bitcon Road is an unsealed road that accesses dairy farms and other less intensive agricultural uses. The land has slope which is a sand hill which is generally known as Harston Hill.

The Photos below show the existing site:



View of the operating pivot irrigator and earth moving equipment



View of turf growing area 2 which is to be irrigated by raised sprinklers

Site Images

Image 1: Turf growing area 1



Image 2: Turf growing area 2 foreground, turf growing area 1 rear



Image 3: Turf growing area 2



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## Permit/Site History

The history of the site includes:

- 2015-186 was a VCAT permit which allowed a small amount of sand extraction from the land. To date this permit has not been acted on.
- Enq-2020-74 confirmed that no planning permit is required to use the land for a turf farm.

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## Further Information

Was further information requested for this application? No

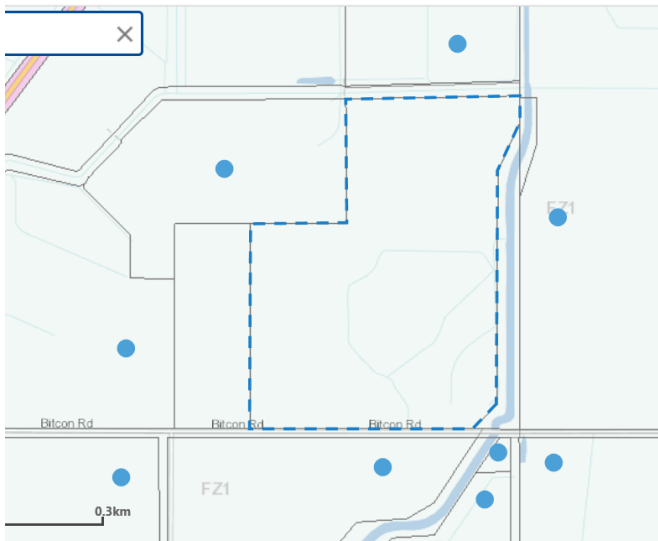
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## Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description removal of native vegetation, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.





Officers undertook a sign on site inspection which confirmed that the sign was displayed on 5 October 2020.



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## Objections

The Council has received one objection to date.

In response to the objection, the applicant agreed to amend the application to retain four Yellow Box trees. The applicant's letter is below.



PO Box 817, Warrnambool Vic 3280  
Ph: 0448 866 205  
Email: [enprove@enprove.com.au](mailto:enprove@enprove.com.au)  
Web: [www.enprove.com.au](http://www.enprove.com.au)  
ABN: 71 462 965 882

14<sup>th</sup> October 2020

Mr Andrew Dainton  
Greater Shepparton City Council

Via email: [andrew.dainton@shepparton.vic.gov.au](mailto:andrew.dainton@shepparton.vic.gov.au)

**Re: Objection Response by Marisa OHalloran to 2020-296 at 1730 Bitcon Road Tatura**

We thank the neighbour for the response to our planning permit application and provide the following response.

My client Global Turf is keen to be seen as a good neighbour and after discussions with their ecologist, Hamilton Environmental Services and their irrigation designer have been able to arrive at an altered irrigation design.

The turf growing is designated into two areas, the northern area is to be a centre pivot irrigator, and we need to continue with our request to remove the trees in that field, this includes trees marked 1, 2, 3 and 4 within the original Flora and Fauna Assessment and Net Loss Report. Unfortunately, the vegetation in question is on the only areas of the property suitable for use for the turf operations and the retention of those trees would reduce that centre pivot irrigation area by more than one third.

The southern area will change to a series of raised sprinklers and can be shaped more readily to the landscape. At this stage, we withdraw the request for the removal of trees marked 5, 6, 7 and 9 in the above report. This will ensure the retention of 4 significant Yellow Box eucalypts.

It should be pointed out, Global Turf is already providing revegetation elsewhere on the site, and this will be completed in the next few months. It is not practical to provide offsets on the property, the reporting and monitoring requirements are overly onerous and in current form discourage this practice.

The offset quote will be revised as required.

Please feel free to contact me for any further clarification.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Dean Suckling", written in a cursive style.

Dean Suckling

The objector's response is below.

*Thank you for forwarding through the revised irrigation design regarding the removal of native vegetation for the purposes of turf growing at 1730 Bitcon Rd.*

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*I am really pleased that the applicant was able to modify the irrigation design to retain the Eucalyptus melliodora (trees 5, 6, 7 and 9), and acknowledge the desire to create strong relationships with the community in which they are operating.*

*In terms of Trees 1, 2, 3 and 4, I see a couple of solutions that may result in even better environmental outcomes than the current modified proposal.*

- *With regards to trees 1, 2 and 3, as these trees are on the edge of the pivot area, if for example Tree 4 was removed, and the pivot span reduced slightly, they could be under end gun irrigation rather than a pivot span. Although the end gun would irrigate the treed area, the trees themselves can be maintained for habitat. This may reduce the need for offsets and tree destruction, reducing project costs and offsetting the reduced irrigation area. This level of detail is not available from the initial maps provided, but could be determined so it would be great if the applicant could undertake those calculations.*
- *With regards to Tree 4, I understand that the location of this tree impacts greatly on the area of the centre pivot. However, the current system installed at the site with the pivot tracking backwards and forwards, plus a series of overhead sprinklers, seems like a great solution to this problem. It may even be that sub-surface irrigation of this triangle is viable, allowing turf harvesting to occur above. Again, it would be great if the applicant could investigate this option in more detail.*

*Given the potential solutions proposed, I will await the applicants response and look forward to their continued support in reducing the impacts of their proposal on our local environment.*


Officers forwarded the objectors response to the applicant. The applicant requested that the proposal be referred to DHP for a decision.

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## Title Details

The title does not contain a Restrictive Covenant.

The title contains a Section 173 Agreement. The terms of the agreement are below which have no impact on the application to remove native vegetation.

Section 173 Agreement	Greater Shepparton City Council and RG & JE Smith
<b>Terms of the Agreement</b>	<b>AE743237R</b> 22/11/2006 \$94.60 173 
2. The Owners agree and acknowledge that:	
(a) following the subdivision allowed by the Permit, neither lot may be further subdivided; and	
(b) the occupiers of Lot 1 on the Plan may be subjected to nuisance from agricultural activities on adjoining or nearby land.	

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## Consultation

Consultation was not undertaken.

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## Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Clause 66 of the scheme did not require referral of the application.			

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### Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GMW	GMW consented to the application without requiring any conditions.
DELWP	DELWP consented to the application subject standard offsetting conditions.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Sustainability	Sustainability consented to the application without requiring any conditions. Their response is trimmed to M2020/101204

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## Assessment

### The zoning of the land

The land is within the FZ. No permission to remove native vegetation is triggered under the FZ.

### Relevant overlay provisions

The land is within the SCO3. The overlay does not trigger the need for a permit. **Planning Policy Framework (PPF)**

#### 12.01-1S Protection of biodiversity

##### Objective

To assist the protection and conservation of Victoria's biodiversity.

Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:

- Cumulative impacts.
- Fragmentation of habitat.
- The spread of pest plants, animals and pathogens into natural ecosystems.

#### 12.01-2S Native vegetation management

## **Objective**

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

## **Strategies**

Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

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

### 21.05-1 Natural environment and Biodiversity

Key biodiversity issues in Greater Shepparton are associated with native vegetation and with the myriad of river, floodplain and wetland systems. The natural landscape of the municipality and wider region has been modified significantly as a result of pastoral activities and more recently through extensive irrigation activities. As a result, areas of remnant native vegetation are now primarily limited to waterways, road reserves and corridors. These corridors (as well as native vegetation stands on private property) provide important habitat links for flora and fauna and for the fostering of biodiversity.

## **Objectives - Natural Environment & Biodiversity**

- To maintain and enhance biodiversity of native flora and fauna communities.
- To protect and manage the natural resources of water, air and land.
- To identify natural landscape features which are to be protected and managed.
- To ensure planning for residential and rural residential growth provides for biodiversity protection and enhancement measures.

## **Relevant Particular Provisions**

### 52.17 Native Vegetation

## **Purpose**

- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the *Guidelines*):
  1. Avoid the removal, destruction or lopping of native vegetation.

2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
  3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Number	Decision guidelines to be considered
1	<p>Efforts to avoid the removal of, and minimise the impacts on, native vegetation should be commensurate with the biodiversity and other values of the native vegetation, and should focus on areas of native vegetation that have the most value. Taking this into account consider whether:</p> <ul style="list-style-type: none"> <li>• the site has been subject to a regional or landscape scale strategic planning process that appropriately avoided and minimised impacts on native vegetation</li> <li>• the proposed use or development has been appropriately sited or designed to avoid and minimise impacts on native vegetation</li> <li>• feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.</li> </ul>

Number	Decision guidelines to be considered
2	<p>The role of native vegetation to be removed in:</p> <ul style="list-style-type: none"> <li>• Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway in a special water supply catchment area listed in the <i>Catchment and Land Protection Act 1994</i>.</li> <li>• Preventing land degradation, including soil erosion, salination, acidity, instability and water logging particularly:           <ul style="list-style-type: none"> <li>- where ground slopes are more than 20 per cent</li> <li>- on land which is subject to soil erosion or slippage</li> <li>- in harsh environments, such as coastal or alpine areas.</li> </ul> </li> <li>• Preventing adverse effects on groundwater quality, particularly on land:           <ul style="list-style-type: none"> <li>- where groundwater recharge to saline water tables occurs</li> <li>- that is in proximity to a discharge area</li> <li>- that is a known recharge area.</li> </ul> </li> </ul>
3	The need to manage native vegetation to preserve identified landscape values.
4	Whether any part of the native vegetation to be removed, destroyed or lopped is protected under the <i>Aboriginal Heritage Act 2006</i> .
5	The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to other available bushfire risk mitigation measures.
6	Whether the native vegetation to be removed is in accordance with any Property Vegetation Plan that applies to the site.
7	Whether an offset that meets the offset requirements for the native vegetation to be removed has been identified and can be secured in accordance with the Guidelines.

- 9 For applications in both the **Intermediate and Detailed Assessment Pathway only** – consider the impacts on biodiversity based on the following values of the native vegetation to be removed:
- The extent.
  - The condition score.
  - The strategic biodiversity value score.
  - The number and circumference of any large trees.
  - Whether it includes an endangered Ecological Vegetation Class.
  - Whether it includes sensitive wetlands or coastal areas.
- 

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

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

#### **65.01 Approval of an application or plan**

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

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

#### Officers Assessment

Permission is sought to remove four trees from the land to enable the development of a pivot irrigator to grow turf for golf courses, ovals and the like.

The application initially proposed the removal of eight trees. In response to an objection, the application was amended to reduce the tree loss from eight trees to four trees being two Yellow Box and two Grey Box trees.

The application is to be considered under the intermediate assessment pathway.

The Planning Policy Framework clearly seeks to support, strengthen and enhance the productive agricultural use of the region's farming land.

Whilst this needs to be balanced against the other relevant policy objectives of the planning scheme, it is considered that the purpose of the proposed clearing of native vegetation to facilitate the enhanced agricultural productivity of the land supports the policy objectives with respect to agriculture.

Native vegetation policy direction seeks to ensure that there is no net loss to biodiversity as a result of the removal of native vegetation. Initially this application sought permission to remove eight trees, which was reduced to four trees.

Expert environmental officers within Council and DELWP have reviewed this application and both have concluded that the four tree loss is not unacceptable.

Officers consider that the application implements the three step approach by:

#### Avoid and Minimise

- Tree 10 and 11 (large Yellow Box) are outside of the raised sprinkler irrigation area
- Tree 5 – 7 and 9 (large Yellow Box) are retained by changing the irrigation type from pivot to raised sprinkler in turf growing area 2

#### Offset

- Before the four trees are removed, conditions will require that evidence of a secured offset

Officers determine that the four tree loss is an acceptable planning outcome and that the objection does not warrant refusal of the application.

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

Guidelines for the removal, destruction or lopping of native vegetation.

The *Regional Rural Land Use Strategy 2008* applies to the proposal.

The proposal is consistent with the objectives of the Strategy that recognise the importance of irrigated agriculture to the region and support the protection and expansion of agricultural enterprises.

#### Greater Shepparton Environmental Sustainability Strategy 2014-2030 (the strategy)

In June 2018 planning scheme amendment C197 listed the strategy as a background document in the Greater Shepparton Planning Scheme.

The mission of this strategy is:



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*To improve Council's environmental sustainability performance by imbedding environmental sustainability considerations into Council's decision-making processes and operational activities.*

The strategy informs that less than 2.5% of the pre-European settlement native vegetation remains in the City of Greater Shepparton.

The strategy includes the following commentary on native vegetation:

	State^	Trend	Comment
Native vegetation cover	Poor	Decreasing	The City of Greater Shepparton has one of the lowest covers of native vegetation of any municipality in Victoria and the remaining native vegetation is heavily fragmented and in a degraded condition. Road reserves support a significant proportion of the municipality's remnant native vegetation. Scattered remnant paddock trees are of significant biodiversity importance in our largely cleared landscape. The limited quantity of native vegetation that remains is under increasing removal pressures from land development and perceived fire mitigation activities.

Officers acknowledge the importance of scattered paddock trees in our environment as set out by the strategy. Officers in this application are required to balance competing policy between the protection and retention of native vegetation and agricultural development.

Officers acknowledge that this application does not produce an ideal outcome, however the application does achieve acceptable planning outcomes. The proposal continues investment into the municipalities agricultural base which is the driver of the region's economy. Furthermore DELWP who are the State Government's expert environmental department have not objected to the loss of vegetation.

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

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

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

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

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

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

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

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

#### **The Aboriginal Heritage Act 2006**

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

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

The 'Area of Cultural Heritage Sensitivity in Victoria' includes the land within an area of cultural heritage sensitivity. The removal of native vegetation is not a high impact activity and does not trigger the need for a CHMP.

#### **Charter of Human Rights and Responsibilities**

The application has been considered in accordance with the P&E Act including the giving of notice which assists in achieving compliance with the Charter.

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## **Conclusion**

The application seeks a planning permit to provide approval for the removal of native vegetation to facilitate the installation of an irrigation system to support the agricultural use of the land.

The purpose of the vegetation removal is consistent with the purpose of the Farming Zone, which includes providing for the use of land for agriculture and encourages the retention of productive agricultural land.

The vegetation to be removed is able to be appropriately offset and therefore achieves an acceptable environmental outcome for the site. It is recommended that a NOD to issue a permit be granted.

# Draft Notice Of Decision

**APPLICATION NO:** 2020-296  
**PLANNING SCHEME:** GREATER SHEPPARTON PLANNING SCHEM  
**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:** 1730 BITCON ROAD TATURA VIC 3616

**WHAT THE PERMIT WILL ALLOW:** REMOVAL OF NATIVE VEGETATION

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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**1 Layout Not Altered**

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

**2. Department of Sustainability and Environment**

- a) Before any works start, the permit holder must advise all persons undertaking works on site, including native vegetation removal, of all relevant permit conditions and associated statutory requirements or approvals.

***Construction management plan***

- b) Before any native vegetation removal begins/works start, plans to the satisfaction of the responsible authority must be submitted to and approved by the Greater Shepparton City Council. When approved, the plans will be endorsed and will form part of this permit.
- c) The plans must include:  
a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the Greater Shepparton City Council, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 *Protection of Trees on Development Sites*, to the satisfaction of the Greater Shepparton City Council.

### ***Protection of retained vegetation***

- d) Except with the written consent of the responsible authority within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
1. vehicular or pedestrian access
  2. trenching or soil excavation
  3. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
  4. entry and exit pits for the provision of underground services
  5. any other actions or activities that may result in adverse impacts to retained native vegetation.

### ***Native vegetation permitted to be removed, destroyed or lopped***

- e) The native vegetation permitted to be removed, destroyed or lopped under this permit is **0.337** hectares of native vegetation, which is comprised of:
1. 0.029 hectares of patch native vegetation including **3 large trees**, with a strategic biodiversity value of 0.270
  2. 5 scattered large trees

### ***Native vegetation offsets***

- f) To offset the removal of 0.337 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017):
1. A general offset of 0.063 general habitat units:
    - located within the Goulburn Broken Catchment Management boundary or Greater Shepparton City Council municipal area
    - with a minimum strategic biodiversity value of at least 0.165The offset(s) secured must also protect 8 large trees.
- g) Before any native vegetation is removed, evidence that the offset required by this permit must be provided to the satisfaction of responsible authority. This evidence must be one or both of the following:
2. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site; and/or
  3. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
- h) A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning and Approvals at the Department of Environment, Land, Water and Planning Hume regional office via [humeregion.planning@delwp.vic.gov.au](mailto:humeregion.planning@delwp.vic.gov.au) .

- i) Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

**3. Time for Starting and Completion**

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

- the development has not started within **two (2) years** of the date of this permit;
- the development is not completed within **four (4) years** of the date of this permit.

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## Application Details:

Responsible Officer:	Andrew Dainton
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Application Number:	2020-239
Applicant Name:	Xpress Building Design
Date Received:	29-Jul-2020
Statutory Days:	111

Land/Address:	26 Kennedy Road SHEPPARTON VIC 3630
Zoning & Overlays:	Neighbourhood Residential Zone (NRZ) Floodway Overlay (FO) Land Subject to Inundation Overlay (LSIO)
Why is a permit required (include Permit Triggers):	Construction of two dwellings on a lot in the NRZ under clause 32.09-6 Construction of two dwellings in the FO under clause 44.03-2 Construction of two dwellings in the LSIO under 44.04-2
Are there any Restrictive Covenants on the title?	No
Is a CHMP required?	No
Was the correct application fee paid?	Yes - \$1547.65

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## Proposal

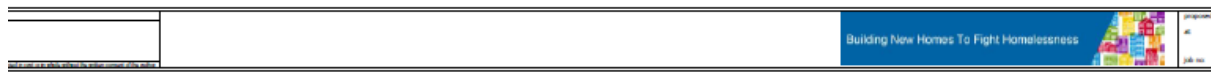
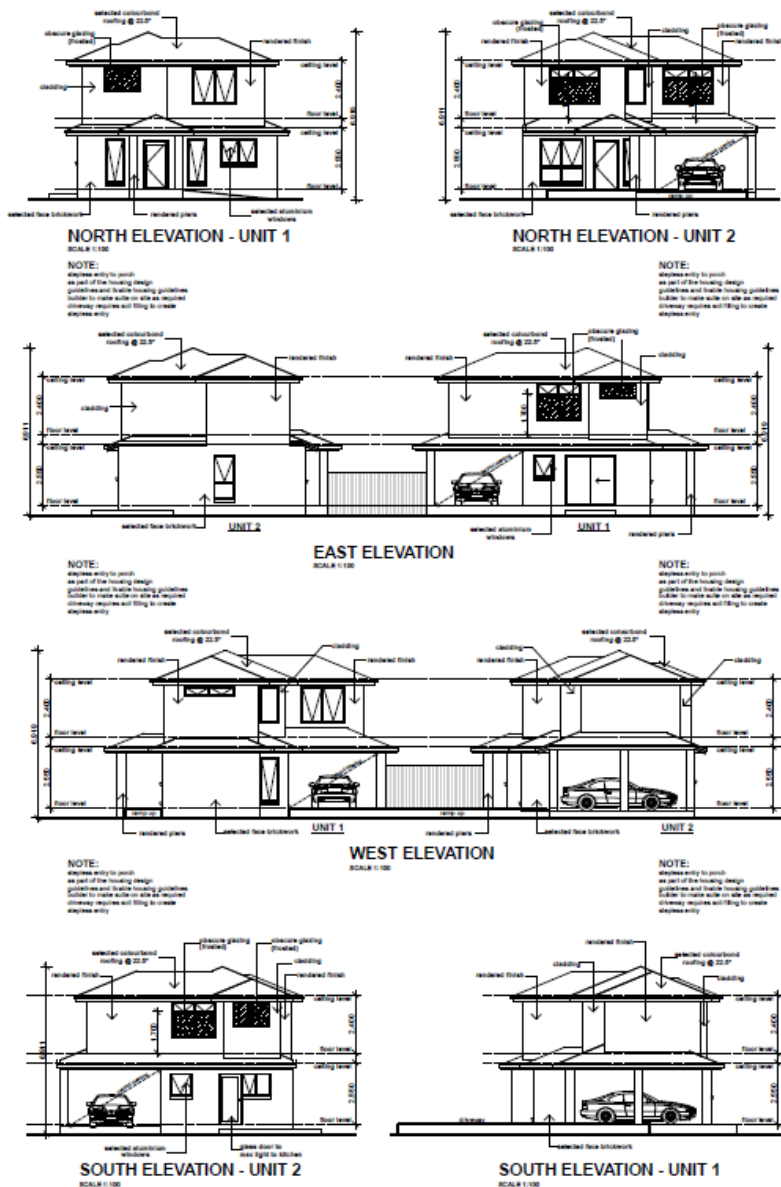
The application seeks permission to develop the land for two double storey dwellings.

The main assessment concern associated with this application is the unit development within the FO and access to the land through the FO. Officers commissioned a survey to determine the flood depth within Kennedy Road, the levels confirmed a flood depth of about 580mm.

Officers are concerned that access to the land relies on low-level access, which in times of flood would result in loss of car-based egress from the land. The CMA acknowledge that the proposal is marginal in its acceptability due to these flood depths, despite this the CMA consented to the proposed development. Officers place significant weight on this consent from the CMA and are satisfied that the units achieve acceptable flooding outcomes.

Plans of the proposed units are shown below. Officers have undertaken an assessment of the units against Rescode and found that the proposal achieves compliance with Rescode.





A single objection to the development has been received from 24 Kennedy Road, which abuts the land to the west. The grounds of objection relate to amenity considerations such as shadowing and overlooking. Officers are satisfied that the proposal results in no overshadowing or overlooking to 24 Kennedy Road.

Officers are satisfied that the proposal produces acceptable planning outcomes and recommend that a notice of decision to grant a permit issue.



## Summary of Key Issues

- Permission is sought to develop land in the NRZ, FO and LSIO for two double storey dwellings.
- The application was advertised and one objection was lodged with Council. The objection raised concern about amenity impacts associated with the dwelling such as loss of sun light and overlooking.
- The land is within an area as is access to the land from Kennedy Road. The CMA acting as a recommending referral authority consented to the dwellings in the FO and LSIO.
- The proposed development achieves its mandatory garden area requirement.
- Officers have found that the proposed development achieves compliance with clause 55 rescode.

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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2020-239 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 32.09-2, 44.03-2 and 44.04-2 of the Greater Shepparton Planning Scheme in respect of the land known and described as 26 Kennedy Road Shepparton VIC 3630, for the construction of two double-storey dwellings in the Neighbourhood Residential Zone, Floodway Overlay and Land Subject to Inundation Overlay in accordance with the Notice of Decision and the endorsed plans.

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### Motion

**Withdraw application from the agenda in order to allow officers to properly assess the application under the new state planning provisions**

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**CARRIED**

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## Subject Site & Locality

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

Date: 29 November 2020

The site has a total area of 546 square metres and currently contains:

- The land is developed with an unoccupied single storey dwelling with a vehicle crossing on the western side of the land. Mature unkept trees are within the front yard that largely screen the existing dwelling from Kennedy Road.

The main site/locality characteristics are:

- Kennedy Road and surrounding streets are developed with single storey dwellings that are either constructed from brick or cement sheets. Abutting the land to the west is a single storey dwelling with carport and covered outdoor area to the east of the dwelling abutting the subject site.

The Photos below show the existing site:



View of existing driveway and dwelling to the west of the land



View of existing dwelling which is proposed to be demolished to enable the unit development



View of 9 Rimes Court which abuts the land to the east



View of 24 Kennedy Road



View of Kennedy Road looking west toward Wyndham Street

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## Permit/Site History

The history of the site includes:

- Nil

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## Further Information

Was further information requested for this application? No

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## Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description construction of two double storey dwellings, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.



The application was exempt from being advertised in accordance with Clause 44.03-5 and 44.04-6 of the planning scheme.

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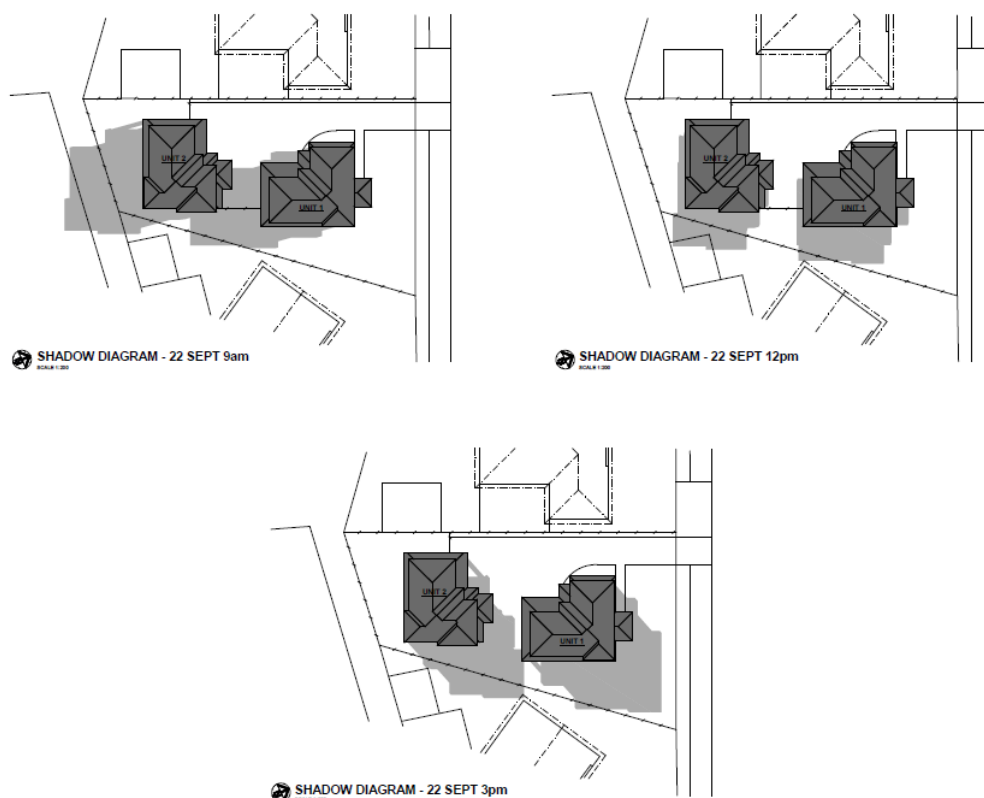
## Objections

The Council has received one objection to date from the abutting land owner to the west being 24 Kennedy Road.

The objection raises the following concerns:

- Disruption of morning sun until midday
- Overlooking into the back yard
- Reduction of land value of 24 Kennedy Road
- Two storey design is not consistent with the neighbourhood

The below overshadowing plan demonstrates that the proposed dwellings will not affect the objectors land.



Overlooking to the objectors land from the front dwelling (the west elevation) is minimised by the use of a highlight window to bedroom one, which is 5.6m from the west boundary of the land. Bedroom two window allows for views, however the window is more than 9m from the objectors land. No west facing windows are proposed in unit two.

It is widely acknowledged that a ground of objection regarding property devaluation is not a reason to refuse to grant a planning permit.

Officers acknowledge that a two storey development is out of character for the neighbourhood. It is considered that just because the dwellings are two storeys it does not automatically follow that a permit should not grant. The design of the site allows for spacing to Kennedy Road and to side boundaries. A single vehicle crossing is proposed and dwellings sit in front and behind each other, all of which reduces the presence of the dwellings. Officers do not consider that the application should be refused because that the dwellings are double storey.

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## Title Details

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

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## Consultation

Consultation was not undertaken.

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## Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
CMA	44.03-6 and 44.04-7	Recommending	CMA consented to the application subject to the dwellings being constructed 300mm above the flood level.

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## Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
GVW	GVW consented to the application subject to standard water and sewerage connection conditions.

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Council's engineers consented to the dwellings subject to standard drainage and access conditions.

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## Assessment

The zoning of the land

NRZ

### Purpose

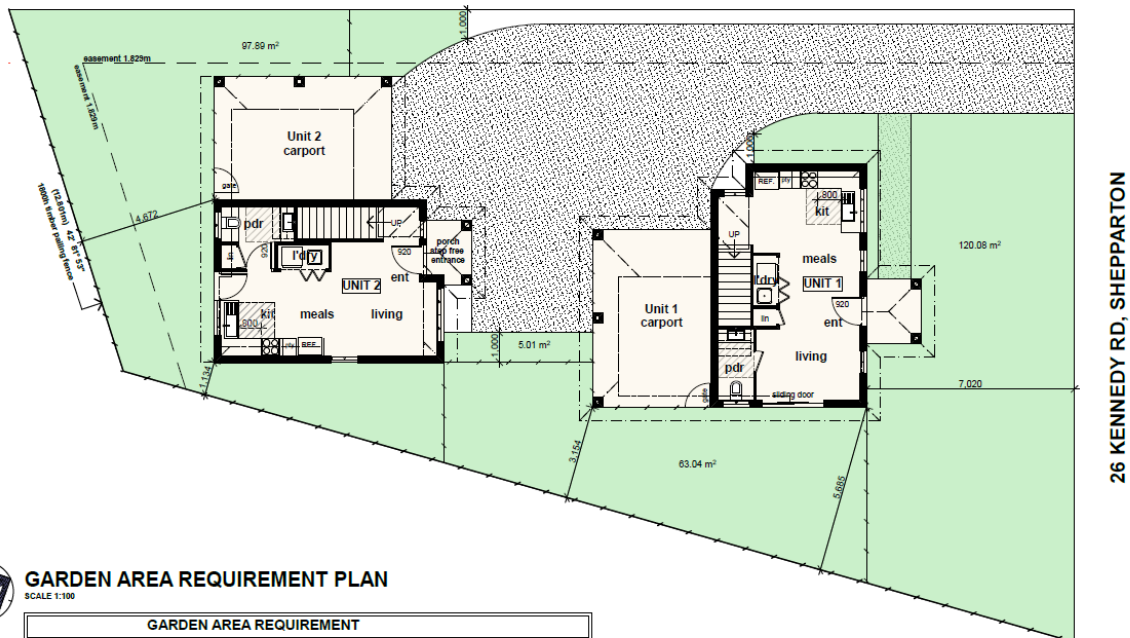
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

### Minimum garden area requirement

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:



Lot size	Minimum percentage of a lot set aside as garden area
400 - 500 sqm	25%
Above 500 - 650 sqm	30%
Above 650 sqm	35%

The below plan confirms that the proposed development complies with the garden area requirement.



**GARDEN AREA REQUIREMENT PLAN**  
 SCALE 1:100

GARDEN AREA REQUIREMENT				
LOT SIZE	MIN. REQUIREMENT	SITE AREA	GARDEN AREA REQUIREMENT	PROPOSED GARDEN AREA
400m <sup>2</sup> - 500m <sup>2</sup>	25%	N/A	N/A	N/A
501m <sup>2</sup> - 650m <sup>2</sup>	30%	561.97 m <sup>2</sup>	168.59m <sup>2</sup>	286.00m <sup>2</sup> = complies
650m <sup>2</sup> and above	35%	N/A	N/A	N/A

 CONCRETE DRIVEWAY  
 GARDEN AREA (MIN 1M WIDE)

Decision guidelines are at 32.09-13 and includes:

#### General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in the schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.



- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

#### **Dwellings and residential buildings**

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.

#### **Relevant overlay provisions**

The land is within the FO and LSIO.

#### **Floodway Overlay**

##### **Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major floodpaths, 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 reflect any declarations under Division 4 of Part 10 of the *Water Act, 1989* if a declaration has been made.
- 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.

Decision guidelines are at 44.03-7.

#### **LSIO**

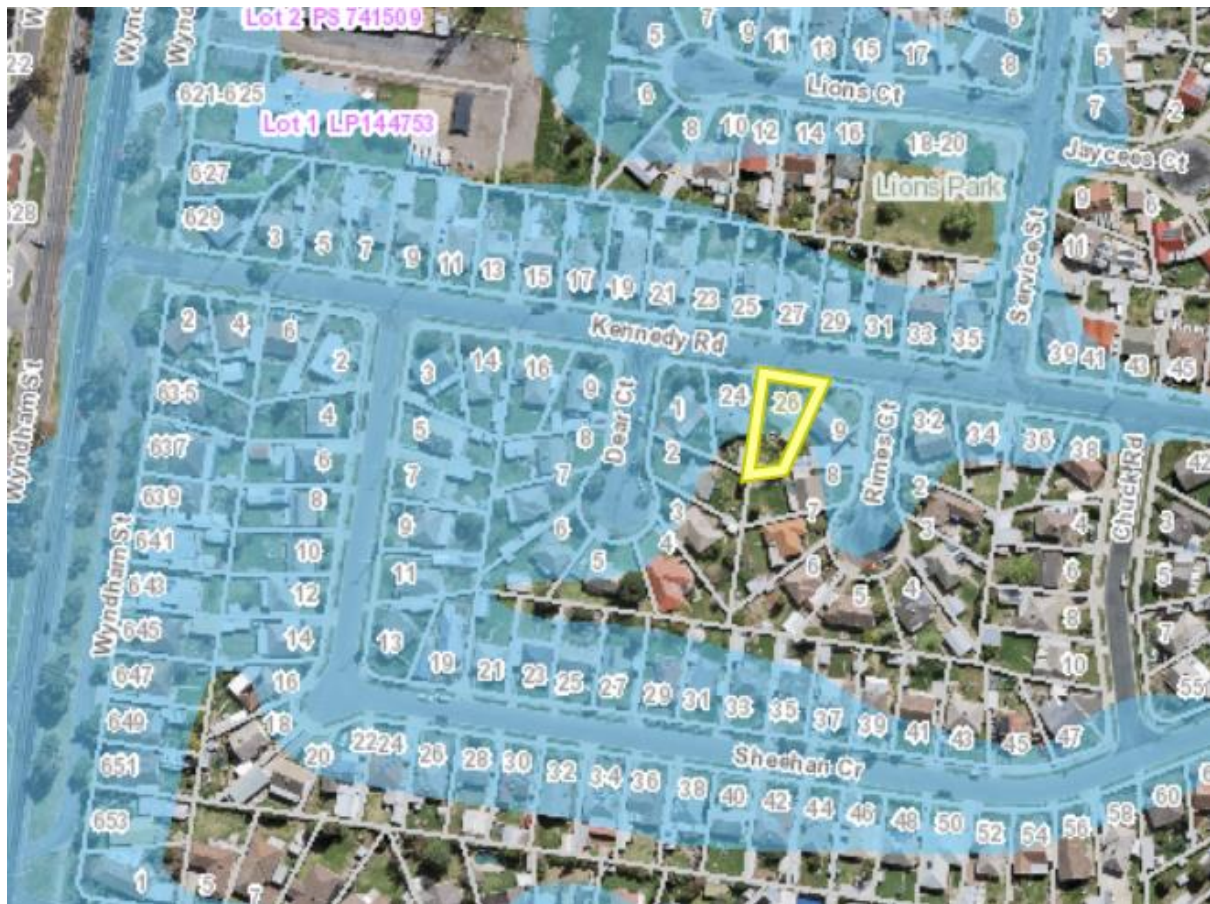
##### **Purpose**

- 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).

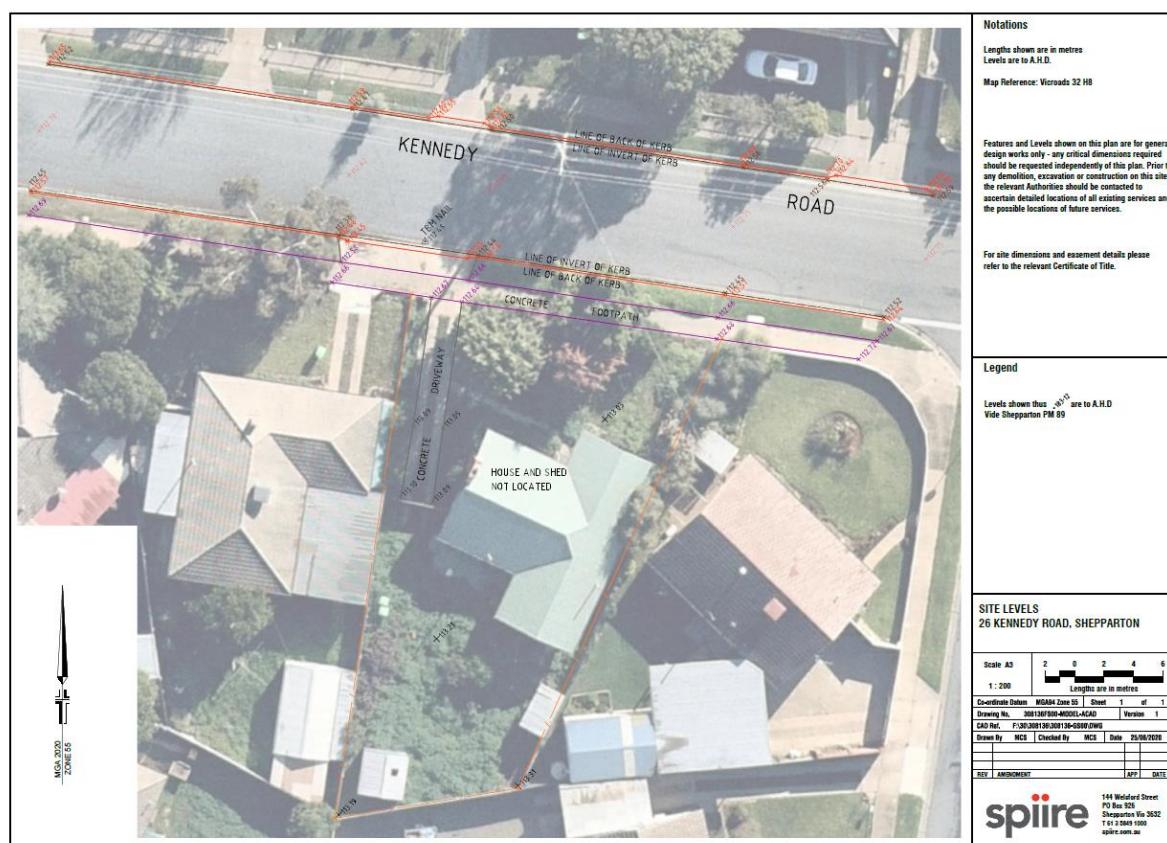
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Decision guidelines are at 44.04-8.

As shown by the below aerial photo that part of the land and the surrounding road network is within the FO.







The flood level for the land is 113.2m. On this basis the flood depths in Kennedy Road are:

- 580mm at centre of road
- 760mm at kerb of road

Applying for a Planning Permit under the Flood Provisions – Planning Practice Note 11, August 2015

The Practice Note under the heading Making a Decision states the following.

*A development should be refused if it is likely to cause an unacceptable increase in flood risk in the following situations:*

- *it is likely to result in danger to the life, health and safety of the occupants due to flooding of the site*
- *it relies on low-level access to and from the site*
- *it is likely to increase the burden on emergency services and the risk to emergency personnel*
- *it is likely to increase the amount of flood damage to public or private assets*
- *it is likely to raise flood levels or flow velocities to the detriment of other properties. Potentially adverse effects on upstream and downstream areas must be identified and addressed. Development should not transfer flooding problems from one location to another*
- *it is likely to obstruct flood flows or reduce natural flood storage. The capacity of land subject to inundation to convey and store floodwater must be maintained*

- *it is likely to be detrimental to natural habitats, waterway stability, water quality or sites of significance*
- *if any subdivision, development or redevelopment is likely to increase the number of buildings located in a floodway area.*

### The CMA response

The Goulburn Broken CMA's assessment of the above information has determined that the proposed development location is covered by the Neighbourhood Residential Zone - Schedule 1 and Floodway Overlay, Land Subject to Inundation Overlay in the Greater Shepparton Planning Scheme.

The Authority's best estimate of the 100-year ARI flood level for the location described above is 113.2 metres AHD, which was established from Shepparton Mooroopna Flood Intelligence and Mapping Study (2018).

Based on the available ground surface level information (LiDAR 2019), the accessway to the property would flood between 0.5 to 0.6 metres deep in a 100-year ARI flood event. Generally, where the accessway to the dwelling site flood more than 0.5 metres deep, the Authority considers the development of the land for a dwelling to be inappropriate as it is intensifying development within floodway land (i.e. land that floods greater than 0.5 metres deep) and only a single dwelling per vacant lot is permitted.

However, as the Authority recently gave consent based on the at the time available information, and the accessway would be marginally above the flood depth threshold of 0.5 metres deep, it is prepared to maintain its decision not to refuse this application.

Officers hold some reservations about allowing a unit development that is within the FO and relies on low-level access to the land. Survey information has confirmed that flood depths in Kennedy Road exceed 500mm; in times of flood egress from the land will be by boat which increases pressure on emergency services and risks the safety of the occupants of the dwellings.

Kennedy Road is well located for unit developments, the street is in close proximity to open space, schools, neighbourhood shops and even Shepparton's CBD. Officers are aware that allowing this development may be the catalyst for additional unit proposals in Kennedy Road. Should this occur future applications will need to be considered on their own merit and referred to the CMA for response.

Despite these reservations, officers place significant weight on the CMA response. The CMA are the state governments expert flood authority who are a referral authority in the Greater Shepparton Planning Scheme. Officers have no expert advice that contradicts the CMA response and in the absence of this, officers find, based on the CMA response that the application does not result in unacceptable flooding outcomes.

## **Planning Policy Framework (PPF)**

### **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.

### **16.01-3S**

#### **Housing diversity**

##### **Objective**

To provide for a range of housing types to meet diverse needs.

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

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

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

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

- To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.
- To increase the supply of medium density housing in appropriate locations.
- To balance the need to achieve urban consolidation with the need to respect and retain the valued characteristics of existing neighbourhoods

## 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*:

The GSHS identifies the site is within an identified minimal change area.



#### Minimal Change Areas:

**Minimal Change Areas** are established residential areas that for a number of reasons have limited capacity to accommodate future residential development. Minimal Change Areas do not prohibit all residential development, but seek to allow limited residential development that is generally consistent with the type, scale and character of the area.

Minimal Change Areas are generally in locations that:

- Have a strong neighbourhood character, largely evidenced by a significant presence of historical buildings and places.
- Are affected by environmental factors such as flooding which limit development capacity.
- Have a low density or rural living character.
- Are in close proximity to uses which cause significant off-site impacts.
- Have a widespread application of restrictive covenants which limit housing diversity.
- Have valued landscape features and / or views and vistas.

The Council may also consider smaller Minimal Change Areas in locations immediately adjacent to a sensitive use or affected by a particular environmental factor that has the potential to create significant risk to development or a valued feature of the landscape or detrimentally affect character that is desirable to retain.

### Strategies - Minimal Change Areas

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

- Ensure development respects existing scale and character.
- Ensure development respects heritage buildings and their curtilage.
- Ensure development does not considerably impact on significant natural features or views and vistas.
- Ensure extensions to existing dwellings do not cause significant new overlooking; overshadowing, visual bulk or neighbourhood character impacts.
- Support and encourage environmentally friendly technologies for new development and major renovations.

### Policy Guidelines - Minimal Change Areas

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

- New dwellings will respect the existing scale and character of the existing area to a high degree.
- New dwellings will respect any heritage buildings and their curtilages.
- New dwellings will not unreasonably impact on significant natural features or view and vistas.
- Extensions to existing dwellings will not cause unreasonable new overlooking, overshadowing, visual bulk or neighbourhood character impacts.
- Environmentally friendly features will be supported for new dwelling and major renovations.

### Relevant Particular Provisions

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

Objectives	Standards	Compliance
<p><b>Clause 55.02-1 Neighbourhood Character Objectives</b>                      To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character;                      To ensure the development responds to the features of the site and surrounding area.</p>	<p><b>Standard B1 (Cannot be varied)</b>                      The design response must be appropriate to the neighbourhood and the site.                      The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p><b>Complies</b>                      The proposed construction of two double storey dwellings on the allotment is consistent with the preferred character of the area. The NRZ and Housing Strategy seek to allow limited residential development that is generally consistent with the type, scale and character of the area. Officers consider that a two unit development that provides for large open spaces is consistent with the character of Kennedy Road.</p>



Objectives	Standards	Compliance
<p><b>Clause 55.02-2 Residential Policy Objectives</b>  To ensure that residential development is provided in accordance with any policy for housing in the SPPF and the LPPF including the MSS and local planning policies;  To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p><b>Standard B2 (Cannot be varied)</b>  An application must be accompanied by a written statement that describes how the development is consistent with any relevant policy for housing in:</p> <ul style="list-style-type: none"> <li>• the SPPF; and</li> <li>• the LPPF including the MSS; and Local Planning Policies</li> </ul>	<p><b>Complies</b>  The application proposes to provide additional housing variety within the municipality. The subject land is within an identified minimal change area where limited residential development is encouraged.</p>
<p><b>Clause 55.02-3 Dwelling Diversity Objective</b>  To encourage a range of dwelling sizes and types in development of ten or more dwellings</p>	<p><b>Standard B3 (Can be varied)</b>  Developments of 10 or more dwellings should provide a range of dwelling sizes and types including:</p> <ul style="list-style-type: none"> <li>• dwellings with a different number of bedrooms; and</li> <li>• at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level.</li> </ul>	<p><b>N/A</b>  Not applicable as the development is for less than 10 dwellings.</p>
<p><b>Clause 55.02-4 Infrastructure Objectives</b>  To ensure development is provided with appropriate utility services and infrastructure;  To ensure development does not unreasonably overload the capacity of utility services and infrastructure</p>	<p><b>Standard B4 (Can be varied)</b>  Development should be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available.  Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.  In areas where utility services or infrastructure have little or no space capacity, developments should provide for the upgrading or mitigation of the impact on services or infrastructure.</p>	<p><b>Complies</b>  The application proposes two dwellings on the lot. The development will use the existing vehicle crossing.  All other infrastructure is existing in the area. Connection to services will be to the requirements and standards of the relevant servicing providers. No objections from the servicing authorities have been received.</p>
<p><b>Clause 55.02-5 Integration with the Street Objective</b>  To integrate the layout of development with the street</p>	<p><b>Standard B5 (Can be varied)</b>  Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p>	<p><b>Complies</b>  Dwelling one at the frontage of the site has been designed and oriented to present to Kennedy Road. No front fencing is provided ensuring dwelling 1 will</p>

Objectives	Standards	Compliance
	<p>Dwellings should be orientated to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>make a positive contribution to the street.</p>
<p><b>Clause 55.03-1 Street Setback Objective</b></p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p><b>Standard B6 (Can be varied)</b></p> <p>Walls of buildings should be setback from streets the distance specified in Table B1</p>	<p><b>Complies</b></p> <p>The application proposes a minimum 7 m setback from the street.</p> <p>ResCode standard requires the average (7m to east and approximately 7m to the west). Average would be approximately 7m.</p>
<p><b>Clause 55.03-2 Building Height Objective</b></p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B7 (Can be varied)</b></p> <p>The max building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the max building height should not exceed 10m.</p> <p>Change of building height between existing buildings and new buildings should be graduated.</p>	<p><b>Complies</b></p> <p>Buildings will not exceed 9 metres, satisfying Standard B7.</p>
<p><b>Clause 55.03-3 Site Coverage Objective</b></p> <p>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</p>	<p><b>Standard B8 (Can be varied)</b></p> <p>The site area covered by buildings should not exceed 60%.</p>	<p><b>Complies</b></p> <p>The overall site area is 591 square metres.</p> <p>The buildings will cover 140 square metres being 25% of the site area.</p>
<p><b>Clause 55.03-4 Permeability Objectives</b></p> <p>To reduce the impact of increased stormwater run-off on the drainage system;</p> <p>To facilitate on-site stormwater infiltration.</p>	<p><b>Standard B9 (Can be varied)</b></p> <p>At least 20% of the site should not be covered by impervious surfaces.</p>	<p><b>Complies</b></p> <p>The total permeability of the site is 46% of the site, meeting the minimum requirement of 20% under Standard B9.</p>
<p><b>Clause 55.03-5 Energy Efficiency Objectives</b></p> <p>To achieve and protect energy efficient dwellings and residential buildings;</p> <p>To ensure the orientation and layout of development reduce</p>	<p><b>Standard B10 (Can be varied)</b></p> <p>Buildings should be:</p> <ul style="list-style-type: none"> <li>• Orientated to make appropriate use of solar energy.</li> <li>• Sited and designed to ensure that the energy</li> </ul>	<p><b>Complies</b></p> <p>The proposed development responds well to the orientation of the site. Living areas and SPOS areas of both dwellings are located on northern and eastern side of the buildings.</p>

Objectives	Standards	Compliance
<p>fossil fuel energy use and make appropriate use of daylight and solar energy</p>	<p>efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</p> <ul style="list-style-type: none"> <li>Living areas and private open space should be located on the north side of the dwelling, if practicable.</li> </ul> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	
<p><b>Clause 55.03-6 Open Space Objective</b> To integrate the layout of the development with any public or communal open space provided in or adjacent to the development</p>	<p><b>Standard B11 (Can be varied)</b> Any public or communal open space should:</p> <ul style="list-style-type: none"> <li>be substantially fronted by dwellings, where appropriate;</li> <li>provide outlook for as many dwellings as practicable</li> <li>be designed to protect any natural features on the site; and</li> <li>be accessible and useable.</li> </ul>	<p><b>N/A</b> There is to be no communal open space as part of this development.  Public space is located throughout Shepparton.</p>
<p><b>Clause 55.03-7 Safety Objective</b> To ensure the layout of development provides for the safety and security of residents and property</p>	<p><b>Standard B12 (Can be varied)</b> Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p><b>Complies</b> The entrance to the front dwelling is visible from Kennedy Road.  The entrance to the second dwelling is not easily visible to the street, however views are available from the windows of the front dwelling over the accessway to provide a level of surveillance.</p>
<p><b>Clause 55.03-8 Landscaping Objectives</b> To encourage development that respects the landscape character of the neighbourhood; To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance;</p>	<p><b>Standard B13 (Can be varied)</b> Landscape layout and design.</p>	<p><b>Able to Comply through permit conditions</b> The provided plan shows limited landscaping on the subject site. It is recommended that a condition be imposed on any permit to issue requiring a landscape plan to be prepared.</p>

Objectives	Standards	Compliance
<p>To provide appropriate landscaping;  To encourage the retention of mature vegetation on the site</p>		
<p><b>Clause 55.03-9  Access Objectives</b>  To ensure vehicle access to and from a development is safe, manageable and convenient;  To ensure the number and design of vehicle crossovers respects the neighbourhood character</p>	<p><b>Standard B14 (Can be varied)</b>  Accessways should:  1. Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network.  Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves 5 or more car spaces, 3 or more dwellings, or connects to a road in a Road Zone.  Be at least 3m wide.  Have an internal radius of at least 4m at changes of direction.  Provide a passing area at the entrance that is at least 5m wide and 7m long if the accessway serves 10 or more spaces and connects to a road in a road zone.  The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>• 33% of the street frontage if the width of the street frontage is more than 20m; or</li> <li>• 40% of the street frontage if the width of the street frontage is less than 20m.</li> </ul>	<p><b>Complies</b>  Driveways width provided appropriate.</p>
<p><b>Clause 55.03-10  Parking Location Objectives</b>  To provide for convenient parking for residents and visitor vehicles;  To avoid parking and traffic difficulties in the development and the neighbourhood;  To protect residents from vehicular noise within developments</p>	<p><b>Summary of Standard B15 (Can be varied)</b>  Car parking facilities should:  Be reasonably close and convenient to dwellings and residential buildings;</p> <ul style="list-style-type: none"> <li>• Be secure;</li> <li>• Be designed to allow safe and efficient movements within the development.</li> <li>• Be well ventilated if enclosed.</li> <li>• Large parking areas should be broken up with trees,</li> </ul>	<p><b>Complies</b>  Both dwellings contain two bedrooms and one undercover car space. Parking is safe, secure and convenient for this dwelling.   Habitable room windows are offset at least 1.5 m from shared accessways in accordance with the standard to protect residents from vehicular noise.</p>

Objectives	Standards	Compliance
	<p>buildings or different surface treatments.</p> <ul style="list-style-type: none"> <li>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5m from habitable room windows. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.</li> </ul>	
<p><b>Clause 55.04-1 Side and Rear Setbacks Objective</b></p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p><b>Summary of Standard B17 (variable)</b></p> <p>New building not on, or within 150 mm of boundary should be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> <li>1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m.</li> <li>Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard.</li> </ul>	<p><b>Complies</b></p> <p>The front dwelling is setback at least 3.1m at ground level and 3.7m at first floor level from the eastern boundary. Minimum side setback for the 6.9m high building is 1.9m. Dwelling 2 is setback 1.1m at ground level to the eastern boundary and 4.6m to the southern boundary.</p>
<p><b>Clause 55.04-2 Walls on Boundaries Objective</b></p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings</p>	<p><b>Standard B18 (Can be varied)</b></p> <p>New wall on or within 200mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> <li>10m plus 25% of the remaining length of the boundary of an adjoining lot; or the length of an existing or simultaneously constructed wall or carport whichever is the greater.</li> <li>A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary.</li> </ul>	<p><b>Complies</b></p> <p>No walls are on boundary.</p>

Objectives	Standards	Compliance
	<ul style="list-style-type: none"> <li>• A building on a boundary includes a building up to 150mm from a boundary.</li> <li>• New walls on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall.</li> </ul>	
<p><b>Clause 55.04-3</b>  <b>Daylight to existing windows objective</b>  To allow adequate daylight into existing habitable room windows.</p>	<p><b>Standard B19 (Can be varied)</b>  Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m<sup>2</sup> and 1m clear to the sky. The area may include land on the abutting lot.  Walls or carports more than 3m high opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.  <b>Note:</b> Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.</p>	<p><b>Complies</b>  There are no existing habitable room windows within 3 metres of the proposed buildings.</p>
<p><b>Clause 55.04-4</b>  <b>North-facing windows objective</b>  To allow adequate solar access to existing north-facing habitable room windows.</p>	<p><b>Standard B20 (Can be varied)</b>  If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building should be setback from the boundary:</p> <ul style="list-style-type: none"> <li>• 1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window.</li> </ul>	<p><b>Complies</b>  The existing dwelling to the south of the site is offset more than 3 m from the boundary between the two sites. As a result the proposal will not impact on daylight to this adjoining property.</p>
<p><b>Clause 55.04-5</b></p>	<p><b>Standard B21 (Can be varied)</b></p>	<p><b>Complies</b></p>

Objectives	Standards	Compliance
<p><b>Overshadowing open space objective</b>  To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m<sup>2</sup> with a minimum dimension of 3m, whichever is the lesser area, of the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September.  If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Overshadowing diagrams submitted which identify that the proposal will not affect the objectors land at 24 Kennedy Road.</p>
<p><b>Clause 55.04-6 Overlooking objective</b>  To limit views into existing secluded private open space and habitable room windows.</p>	<p><b>Standard B22 (Can be varied)</b>  Habitable room windows, balconies, terraces etc should be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window, balcony etc.</p>	<p><b>Complies</b>  Overlooking from the upper level is managed by using obscure glazing.</p>
<p><b>Clause 55.04-7 Internal Views Objective</b>  To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development</p>	<p><b>Standard B23 (Can be varied)</b>  Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and in the same development.</p>	<p><b>Complies</b>  The north facing windows in the rear dwelling are obscured so that they do not allow views into the open space area of the front unit.</p>
<p><b>Clause 55.04-8</b>  Noise Impacts  Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p><b>Standard B24</b>  Noise sources should not be located near bedrooms of immediately adjacent existing dwellings.  Noise sensitive rooms and private open space should consider noise sources on immediately adjacent properties.  Noise levels should be limited in habitable rooms in dwellings and residential buildings. Dwellings and residential buildings should be designed to limit noise levels</p>	<p><b>Complies</b>  Plans will need to be submitted to show location of mechanical equipment away from existing dwellings.</p>

Objectives	Standards	Compliance
	in habitable rooms close to busy roads, railway lines or industry.	
<p><b>Clause 55.05-1</b></p> <p><b>Accessibility</b></p> <p>Consider people with limited mobility in the design of developments.</p>	<p><b>Standard B25</b></p> <p>Dwelling entries of the ground floor of buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p><b>Complies</b></p> <p>All dwellings provided with an accessible entry and facilities on the ground floor.</p>
<p><b>Clause 55.05-2</b></p> <p><b>Dwelling Entry</b></p> <p>Provide a sense of identity to each dwelling/residential building</p>	<p><b>Standard B26</b></p> <p>Entries are to be visible and easily identifiable from streets and other public areas.</p> <p>The entries should provide shelter, a sense of personal address and a transitional space.</p>	<p><b>Complies</b></p> <p>All dwelling entries are visible from the street or common driveway with use of porches to provide shelter and a sense of personal address.</p>
<p><b>Clause 55.05-3</b></p> <p><b>Daylight to New Windows</b></p> <p>Allow adequate daylight into new habitable room windows.</p>	<p><b>Standard B27</b></p> <p>Habitable room windows to face:</p> <ul style="list-style-type: none"> <li>■ Outdoor space open to the sky or light court with minimum area of 3sqm and a min. dimension of 1m clear to the sky or;</li> <li>■ Verandah, provided it is open for at least one third of its perimeter or;</li> <li>■ A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>	<p><b>Complies</b></p> <p>Habitable room windows of all dwellings face areas of open space.</p> <p>All windows face an outdoor space clear to the sky.</p>
<p><b>Clause 55.05-4</b></p> <p><b>Private Open Space</b></p> <p>Provide reasonable recreation and service needs of residents by adequate private open space</p>	<p><b>Standard B28</b></p> <p>Unless specified in the schedule to the zone, a dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>■ 40sqm with one part at the side or rear of the dwelling/residential building with a minimum dimension of 3m, a minimum area of 25sqm and convenient access from a living room or;</li> <li>■ Balcony - minimum 8sqm, minimum width 1.6m and</li> </ul>	<p><b>Complies</b></p> <p>Both dwellings provide over 60sqm of SPOS.</p>



Objectives	Standards	Compliance
	<p>accessed from living room or;</p> <ul style="list-style-type: none"> <li>▪ Roof-top – minimum 10sqm, minimum width 2m and convenient access from living room</li> </ul>	
<p><b>Clause 55.05-5</b></p> <p><b>Solar Access to Open Space</b></p> <p>Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p><b>Standard B29</b></p> <p>The private open space should be located on the north side of the dwelling if appropriate.</p> <p>Southern boundary of open space should be setback from any wall on the north of the space at least <math>(2+0.9h)</math> h= height of wall.</p>	<p><b>Complies</b></p> <p>The open space for unit 1 will provide for areas that have north and east orientation.</p> <p>Unit 2 open space is to the south of the dwelling, however is of sufficient dimensions to allow for solar access.</p>
<p><b>Clause 55.05-6</b></p> <p><b>Storage</b></p> <p>Provide adequate storage facilities for each dwelling.</p>	<p><b>Standard B30</b></p> <p>Each dwelling should have access to a minimum 6m<sup>3</sup> of externally accessible, secure storage space.</p>	<p><b>Complies</b></p> <p>Each dwelling is provided with an outdoor shed.</p>
<p><b>Clause 55.06-1</b></p> <p><b>Design Detail</b></p> <p>Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p><b>Standard B31 (Can be varied)</b></p> <p>Design of buildings should respect the existing or preferred neighbourhood character and address:</p> <ul style="list-style-type: none"> <li>▪ Façade articulation &amp; detailing.</li> <li>▪ Window and door proportions.</li> <li>▪ Roof form.</li> <li>▪ Verandahs, eaves and parapets.</li> </ul> <p>Garages and carports should be visually compatible with the development and neighbourhood character.</p>	<p><b>Complies</b></p> <p>This application proposes the first double storey dwellings in the neighbourhood.</p> <p>Despite this, the design is considered to be acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>• The dwellings are front to back with a single vehicle crossing which minimises the appearance of a two storey two dwelling development</li> <li>• The dwellings are well setback from the street and side boundaries which provides a sense of space which is a theme of the neighbourhood</li> <li>• Building materials are generally consistent with the neighbourhood through the use of bricks, pitched roof and eaves.</li> </ul>
<p><b>Clause 55.06-2</b></p>	<p><b>Standard B32 (Can be varied)</b></p>	<p><b>Complies</b></p>

Objectives	Standards	Compliance
<p><b>Front Fences</b></p> <p>Encourage front fence design that respects the existing or preferred neighbourhood character</p>	<p>The front fence should complement the design of the dwelling or any front fences on adjoining properties.</p> <p>A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone or if no max. specified, the front fence should not exceed:</p> <ul style="list-style-type: none"> <li>▪ 2m if abutting a Road Zone, Category 1.</li> <li>▪ 1.5m in any other streets</li> </ul>	<p>No front fence proposed</p>
<p><b>Clause 55.06-3</b></p> <p><b>Common Property Objectives</b></p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained;</p> <p>To avoid future management difficulties in areas of common ownership</p>	<p><b>Standard B33 (Can be varied)</b></p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property where provided, should be functional and capable of efficient management.</p>	<p><b>Common Property</b></p> <p>No common property is proposed.</p>
<p><b>Clause 55.06-4</b></p> <p><b>Site Services Objectives</b></p> <p>To ensure that site services can be installed and easily maintained;</p> <p>To ensure that site facilities are accessible, adequate and attractive</p>	<p><b>Standard B34 (Can be varied)</b></p> <p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post</p>	<p><b>Complies</b></p> <p>The proposed dwellings are appropriately located to allow for the provision of connection to services and the location of mailboxes.</p>

**The decision guidelines of Clause 65**

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

### **65.01 Approval of an application or plan**

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

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

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

The proposed development is consistent with the relevant objectives of ResCode that seeks to protect residential amenity. In addition, there is no native vegetation on the site and there are no identified fire hazards on the site being located in an established urban setting.

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

LFDP – Precinct of Broken River

IDM

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

Nil

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

Nil

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

Nil

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

Nil

### **The Aboriginal Heritage Act 2006**

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

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

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

### **Charter of Human Rights and Responsibilities**

The application has been considered in accordance with the P&E Act which assists in achieving compliance with the Charter.

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## **Conclusion**

Officers have undertaken an assessment of the application and found that the proposed two-storey two-unit development achieves acceptable planning outcomes. It is recommended that a notice of decision to grant a permit issue.

# Draft Notice Of Decision

**APPLICATION NO:** 2020-239  
**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:** 26 KENNEDY ROAD SHEPPARTON VIC 3630

**WHAT THE PERMIT WILL ALLOW:** CONSTRUCTION OF TWO DOUBLE-STOREY  
DWELLINGS IN THE NEIGHBOURHOOD  
RESIDENTIAL ZONE, FLOODWAY OVERLAY AND  
LAND SUBJECT TO INUNDATION OVERLAY

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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**1. Layout Not Altered**

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

**2. Buildings and works on endorsed plans to be completed prior to occupation**

Before the dwellings are occupied, all buildings and works on the endorsed plans must be completed to the satisfaction of the responsible authority unless otherwise agreed in writing by the responsible authority.

**3. Landscape Plan**

Before the development starts a landscape plan prepared by a suitably qualified landscape designer must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided and show:

- a) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;

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

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

Before the occupation of the developments starts or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

**4. Drainage Discharge Plan**

Before the development starts, 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 be in accordance with Council's Infrastructure Design Manual including:

- a) how the land will be drained and retarded;
- b) underground pipe drains conveying stormwater to the legal point of discharge which is nominated as the existing side entry pit fronting to the property 24 Kennedy Road
- c) a maximum discharge rate from the site must be limited to the pre-development flow;
- d) provision of an electronic copy of the MUSIC model (or equivalent) demonstrating achievement of the required reduction of pollutant removal.

Before the dwellings are occupied all drainage works required by the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

**5. Vehicle Access Requirements (internal)**

Before the occupation of the new dwellings, the areas set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) surfaced with concrete
- b) drained in accordance with an approved drainage plan;

To the satisfaction of the responsible authority.

**6. Provision of Services**

Before the dwellings are occupied the electricity connections to both dwellings must be undergrounded.

**7. Urban Vehicle Crossing Requirements**

Before the use begins and/or 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, and any redundant crossing shall be removed and replaced with concrete (kerb and channel);
- b) be setback a minimum of (insert number) metres from any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree; and/or
- c) be at least 9 metres apart.

**8. Goulburn Broken Catchment Management Authority Requirements**

The finished floor level of the proposed two dwellings must be constructed at least 300 millimetres above the 100-year ARI flood level of 113.2 metres AHD, i.e. 113.5 metres AHD, or higher level deemed necessary by the responsible authority.

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

- a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of 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.

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

- Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;

**10. Time for Starting and Completion**

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

1. the development is not started within **two (2) years** of the date of this permit;
2. the development is not completed within **four (4) years** of the date of this permit.



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## Amended Application Details:

Responsible Officer:	Sally Edmunds
Amended Permit Number:	2017-340/A
Applicants Name:	Bantam Property Group
Date Amendment Received:	3 February 2020
Statutory Days:	251 as at 2/12/20
Land/Address:	279 & 289 Dhurringile Road TATURA VIC 3616
Zoning and Overlays:	Low Density Residential Zone
Why was the amendment required?	To increase the lots in the original plan of subdivision from 7 to 13
Why is a permit required (include Permit Triggers):	32.03-3 Subdivision in the Low Density Residential Zone
Are there any Restrictive Covenants on the title?	No

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## Proposal

The application proposes a 13 lot subdivision in the Low Density Residential Zone.

The purpose of the 13 lot subdivision is to increase the development opportunities of 279 & 289 Dhurringile Road and planning permit 2017-340 and planning permit 2020-8.

Planning permit permission is required to subdivide land within the Low Density Residential Zone pursuant to Clause 32.03-3.

A Cultural Heritage Assessment Report was provided with application 2017-340 for the subdivision at 279 Dhurringile Road which concluded that the land had been previously used for an orchard and therefore significant ground disturbance had occurred. The Cultural Heritage Assessment Report then stated that as this disturbance had occurred, no CHMP was required. A Cultural Heritage Management Plan (CHMP) was provided with the amended application. The CHMP determined that the land is capable of sustaining development as the land does not contain any cultural heritage and has already suffered significant ground disturbance due to the previous land use as an orchard.

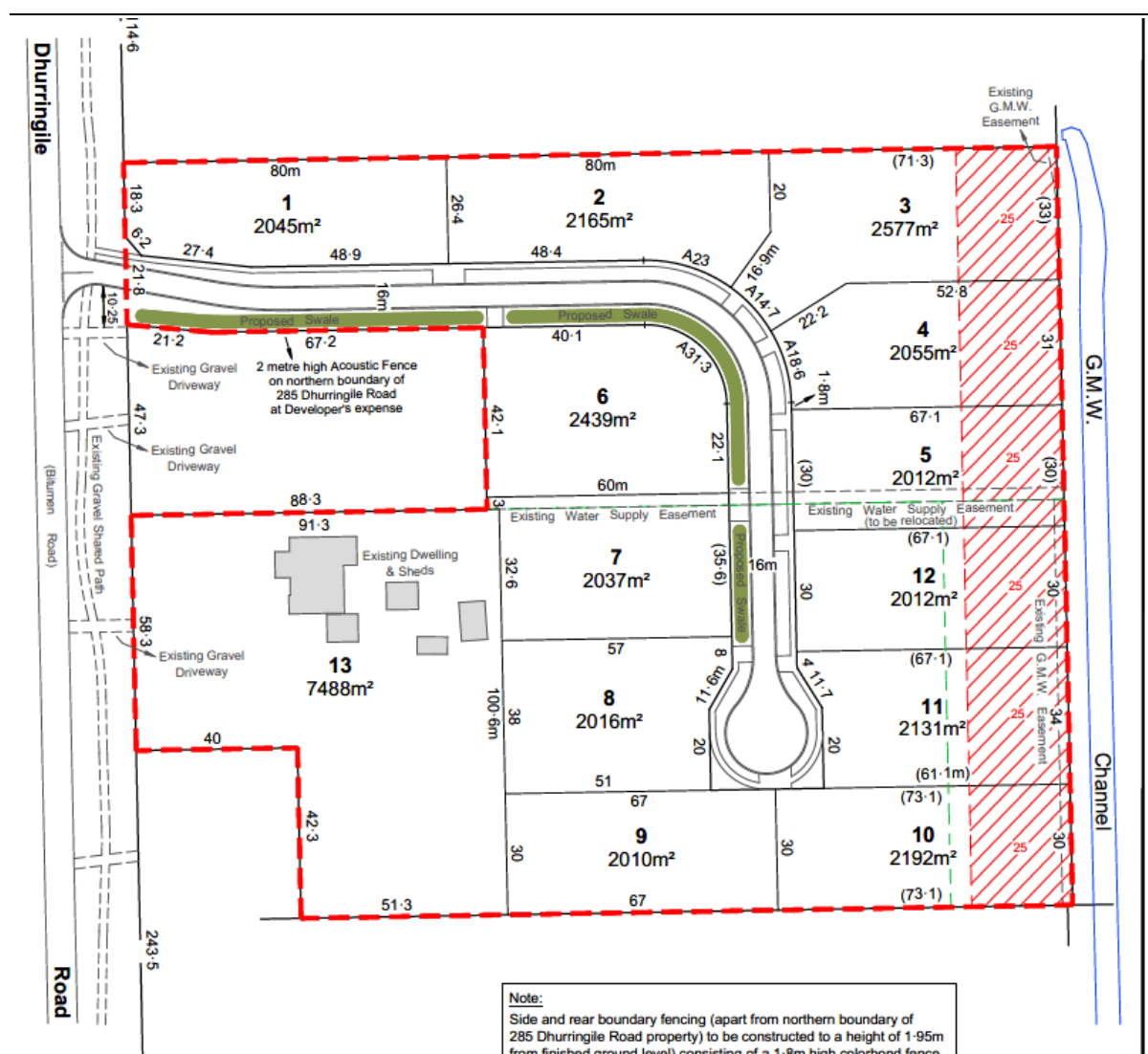
The application was referred to the relevant authorities who consented to the application.

The application was publicly notified and two objections were received.

Each of the lots is proposed to be accessed via the proposed road reserve off Dhurringile Road.

Utilities are available to the site including electricity, water and sewer. The lots will be required to be connected to sewer to ensure the zone requirements for lots less than 4,000 square metres is satisfied.

A plan of the proposed subdivision is below:



## Summary of Key Issues

The application proposes a 13 lot subdivision at 279 and 289 Dhurringile Road, Tatura.

The site is located within an area zoned Low Density Residential Zone and identified within a “Minimal Change Area” in the GSHS.

The key considerations for this application are:

- Whether the proposal is consistent with the purposes of the Low Density Residential Zone.
- Whether the proposal meets the objectives of State and Local Planning Policies relating to settlement.

- Whether the proposal is consistent with the character of the area.
  - Whether the proposal will achieve an appropriate planning outcome.
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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Amended Planning Application No. **2017-340/A** 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 **32.03-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **279 & 289 Dhurringile Road TATURA VIC 3616**, for the **13 Lot Subdivision in the Low Density Residential Zone** in accordance with the Notice of Decision and the endorsed plans.

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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Amended Planning Application No. **2017-340/A** 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 **32.03-3** of the Greater Shepparton Planning Scheme in respect of the land known and described as **279 & 289 Dhurringile Road TATURA VIC 3616**, for the **13 Lot Subdivision in the Low Density Residential Zone** in accordance with the Notice of Decision and the endorsed plans.

**Moved: Melissa Crane**

**Second: Andrew Fletcher**

**Carried**

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## Subject Site & Locality

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

Date: **10 February 2020**

Time: **10:59am**

The site has a total area of **3.83ha** and currently contains:

- Existing dwelling and vacant land to the rear

The main site/locality characteristics are:

- Within a residential area

The Photos below show the existing site:









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## Permit/Site History

The history of the site includes:

2000-48, two lot subdivision

S-2000-77, two lot subdivision

2017-340, Six lot subdivision in the Low Density Residential Zone

2017-340/A, 13 Lot Subdivision in the Low Density Residential Zone

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## Further Information

Is further information required for the application? **Yes**

What additional information is required? **Cultural Heritage Assessment Report for 279 Dhurringile Road**

What date was the information requested?: **14 February 2020**

What is the lapsed date? **14 March 2020**

What date was the information received?: **19 October 2020**

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## Public Notification

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

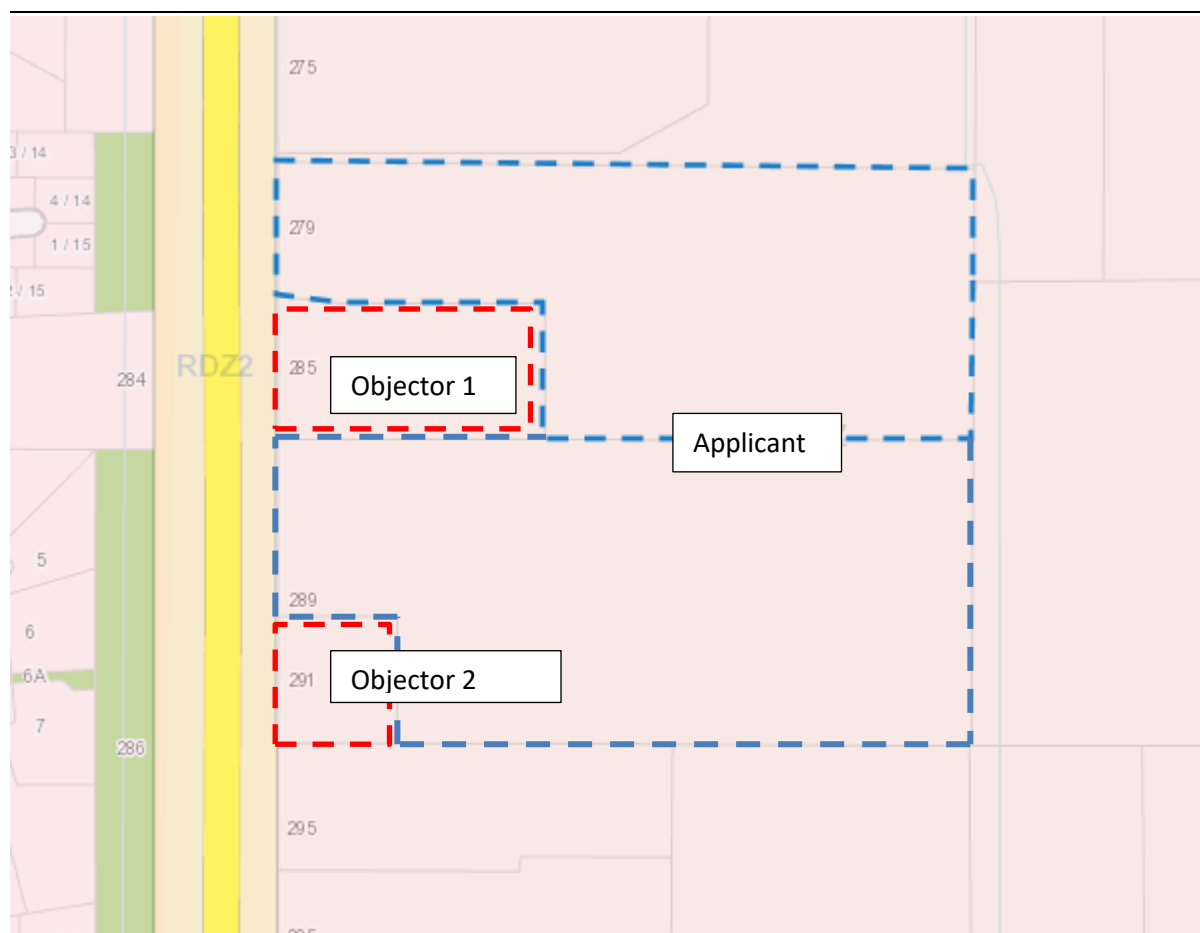
- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.



## Objections

The Council has received **two** objections to date from neighbouring properties 285 Dhurringhile Road and 291 Dhurringhile Road.





The key issues that were raised in the objections are.

Ground of Objection	Officers Response
<p>The distance between the northern boundary of 285 Dhurringile Road and the nearest kerb of the proposed road was agreed to be moved to a distance 10.25m. The road was to continue to run between 9.5 and 10.35 metres for the length of the northern boundary of 285 Dhurringile Rd. This has not been reflected on the plan.</p>	<p>There are quite a few constraints which have restricted the location for access. There is a large tree in the road reserve and if the crossover was moved north it would impact that tree which would require removal. Even shifting the road will reduce the subdivision by 2 lots as lots 1 and 2 would be under the 2000sqm minimum lot size for the Low Density Residential Zone. The plans have included a new acoustic fence along the northern boundary for 285 Dhurringile Road. Plans will also be amended to show landscaping with trees along the swale drain to provide extra screening to the road. Officers consider these to be reasonable additions which will minimise the noise from the road. When also considering noise emissions, whilst on site, officers witnessed a significant number of b-</p>

	doubles along Dhurringile Road which caused significant noise disturbance. When looking at this and the site, officers consider that the noise emissions from Dhurringile Road will be significantly greater than those generated by the new road to the proposed subdivision.
The landscaped garden with trees running along the southern side of the proposed road has been omitted from the plan. This has been replaced with a proposed swale drain.	The original plan included a retardation basin to the front of the now proposed Lot 1. To make the most of the development the retardation basin has been replaced with a swale drain which would hold the same amount of water as the retardation basin. The water will flow onto the open drain along Dhurringile Road just as the basin would have done with the previous plans.
The location of the building envelopes and street lighting are still missing from the plan.	Details such as this can be required through an amended plans condition.
The proposed road and block five are shown to be built over a water easement to the east of 285 Dhurringile Road.	An amended plans condition will be required to show that no development is to take place within the water easement.
Six of the proposed subdivision blocks are shown to be on existing “Building Exclusion Zones”.	Amended plans have been submitted to rectify this.
Loss of privacy	As with all residential developments, especially in infill areas, loss of privacy is a possibility. The Planning Scheme encourages developments such as this and through fencing and landscaping, officers consider that a level of privacy similar to other developments in the area can be achieved.
We wonder if the existing trees in the parcel of land abutting our property (in the paddock) will be retained? To remove them	No native vegetation is proposed to be removed.

<p>would further detract from the present rural outlook and remove even further privacy.</p>	
<p>We are confused as to whether the plans allow for a residence to be built directly behind our property along our fence line at 291 Dhurringile Road.</p>	<p>No new lot is proposed to the rear of 291 Dhurringile Road.</p>
<p>We paid nearly \$15,000 to have sewerage connected to our property. At the time we were told there was minimal fall to the property which prevented us from just upgrading the septic system in place at the time. We assume all new property's will be connected to sewerage and wonder where these sewerage lines will be run.</p>	<p>As the properties are under 4000sqm, they will be required to be connected to sewerage. Connections to such services are determined by the Goulburn Valley Water conditions.</p>
<p>At present we have low water pressure in the lines. We are concerned that this may be further impacted by the proposed sub division even more so.</p>	<p>The Planning Scheme does not allow for officers to comment on the impact to water supply. This is determined by Goulburn Valley Water who have consented with conditions to the permit.</p>
<p>Existing Colourbond fence does not provide privacy as when installed and the property built there were no residences to the East for approx. 20 acres.</p>	<p>There will be a colourbond fence along the boundary of Lot 13 which will provide privacy from 291 Dhurringile Road to the development.</p>
<p>Advise how the issue of dust, noise, traffic and residue will be address with any works to be conducted on the new subdivision. With potential westerly winds to blow dust, dirt and residue directly into our rear rooms.</p>	<p>Officers will be including a condition on the permit that requires dust and air pollution minimisation via a Construction Management Plan to avoid any amenity issues during construction works associated with the subdivision.</p>
<p>Advise how or if the existing drain which runs along the south end of the proposed boundary will be impacted. Will this be retained? What impact this would have on any rains and applicable drainage.</p>	<p>Drainage of the land is to be addressed through the submission of a drainage plan and the construction of swale drains.</p> <p>The plan and swale drain are to be prepared and constructed to the satisfaction of the Council's Development Engineers.</p>

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## Title Details

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

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## Consultation

Officers met with one of the objectors and the applicant on site on Thursday 3 December to better understand the objectors point of view. It was understood at the meeting that a previous agreement at the last Hearing on 8 February 2019 had been made but not acted upon with this application. The agreement was said to be that there would be a distance of 10m from the objectors boundary at 285 Dhurringile Road to the proposed new road to service the subdivision. No decision was reached at the meeting as the officer present was not the responsible officer for the previous application. The concerns discussed at the site visit by the objector will be raised at the DHP for this application.

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## Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Goulburn Valley Water	Consented to the application with the following conditions: <ul style="list-style-type: none"><li>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;</li><li>b) Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; this will require connection to the existing 100mm diameter water main only.</li><li>c) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;</li><li>d) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;</li><li>e) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains);</li><li>f) Payment of any outstanding contributions towards existing sewerage scheme, such amount being determined by the Corporation at the time of payment;</li><li>g) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;</li><li>h) Pursuant to Section 36 of the Subdivision Act, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is, any land not owned by the Developer through which a sewerage extension servicing the development is to be located, easements shall be created in favour of the Corporation;</li></ul>

	<p>i) 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;</p> <p>j) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.</p>										
Powercor	<p>Consented to the application with the following conditions:</p> <p>a) This letter shall be supplied to the applicant in its entirety.</p> <p>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.</p> <p>c) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. <b>Notes:</b> 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.</p> <p>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). <b>Notes:</b> 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. <b>Notes:</b> 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"> <li>• RESERVES established by the applicant in favour of the Distributor.</li> <li>• 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.</li> </ul> <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. <b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Existing easements may need to be amended to meet the Distributor's requirements</li> <li>• Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:</li> </ul> <table border="1" data-bbox="549 1440 1394 1543"> <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
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of							
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd							
APA	Consented without conditions.										
Goulburn Murray Water	<p>Consented with the following conditions:</p> <p>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.</p> <p>b) All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.</p> <p>c) All GMW existing easements/reserves pertaining to G-MW assets affected by the subdivision must remain and be shown on any Plan of Subdivision submitted for Certification.</p>										

	<p>d) Any water supply easement(s) in favour of other lots affected by the subdivision must remain and be shown on any Plan of Subdivision submitted for Certification. Unless it can be demonstrated to Goulburn Murray Water's reasonable satisfaction the means by which no easement is required.</p> <p>e) Prior to Statement of Compliance, for urban development of property holding delivery shares the applicant must either:</p> <ul style="list-style-type: none"> <li>• make application to G-MW pursuant to sections 224 and 229 of the Water Act 1989 to: terminate 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); and trade or transfer any Water Share in relation to the property; or alternatively</li> <li>• demonstrate to G-MW's reasonable satisfaction the means by which a G-MW 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.</li> </ul> <p>f) The Plan of Subdivision must show either building envelopes or building exclusion zones to prevent future buildings from being located within 30 metres of any GMW channel 5/6/5.</p> <p>g) All lots must be connected to reticulated sewerage in accordance with the requirements of Goulburn Valley Water.</p>
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Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>Consented to the application with the following conditions:</p> <p><b><u>Council's Assets</u></b>            Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb &amp; channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit.</p> <p><b><u>Construction Phase</u></b>            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.</p> <p><b><u>Rural Drainage Plan</u></b></p>

Before a Statement of Compliance is issued all stormwater and surface water drainage from the land and works must be retained on site and connected to the legal point of discharge to the satisfaction of the Responsible Authority. Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.

**Drainage Discharge Plan**

Before the 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 (or as specified) must be provided. The plans must be in accordance with Council's infrastructure Design Manual and include: how the land will be drained;

- a) a feature survey must be incorporated in the design to show levels in the road reserve
- b) how the land will be drained;
- c) drains conveying stormwater to the legal point of discharge, the table drain in Dhurringile Rd;
- d) upgrade of table drain in Dhurringile Rd to free outfall;
- e) incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- f) provision of an electronic copy of the MUSIC model (or equivalent) demonstrating achievement of the required reduction of pollutant removal;
- g) a maximum discharge rate from the site limited to the predevelopment discharge rate for the 1%AEP storm;
- h) details of how the basin will be aesthetically pleasing and have regard to the area in which it will be located;
- i) details of how the runoff from the land is to be retarded;
- j) a point of discharge and independent drainage of each lot;
- k) Property connections discharging to the table drain must do so to the side of the endwall (driveway) and not directly to the table drain.
- l) computations for the existing and proposed drainage as directed by the responsible authority;
- m) 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.
- n) 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.

Before the issue of statement of compliance, the works as shown on the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

**Road**

Before certification of the plan of subdivision is completed the new road is to be designed in Accordance with the Infrastructure Design Manual to Low Density Residential standard.

The new road intersection with Dhurringile Rd is to be approved by council engineers and is to incorporate left and right turn movements in accordance with Austroads guidelines.

**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:

- b sealed pavement with edge strip and vehicular crossings
- c footpaths and/or shared paths
- d design details of the intersection of the internal road and *Dhurringile Rd* including culvert and endwalls linking with existing adjacent vehicle crossing
- e water sensitive urban design features
- f street lighting of the internal road
- g site grading from the rear to the frontage of each lot of at least 1:200
- h silt and erosion control measures
- i services and streetlights
- j details of intersection lighting of the internal road and the *Dhurringile Rd* intersection
- k vehicle crossing to each lot in accordance with the IDM Standard Drawing 255

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.

**Construction of Works**

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

- a) Street and drainage in accordance with the approved construction drawings;
- b) planting of street trees or as otherwise agreed in writing by the responsible authority
- c) landscaping in accordance with the approved landscape plans
- d) underground conduits for water, gas, electricity and telephone;
- e) intersection and traffic control/mitigation measures;
- f) street lighting and signage;
- g) high stability permanent survey marks;
- h) installation of a street name plate sign

to the satisfaction of the responsible authority.



	<p><b><u>Supervision Fees</u></b> Before the statement of compliance for each stage, the owner must make a payment comprising up to 2.5% of the value of the works, to the responsible authority being the costs of the Responsible Authority in supervising the works on the land.</p> <p><b><u>Plan Checking Fee</u></b> Before the statement of compliance for each stage, the owner must make a payment comprising 0.75% of the value of the documented works to the responsible authority, for the checking of the engineering design of the works.</p> <p><b><u>Subdivision Development Form 23</u></b> Before a Statement of Compliance is issued under the Subdivision Act 1988 by the Responsible Authority the owner must provide a completed Form 23.</p> <p><b><u>Other Matters</u></b> Before a Statement of Compliance is issued under the <i>Subdivision Act 1988</i> the owner must provide to the satisfaction of the Responsible Authority</p> <ul style="list-style-type: none"><li>a) an assets statement for the street including a valuation for land within each road reserve</li><li>b) shared paths and footpaths as shown on the endorsed plans</li><li>c) full set of 'as constructed' digitised construction plans in PDF and .dwg format for landscaping, roads and drainage (CD or other format as appropriate);</li><li>d) an electronic copy on CD a Survey enhanced "as constructed" GIS data for the drainage information component of the subdivision, in accordance with the current version of D-SPEC;</li><li>e) a certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments;</li><li>f) street name plates;</li><li>g) issue of a Preliminary Acceptance Certificate by Council's Development Engineers section for the acceptance of street construction, site grading, landscaping etc;</li><li>h) fire plugs in accordance with the Country Fire Authority requirements, at the subdivider's expense; and</li><li>i) a bond to the value of 5% of the cost of works for the maintenance of the street and drainage and a separate bond for the landscape construction to a value of 5% of the landscape shall be submitted to the Council to be held for the duration of the maintenance period.</li></ul> <p><b><u>Street Tree Plantings</u></b> Before the issue of statement of compliance unless otherwise agreed in writing by the responsible authority, street trees must be planted in accordance with the endorsed landscape master plan. All species selected must be to the satisfaction of the responsible authority. All street trees planted as part of the landscape works must be a minimum height of 1.5 metres at the time of planting.</p>
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## Assessment

The zoning of the land  
**32.03 LOW DENSITY RESIDENTIAL ZONE**

### **Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

### **32.03-3 Subdivision**

#### **Permit requirement**

- A permit is required to subdivide land.
- Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:
  - 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
  - 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.
- A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:
  - Excises land which is required for a road or a utility installation.
  - Provides for the re-subdivision of existing lots and the number of lots is not increased.

### **32.03-6 Decision guidelines**

#### **General**

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.

#### **Subdivision**

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage:
  - The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
  - The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria).
  - The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.
- The relevant standards of Clauses 56.07-1 to 56.07-4.

#### **Relevant overlay provisions**

There are no overlays affecting the land.

#### **The Municipal Planning Strategy and the Planning Policy Framework, local planning policies and Structure Plans**

Clause 11.01-1S aims to promote the sustainable growth of Victoria. The major regional cities, including Shepparton, are to be the focus of investment and growth they are places of state significance.

Clause 11.01-1R aims to facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta, Wodonga and Benalla.

Clause 13.04-1S aims to ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

Clause 15.01-5S aims to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.02-1S aims to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

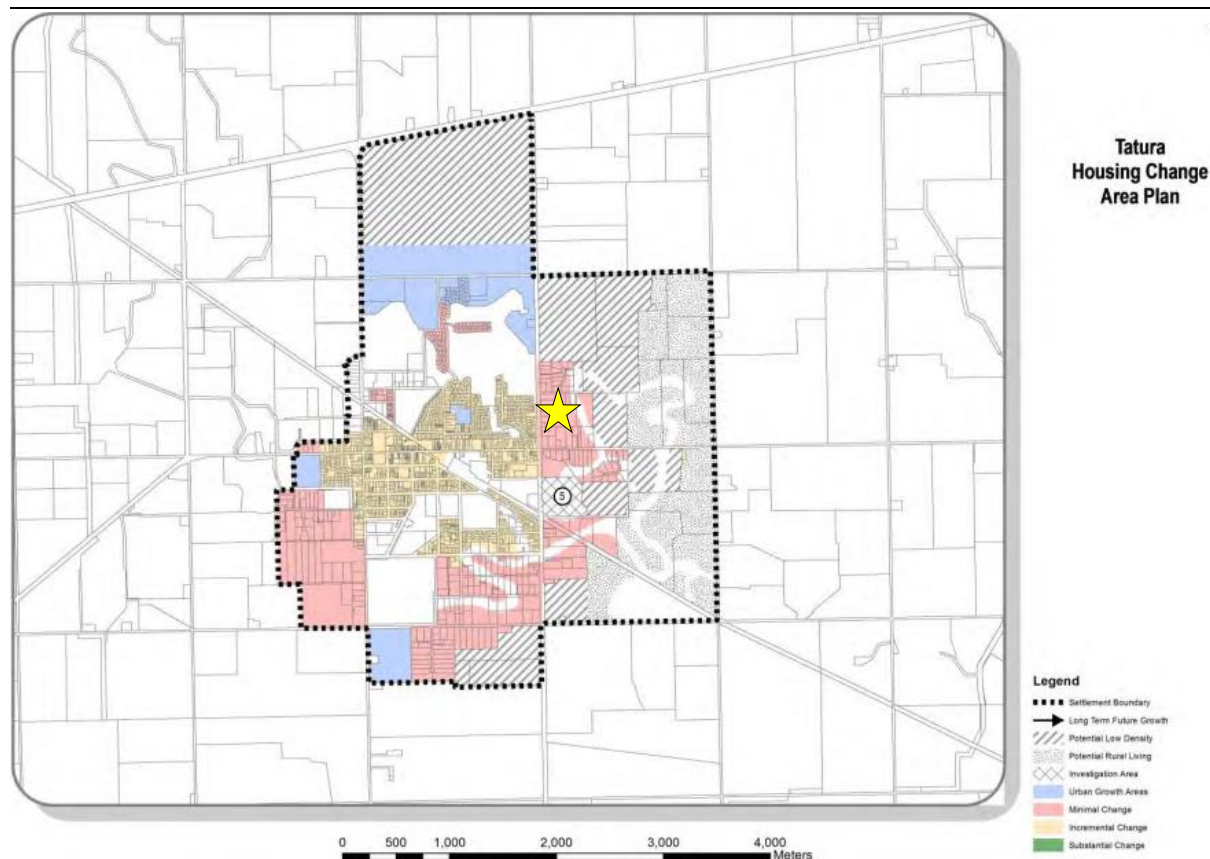
Clause 15.03-2S seeks to protect and conserve places of Aboriginal cultural heritage significance.

Clause 19.03-2S aims to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

Clause 19.03-3S aims to sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

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

Clause 21.04-1 – Urban Consolidation and Growth identifies that population forecasts predict that the population of the City will grow from 59,502 persons in 2006 to 71,509 by 2026. It is expected that to accommodate this additional population, there will need to be a corresponding growth in the number of dwellings. The *Greater Shepparton Housing Strategy 2011* (GSHS) defines settlement boundaries for the extent of urban expansion to ensure the sustainability of the urban community and the wellbeing of productive agricultural land.



Clause 21.05-4 seeks to ensure continued conservation, protection and maintenance of places of cultural heritage significance important to the Council.

Clause 21.07-3 seeks to maintain and enhance stormwater quality throughout the municipality and ensure that new development complies with the Infrastructure Design Manual.

Clause 21.09 The Greater Shepparton Housing Strategy 2011 is a reference document relevant to the proposal and identifies objectives and strategies that aim to ensure an adequate supply of land for residential development, and the need to promote healthy and sustainable living environments.

#### **Relevant Particular Provisions**

#### **65.01 Approval of an application or plan**

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

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*

- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

### **Officer assessment**

The application proposes a 13 lot subdivision in the Low Density Residential Zone.

The purpose of the 13 lot subdivision is to increase the development opportunities of 279 & 289 Dhurringile Road and planning permit 2017-340 and planning permit 2020-8.

Planning permit permission is required to subdivide land within the Low Density Residential Zone pursuant to Clause 32.03-3.

The application was referred to the relevant authorities who consented to the application.

The application was publicly notified and two objections were received. The concerns raised by the objectors can be addressed with conditions to the permit, therefore officers do not consider that they warrant refusal of the application.

Access to the lots is provided by a new proposed road off Dhurringile Road.

There is no flood, erosion or fire hazard identified on the land. Road safety and traffic flow impacts should not be dramatically impacted on due to the significant traffic flows along Dhurringile Road. Noise emissions from Dhurringile Radar expected to be greater than that generated by the proposed road. This is due to the type of vehicles on Dhurringile Road which were mostly b-double trucks. Council's development engineers have recommended a number of conditions to ensure the proposed road is designed to suitable standards.

Utilities are available to the site including electricity, water and sewer. The lots will be required to be connected to sewer to ensure the zone requirements for lots less than 4,000 square metres is satisfied pursuant to Clause 32.03-3.

The subdivision plan submitted with the application shows proposed lot sizes and layout in relation to the adjoining dwellings. A condition on permit will be required for building envelopes and driveways to be shown on the subdivision plan.

The site does not contain and remnant native vegetation, although officers will be requiring an amended plans condition to show the retention of the large tree in the road reserve.

The site is generally cleared, containing grass. The land is residentially zoned land surrounded by allotments generally developed with dwellings. The natural environment and character of the area is not considered to be impacted upon from the proposed subdivision.

The infill development is surrounded by residential land and the development would not be out of character for the area.

The proposal is generally consistent with the State Planning Policy objectives that encourage growth and development and whilst protecting neighbourhood character and conserving places of Aboriginal cultural heritage significance. The proposal allows for a residentially zoned area to be subdivided into the allowable lot size to provide future residential use to the community. The site is located within a suitable location within close proximity to the Tatura train station and the Tatura town centre services and amenities. The lot sizes are consistent with those in the LDRZ in the surrounding neighbourhood and maintain a low density characteristic.

The Greater Shepparton Housing Strategy 2011 (GSHS) outlines Council's approach to housing delivery and growth in the municipality. The site at Dhurringile Road, Tatura has been identified as within the settlement boundary, and within an area of minimal housing change, immediately opposite a precinct of "incremental change" (as shown on the map below). These areas of 'minimal change' are established residential areas that have a limited capacity to accommodate future residential development due to various factors, but allow limited residential development consistent with character, scale, type and style of the area. These areas should ensure development respects existing scale and character.

The proposal is generally aligned with the strategies for 'minimal change areas'. The proposal creates lot sizes that are allowable under the LDRZ and that do not considerably impact on natural features, views or vistas. The land is a vacant allotment generally set amongst residentially developed properties, and does not contain any environmental constraints such as flood or bushfire risk, or native vegetation.

The proposal is consistent with the Local Planning Policy objectives to provide quality residential development.

**Relevant incorporated or reference documents**

The *Greater Shepparton Housing Strategy 2011* (GSHS) is a Reference Document in the Greater Shepparton Planning Scheme. As previously discussed, the GSHS identifies the site is within a "Minimal Change Area" where there is a limited capacity to accommodate future residential development due to various factors, but there is scope to allow limited residential development consistent with the character of the area. The proposal is consistent with the GSHS.



for an orchard. A statutory declaration has also been submitted stating the orchard was removed by a bulldozer and ripped to remove the tree roots in approximately 1998. The report concludes that the site has been subject to significant ground disturbance and no CHMP is required.

### **Charter of Human Rights and Responsibilities**

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

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## **Conclusion**

It is considered that a Notice of Decision should issue on the basis that:

- The land is appropriately zoned for residential development of low density.
- The land is vacant, underutilised land within a well serviced area close to Tatura town centre and is located on a main road that provides convenient access to Shepparton.
- The land is identified in the GSHS as being within the settlement boundary of the Tatura Framework Plan.
- State and Local Planning Policies support well-designed residential development within settlement boundaries.
- The proposal will not result in any adverse amenity impacts to the adjoining properties as the lot sizes are each 2,000 square metres or greater in accordance with the zone requirements, and building envelopes will ensure development occurs within suitable areas with respect to adjoining properties. Appropriate fencing treatment has been recommended as a condition of permit and will further ensure the proposal does not result in adverse amenity impacts.



# Draft Notice Of Decision

**APPLICATION NO:** 2017-340/A  
**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:** 279 & 289 DHURRINGILE ROAD TATURA VIC 3616

**WHAT THE PERMIT WILL ALLOW:** 13 LOT SUBDIVISION IN THE LOW DENSITY  
RESIDENTIAL ZONE

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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### 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 advertised plan prepared by Chris Smith and Associates Drawing No 19057/01 submitted with the application but modified to show:

- a) Boundary fencing in accordance with the boundary fencing condition of this permit.
- b) Location of building envelopes and position of driveway to each lot.
- c) The retention of the tree in the road reserve.

### 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. Drainage Discharge Plan

Before the 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 (or as specified) must be provided. The plans must be in accordance with Council's infrastructure Design Manual and include:

- a) how the land will be drained;
- b) drains conveying stormwater to the legal point of discharge, the table drain in Dhurringile Rd;
- c) upgrade of table drain in Dhurringile Rd to free outfall;
- d) incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- e) provision of an electronic copy of the MUSIC model (or equivalent) demonstrating achievement of the required reduction of pollutant removal;
- f) a maximum discharge rate from the site limited to the predevelopment discharge rate for the 1%AEP storm;
- g) details of how the runoff from the land is to be retarded;
- h) a point of discharge and independent drainage of each lot;
- i) property connections discharging to the table drain must do so to the side of the endwall (driveway) and not directly to the table drain.
- j) computations for the existing and proposed drainage as directed by the responsible authority;
- k) 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.
- 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.

Before the issue of statement of compliance, the works as shown on the endorsed drainage plan must be completed to the satisfaction of the responsible authority.

#### **4. Detailed Construction Plan**

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

- a) sealed pavement with edge strip (min 6m carriageway width) and vehicular crossings
- b) footpaths
- c) design details of the intersection of the internal road and Dhurringile Rd including culvert and endwalls linking with existing adjacent vehicle

- crossing
- d) water sensitive urban design features
  - e) street lighting of the internal road
  - f) site grading from the rear to the frontage of each lot of at least 1:200 unless otherwise agreed to by the responsible authority
  - g) silt and erosion control measures
  - h) services and streetlights
  - i) details of intersection lighting of the internal road and the Dhurringile Rd intersection
  - j) vehicle crossing to each lot in accordance with the IDM Standard Drawing 255
  - k) details of street tree plantings
  - l) details of landscaping of road reserves

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

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

#### 5. **Boundary fencing**

Before the statement of compliance is issued a 2 metre high acoustic fence must be constructed for the full length of the northern boundary of 285 Dhurringile Road at the developer's expense.

Before the statement of compliance is issued side and rear boundary fencing (not frontage or northern boundary of 285 Dhurringile Road) must be constructed to a height of 1.95m (from finished ground level) consisting of a 1.8 m high colourbond fence with 150mm plinth. The fencing colour is to be mutually agreed by all parties. The cost of the fencing shall be borne by the developer.

#### 6. **Subdivision Development**

##### **Form 13**

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

##### **Other Matters**

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

- a) an assets statement for the street including a valuation for land within each road reserve
- b) footpaths as shown on the endorsed plans

- c) full set of 'as constructed' digitised construction plans in PDF and .dwg format for landscaping, roads and drainage (CD or other format as appropriate);
- d) an electronic copy on CD a Survey enhanced "as constructed" GIS data for the drainage information component of the subdivision, in accordance with the current version of D-SPEC;
- e) a certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments;
- f) street name plates;
- g) issue of a Preliminary Acceptance Certificate by Council's Development Engineers section for the acceptance of street construction, site grading, landscaping etc;
- h) fire plugs in accordance with the Country Fire Authority requirements, at the subdivider's expense; and
- i) a bond to the value of 5% of the cost of works for the maintenance of the street and drainage and a separate bond for the landscape construction to a value of 5% of the landscape shall be submitted to the Council to be held for the duration of the maintenance period.

#### Supervision Fees

Before the statement of compliance for each stage, the owner must make a payment comprising up to 2.5% of the value of the works, to the responsible authority being the costs of the Responsible Authority in supervising the works on the land.

#### Plan Checking Fee

Before the statement of compliance for each stage, the owner must make a payment comprising 0.75% of the value of the documented works to the responsible authority, for the checking of the engineering design of the works.

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

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

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

### **8. 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.

**9. 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; this will require connection to the existing 100mm diameter water main only.
- c) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;
- d) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;

- e) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains);
- f) Payment of any outstanding contributions towards existing sewerage scheme, such amount being determined by the Corporation at the time of payment;
- g) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- h) Pursuant to Section 36 of the Subdivision Act, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is, any land not owned by the Developer through which a sewerage extension servicing the development is to be located, easements shall be created in favour of the Corporation;
- i) 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;
- j) 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.

#### **10. 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) All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.
- c) All GMW existing easements/reserves pertaining to G-MW assets affected by the subdivision must remain and be shown on any Plan of Subdivision submitted for Certification.
- d) Any water supply easement(s) in favour of other lots affected by the subdivision must remain and be shown on any Plan of Subdivision submitted for Certification. Unless it can be demonstrated to Goulburn Murray Water's reasonable satisfaction the means by which no easement is required.
- e) Prior to Statement of Compliance, for urban development of property holding delivery shares the applicant must either:

- make application to G-MW pursuant to sections 224 and 229 of the Water Act 1989 to: terminate 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); and trade or transfer any Water Share in relation to the property; or alternatively
  - demonstrate to G-MW's reasonable satisfaction the means by which a G-MW 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.
- f) The Plan of Subdivision must show either building envelopes or building exclusion zones to prevent future buildings from being located within 30 metres of any GMW channel 5/6/5.
- g) All lots must be connected to reticulated sewerage in accordance with the requirements of Goulburn Valley Water.

## **11. Country Fire Authority Requirements**

### Subdivision plan not to be altered

- a) The subdivision as shown on the endorsed plans must not be altered without the consent of CFA.

### Hydrants

- b) 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:
- c) Above or below ground operable hydrants must be provided. The maximum distance between these type of hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measures around lot boundaries.
- d) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the CFA

Note – CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA website ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).

### Roads

- e) 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.
- f) 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 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- g) Curves must have a minimum inner radius of 10 metres.

- 
- h) 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.
  - i) 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 CFA may be used as alternatives.

## 12. **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



**13. 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.

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

## Amended Application Details:

Responsible Officer:	Sally Edmunds
Amended Permit Number:	2018-281/A
Applicants Name:	Chris Smith & Associates P/L
Date Amendment Received:	24 August 2020
Statutory Days:	62 as of 9/12/20
Land/Address:	Skilton Avenue TATURA VIC 3616
Zoning and Overlays:	General Residential Zone Development Plan Overlay - Schedule 1 Land Subject to Inundation Overlay Specific Controls Overlay
Why was the amendment required?	To reduce the number of lots from 28 to 24 and update the development plan to reflect the amended subdivision layout
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
<b>Disclosures of conflicts of interest in relation to advice provided in this report</b>	No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

## Proposal

The application seeks planning permission for a 24 lot multi lot subdivision of the land. As the proposal differs to the existing development plan, the application seeks approval to amend the development plan as well.

The site is within the General Residential Zone and Land Subject to Inundation Overlay.

As the proposed plan of subdivision varies, the application also proposes to amend the existing endorsed development plan. Officers have addressed the changes to the development plan within the officers assessment section of this report.

The site is within an urban growth area in Tatura with amenities such as supermarkets, train station and shops nearby.

A planning permit is required to subdivide land in the General Residential Zone pursuant to Clause 32.08-3. A Clause 56 assessment has been undertaken as part of the report.

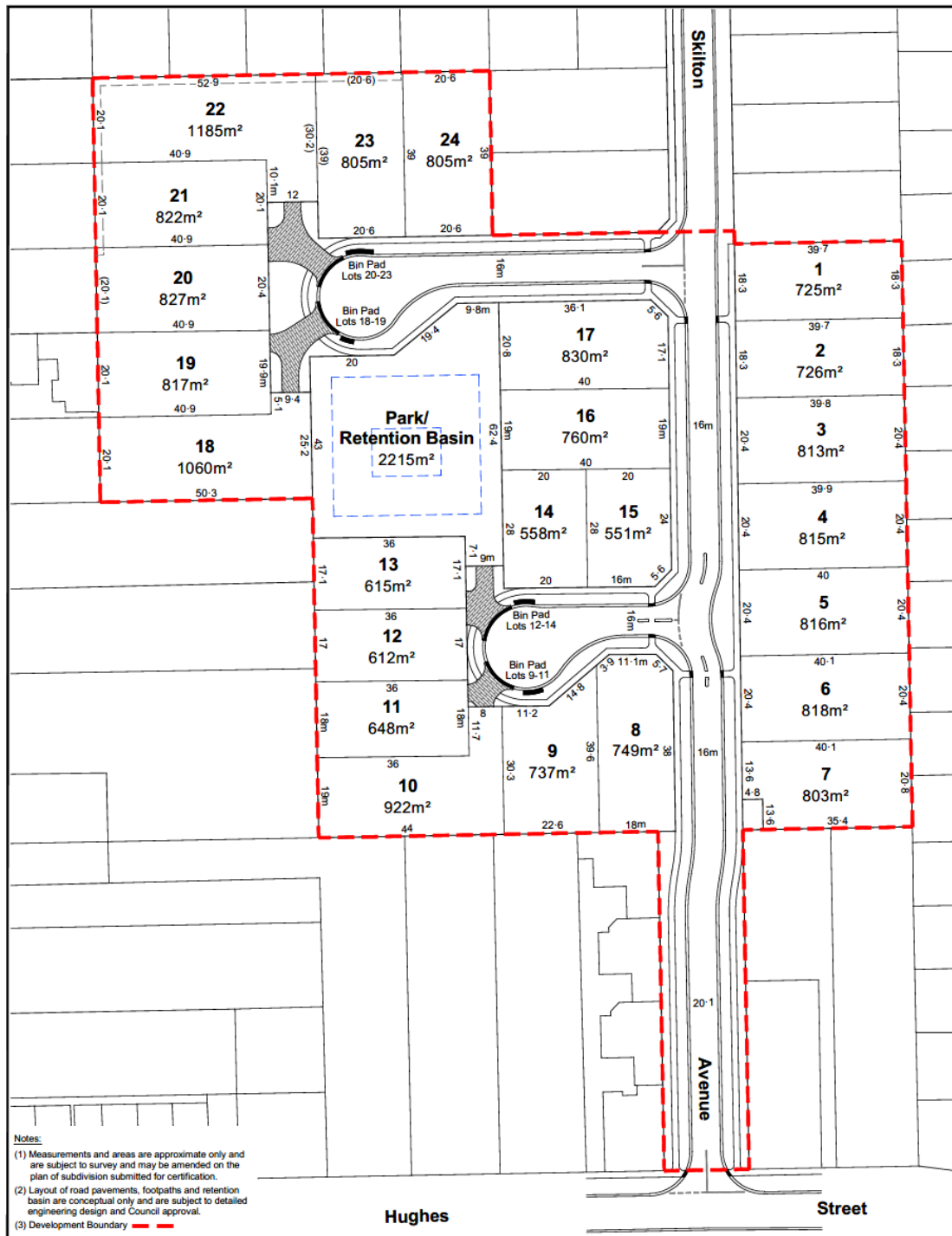
Planning permit permission is also required to subdivide land in the Land Subject to Inundation Overlay pursuant to Clause 44.04-3. The application has been referred to the Goulburn Broken Catchment Authority who have consented to the application.

The application was publicly advertised as there are 2 lots which are not within the Development Plan Overlay. Officers sought legal advice with the original application 2018-281, which required officers to advertise the application to neighbours.

Officer placed the application on public notice and have received 3 objections. All the objections were lodged by nearby neighbouring properties.

The objectors listed concerns surrounding noise from construction, future noise due to the creation of Skilton Avenue to Hughes Street, the filling and construction of dwellings on the existing retardation basin and drainage.

The proposed plan of subdivision and development plan is below:



REVISION	DATE	ZONE
3	General	30/7/20
2	General	20/7/20
1	General	17/7/20

Scale 1:500 @ A3

**Chris Smith**  
A ASSOCIATES PTY LTD

CIVIL ENGINEERS  
DRAUGHTSMEN & ARCHITECTURAL PLANNERS  
LEVEL 11/100 FIVE STAR STREET, SHEPPARTON VIC 3088  
PH 08 9300 1770 FAX 08 9300 8870 WWW.CSMITH.COM.AU

LAND SURVEYORS  
PROJECT MANAGERS  
15th July 2020  
15th July 2020

Drawn: Cal Rogers  
Checked: Scott Goughly  
Approved:

**Develapex P/L.**  
Residential Development  
Skilton Avenue  
Tatura

Conceptual Layout Plan  
Option "A"  
Drawing No. 20150/01  
Rev. 3

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Officers consider that the site is appropriate for infill development and officers have reviewed and assessed the application against the planning scheme and recommend that an

amended Development Plan followed by a Notice of Decision be issued for the following reasons:

- Officers have assessed the application against the relevant policies and have determined that the application adequately addresses to the satisfaction of the responsible authority:
  - compliance with the relevant policies under Clause 56;
  - the location is appropriate for infill development;
  - housing is in demand within Tatura and the application will facilitate the expansion of the township;
  - the concerns the objectors have raised can and will be addressed within conditions of the permit.

Officers have taken the objectors concerns into account and responded to them within the report. Officers note that the objectors concerns can be resolved within conditions of the permit and therefore do not warrant refusal of the application.

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## Summary of Key Issues

- The application seeks planning permission for a 24 lot multi lot subdivision of the land.
- The site is within the General Residential Zone and Land Subject to Inundation Overlay.
- The applications have been publically notified, signs on site and letters to surrounding land owners.
- The notification periods resulted in 4 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.

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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Amended Planning Application No. **2018-281/A** 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 approve an amended Development Plan and then 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 **24 lot subdivision in the**

**General Residential Zone and Land Subject to Inundation Overlay** in accordance with the Notice of Decision and the endorsed plans.

## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Amended Planning Application No. **2018-281/A** 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 approve an amended Development Plan and then 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 **24 lot subdivision in the General Residential Zone and Land Subject to Inundation Overlay** in accordance with the Notice of Decision and the endorsed plans

**Moved: Andrew Fletcher**

**Second: Michael McDonagh**

**Carried**

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## Subject Site & Locality

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

Date: **3 December 2020**

Time: **1:14pm**

The site has a total area of **2.73ha** square metres and currently contains:

- Vacant land

The main site/locality characteristics are:

- Surrounded by existing residential properties
- Close to Tatura shops
- Close to Hill Top Golf and Country Club
- Close to Lions Park

The Photos below show the existing site:









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## Permit/Site History

The history of the site includes:

- 2014-20 a staged multi-lot subdivision (28 lots) in the General Residential Zone.
- 2018-281 Multi-stages lot subdivision in the General Residential Zone and Land Subject to Inundation Overlay

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## Further Information

Is further information required for the application? **Yes**

What additional information is required? **Development Plan and Clause 56 Assessment**

What date was the information requested?: **2 September 2020**

What is the lapsed date? **2 October 2020**

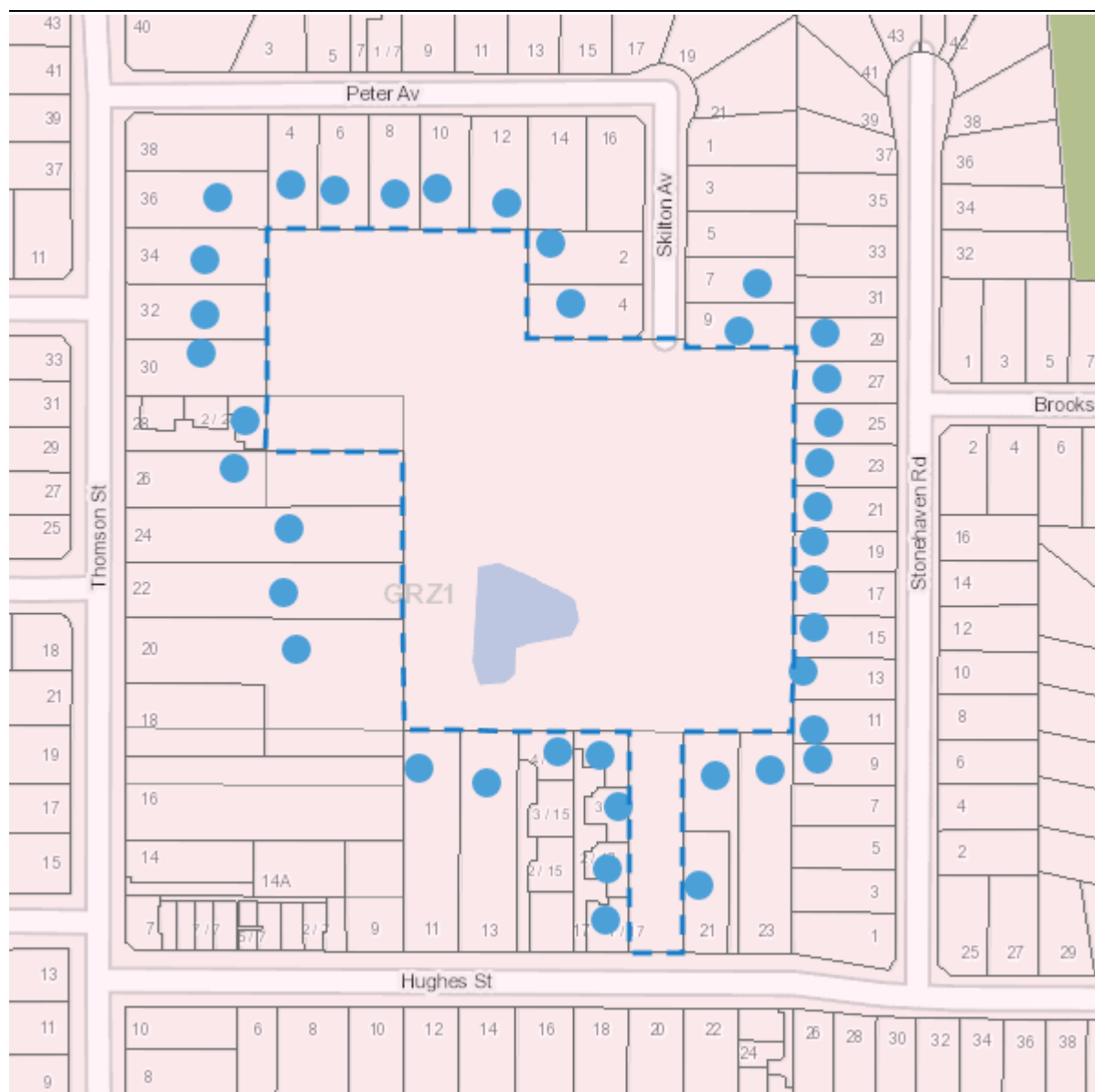
What date was the information received?: **15 September 2020**

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## Public Notification

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

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.



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

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## Objections

The Council has received **3** objections to date.

The objectors are identified as:

Alfred Huperman- Owner 24 Thompson Street TATURA

C & A Nevins – Owners 21 Hughes Street TATURA (later withdrew their objection)

Mathew and Jolene Bowles – Owners 2/21 Hughes Street TATURA

Rebecca O'Brien – Owner 32 Thomson Street TATURA

The key issues that were raised in the objections are:

<b>Ground of Objection</b>	<b>Officers Response</b>
<p>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>	<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 will be required as part of a condition should a permit be granted.</p>
<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>	<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.</p>
<p>Amenity issues, e.g. dust, noise and air pollution</p>	<p>Officers will be including a condition on the permit that requires dust and air pollution minimisation via a Construction Management Plan to avoid any amenity issues during construction works associated with the subdivision.</p> <p>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.</p>
<p>Devaluing of property</p>	<p>VCAT has consistently held that property de-valuation as a result of planning applications is not a relevant planning consideration.</p>

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## Title Details

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

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## Consultation

Consultation was not undertaken.

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## Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Goulburn Broken Catchment Management Authority	Consented to the application with the following condition: The proposed stormwater 750mm diameter pipe must have the ability to drain backwater flooding into the proposed retardation basin and road network system (if required). This must be submitted in the detailed design phase including computations of balance floodwater volume for the 100-year ARI flood (preservation of flood volume below 112.2 metres AHD over the entire backwater coverage) prior to commence of works.
Goulburn Valley Water	Consented to the application with the following conditions: <ul style="list-style-type: none"><li>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;</li><li>b) Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;</li><li>c) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;</li><li>d) Provision of reticulated sewerage and associated construction works to 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);</li><li>e) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;</li><li>f) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;</li><li>g) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.</li></ul>
Powercor	Consented to the application with the following conditions: <ul style="list-style-type: none"><li>a) This letter shall be supplied to the applicant in its entirety.</li></ul>

	<p>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.</p> <p>c) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards. <b>Notes:</b> 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.</p> <p>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). <b>Notes:</b> 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. <b>Notes:</b> 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"> <li>• RESERVES established by the applicant in favour of the Distributor.</li> <li>• 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.</li> </ul> <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. <b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Existing easements may need to be amended to meet the Distributor's requirements</li> <li>• Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:</li> </ul> <table border="1" data-bbox="549 1189 1407 1290"> <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
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of							
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd							
APA	Consented without conditions.										
CFA	<p>Consented to the application with the following conditions:</p> <p><u>Hydrants</u></p> <p>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:</p> <p>a) 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.</p> <p>b) 1.2 The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.</p> <p>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 (<a href="http://www.cfa.vic.gov.au">www.cfa.vic.gov.au</a>)</p> <p><u>Roads</u></p> <p>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.</p>										

	<ul style="list-style-type: none"> <li>c) 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.</li> <li>d) Curves must have a minimum inner radius of 10 metres.</li> <li>e) 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.</li> <li>f) 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.</li> </ul>
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Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>Consented to the application with the following conditions:</p> <p><b><u>Drainage Discharge Plan</u></b></p> <p>Before the 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"> <li>a) how the land will be drained;</li> <li>b) a maximum discharge rate from the site of 37 l/sec/ha;</li> <li>c) Each dwelling including open space areas shall be independently drained;</li> <li>d) Underground pipe drains conveying stormwater to the legal point of discharge;</li> <li>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;</li> <li>f) details of how the basin will be aesthetically pleasing and have regard to the area in which it will be located;</li> <li>g) details of how the runoff from the land is to be retarded;</li> <li>h) Provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal;</li> </ul> <p>to the satisfaction of the Responsible Authority.</p> <ul style="list-style-type: none"> <li>i) 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.</li> <li>j) a catchment plan of existing drainage system incorporating the catchments of proposed subdivision and existing adjoining properties.</li> <li>k) overland flow path details</li> <li>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.</li> <li>m) Drainage Design must incorporate BCCMA recommendations.</li> <li>n) Redundant pit/s to be removed if required.</li> </ul> <p>Before the statement of compliance is issued all drainage works required by the drainage plan must completed to the satisfaction of the responsible authority.</p> <p><b><u>Detailed Construction Plan</u></b></p>

	<p>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:</p> <ul style="list-style-type: none"><li>l fully sealed pavement with kerb and channel, line marking of roads and vehicular crossings</li><li>m Design details of the intersection of roads including the intersection on Hughes Street</li><li>n details of intersection lighting of roads</li><li>o services and streetlights</li><li>p Details of concrete footpaths</li><li>q vehicle crossing to each lot in accordance with the IDM standard</li><li>r Traffic management measures</li><li>s Turning movements for a Garbage truck within the Court bowl</li><li>t water sensitive urban design features</li><li>u underground drains unless otherwise agreed by Council's development engineers</li><li>v site grading from the rear to the frontage of each lot of at least 1:200</li><li>w silt and erosion control measures</li></ul> <p>All road, drainage and landscaping works must be constructed in accordance with the endorsed plans.</p> <p>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.</p> <p><b>Supervision Fees</b></p> <p>Prior to the commencement of works the owner must make a payment comprising up to 2.5% of the value of the works, must be paid to the responsible authority, being the costs of the Responsible Authority in supervising the works on the land.</p> <p><b>Plan Checking Fee</b></p> <p>Prior to the commencement of works the owner must make a payment comprising 0.75% of the value of the documented works must be paid to the Responsible Authority, for the checking of the engineering design of the works.</p> <p><b>General</b></p> <p>Before a Statement of Compliance for each Stage is issued under the Subdivision Act 1988 the owner must provide to the satisfaction of the Responsible Authority</p> <ul style="list-style-type: none"><li>a) a water supply/tapping (including a water meter) to each area of parkland/reserve in the subdivision;</li><li>b) an assets statement for each street;</li><li>c) a valuation for land within each road reserve;</li><li>d) full set of 'as constructed' digitised construction plans in PDF and Cad format for landscaping, roads and drainage (CD or other format as appropriate);</li><li>e) In addition to condition (d) above, an electronic copy on CD a Survey enhanced "as constructed" GIS data for the drainage information component of the subdivision, in accordance with the current version of D-SPEC;</li><li>f) a certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments;</li><li>g) street name plates;</li><li>h) issue of a Preliminary Acceptance Certificate by Council's Development Engineers section for the acceptance of street construction, site grading, landscaping etc</li></ul>
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	<p>i) fencing of all land abutting Public Open Space; j) fire plugs in accordance with the Country Fire Authority requirements, at the subdivider's expense; and k) A bond to the value of 5% of the cost of works shall be submitted to Council for the maintenance of the street and drainage and landscape construction for the duration of the maintenance period.</p> <p>to the satisfaction of the responsible authority</p> <p><b>Prior to Commencement of Construction</b> Before the commencement of any road/drainage works associated with the subdivision, the following items must be satisfied;</p> <ol style="list-style-type: none"><li>1. certification of the Plan of Subdivision;</li><li>2. approval of the construction plans; and</li><li>3. an on-site meeting be undertaken with officers of the responsible authority, the contractor and owner's consultant to discuss, amongst other things, roadside management, construction techniques, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction must have taken place.</li></ol>
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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.

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

<b>Class of subdivision</b>	<b>Objectives and standards to be met</b>
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.

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

### **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.

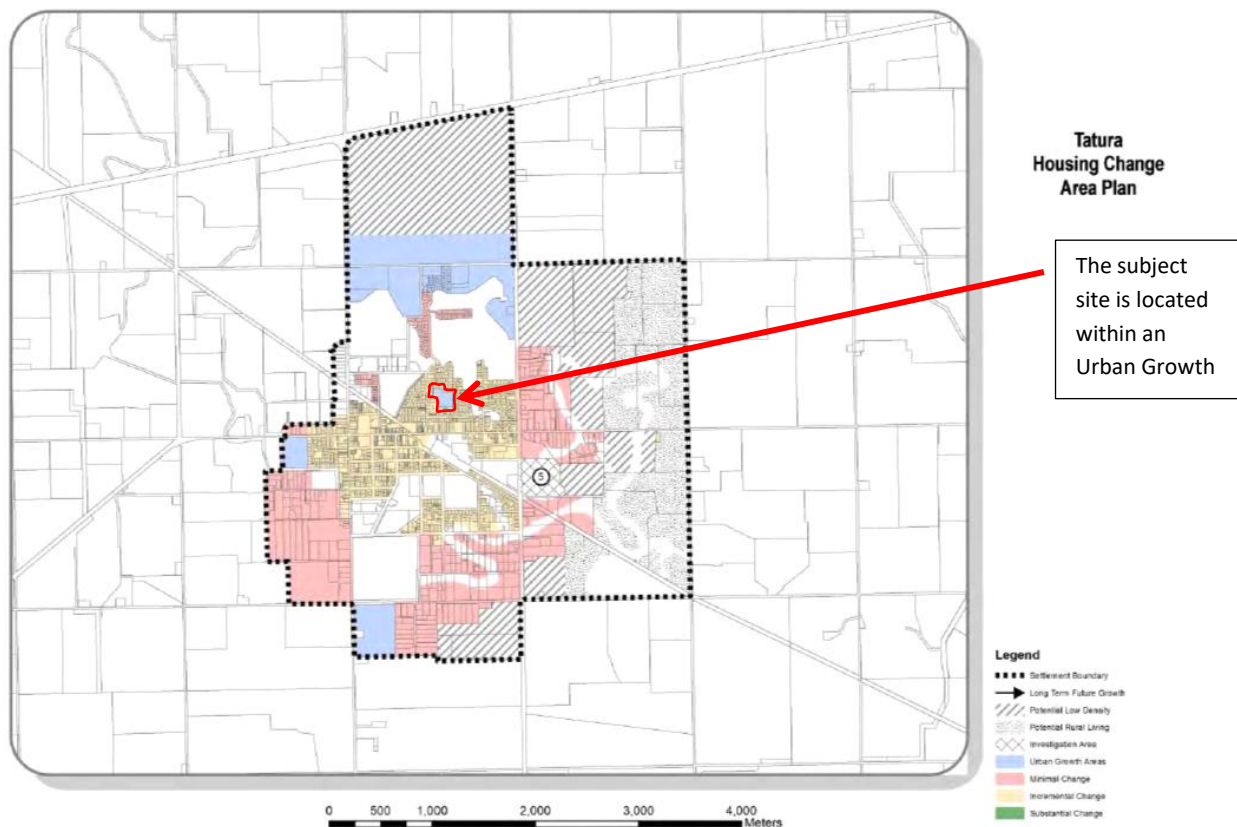
- Provide a settlement boundary beyond which additional urban growth and rezoning should not be supported.
- Encourage new subdivision and developments to promote walking and cycling between homes and schools, open spaces and shops.
- Ensure appropriate design, location and density for expanding residential 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 24 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.

Officers received 3 objections to the application. The concerns raised by the objectors are regarding amenity and drainage. Officers will be able to address these concerns within conditions on the permit and therefore the objections do not warrant refusal of the application.

#### **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

<b>CLAUSE 56.01</b>	
<b>SUBDIVISION SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE</b>	
<p><b>CLAUSE 56.01-1</b></p> <p><b>SUBDIVISION SITE AND CONTEXT DESCRIPTION</b></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"> <li>• <b>In relation to the site:</b> <ul style="list-style-type: none"> <li>- Site shape, dimensions and size.</li> <li>- Orientation and contours.</li> <li>- Trees and other significant vegetation.</li> <li>- The siting and use of existing buildings on the site.</li> <li>- Street frontage features such as poles, street trees and kerb crossovers.</li> <li>- Access points.</li> <li>- Drainage and infrastructure connections.</li> <li>- Easements.</li> <li>- Any significant natural features of the site, including drainage lines, watercourses, significant habitat and habitat corridors for the movement of fauna.</li> <li>- Significant views to and from the site.</li> <li>- Noise and odor sources or other external influences.</li> <li>- Soil conditions, including any land affected by contamination, salinity or fill.</li> <li>- Any other notable features or characteristics of the site.</li> </ul> </li> <li>• <b>In relation to the surrounding area:</b> <ul style="list-style-type: none"> <li>- The pattern of subdivision of the surrounding area.</li> <li>- Existing land uses.</li> <li>- The siting and use of existing buildings on adjacent properties.</li> <li>- The location and type of significant vegetation.</li> <li>- Street and footpath widths, materials and detailing.</li> <li>- Location distances and characteristics of any nearby public open space.</li> <li>- Direction, distances and to existing neighbourhood, town and regional activity centres and major employment areas and their catchments.</li> <li>- Existing Transport routes, including freeways, arterial and sub-arterial roads and major roads connecting neighbourhoods.</li> <li>- Local street network.</li> <li>- Traffic Volumes and movements on adjacent roads.</li> <li>- Pedestrian and bicycle paths.</li> <li>- Any places of natural or cultural significance.</li> </ul> </li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b></p> <p>The subject land is an irregular shaped lot with an area of approximately 2.7 hectares.</p> <p>The land is an infill site – being surrounded by residential development on all sides and approximately 400 metres north east of the Tatura town centre. The land is flat and bare, having been cleared and levelled for the construction of a previously approved residential subdivision on the site.</p> <p>Skilton Avenue abuts the land at the northern boundary and Hughes Street at the southern boundary. The surrounding residential lots are at a variety of densities. To the west lots a typically larger, east and north are more 'standard' residential lots and at the southern boundary is a mix of standard residential and multi-unit developments.</p>

<p><b>CLAUSE 56.01-2</b></p> <p><b>SUBDIVISION DESIGN RESPONSE</b></p> <p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> <li>• Derives from and responds to the site and context description.</li> <li>• Meets the objectives of Clause 56.</li> <li>• Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay.</li> <li>• The design response must include correctly proportioned plan showing the subdivision in context with the adjacent area.</li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b>  The applicant has provided an appropriate written response for the Subdivision.</p>
<p><b>CLAUSE 56.02</b>  <b>POLICY IMPLEMENTATION</b></p>	
<p><b>CLAUSE 56.02-1</b></p> <p><b>STRATEGIC IMPLEMENTATION</b></p> <p><b>Objective</b></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><b>Standard C1</b></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b>  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><b>CLAUSE 56.03</b>  <b>LIVABLE AND SUSTAINABLE COMMUNITIES</b></p>	
<p><b>CLAUSE 56.03-4</b></p> <p><b>BUILT ENVIRONMENT</b></p> <p><b>Objective</b></p> <p>To create urban places with identity and character.</p>	<p>✓ <b>Complies</b></p> <p><b>Comments</b>  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><b>Standard C5</b></p> <ul style="list-style-type: none"> <li>• The built environment should: <ul style="list-style-type: none"> <li>- Implement any relevant urban design strategy, plan or policy for the area set out in this scheme.</li> <li>- Provide living and working environments that are functional, safe and attractive.</li> <li>- Provide an integrated layout, built form and urban landscape.</li> <li>- Contribute to a sense of place and cultural identity.</li> </ul> </li> <li>• An application should describe the identity and character to be achieved and the elements that contribute to that identity and character.</li> </ul>	
<p><b>CLAUSE 56.04  LOT DESIGN</b></p>	
<p><b>CLAUSE 56.04-1</b></p> <p><b>LOT DIVERSITY AND DISTRIBUTION</b></p> <p><b>Objectives</b></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><b>Standard C7</b></p> <ul style="list-style-type: none"> <li>• A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.</li> <li>• 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.</li> <li>• A range and mix of lot sizes should be provided including lots suitable for the development of: <ul style="list-style-type: none"> <li>- Single dwellings.</li> <li>- Two dwellings or more.</li> <li>- Higher density housing.</li> <li>- Residential buildings and Retirement villages.</li> </ul> </li> <li>• 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.</li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b></p> <p>The proposed subdivision will have 24 lots ranging between 551sqm and 1185sqm. This range provides for a diverse range of lots, within the existing established urban area of Tatura.</p> <p>Tatura is not serviced by a local bus network but the subdivision layout integrates with the existing road network and would able to be serviced by a bus, should demand make such a service feasible in the future.</p> <p>In considering the typical built form and demand for residential land in the surrounding area, the proposed lots will provide much sought after residential land in Tatura.</p>

<ul style="list-style-type: none"> <li>• 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</li> <li>• and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.</li> </ul>	
<p><b>CLAUSE 56.04-2</b></p> <p><b>LOT AREA AND BUILDING ENVELOPES</b></p> <p><b>Objective</b></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><b>Standard C8</b></p> <ul style="list-style-type: none"> <li>• 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"> <li>- That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or</li> <li>- That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.</li> </ul> </li> <li>• Lots of between 300 square metres and 500 square metres should: <ul style="list-style-type: none"> <li>- Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</li> <li>- 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.</li> </ul> </li> <li>• 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.</li> <li>• 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.</li> <li>• A building envelope may specify or incorporate any relevant siting and design requirement.</li> <li>• Any requirement should meet the relevant standards of Clause 54, unless: <ul style="list-style-type: none"> <li>- The objectives of the relevant standards are met, and</li> <li>- 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.</li> </ul> </li> <li>• 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"> <li>- The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and</li> <li>- The building envelope must not regulate siting matters 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.</li> </ul> </li> <li>• Lot dimensions and building envelopes should protect:</li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b></p> <p>No lots as part of the proposed subdivision will have an area of less than 300sqm.</p> <p>As identified all lots within the subdivision are generally square and lots with an area exceeding 500sqm are able to cater for a rectangle building shape of 10 by 15 metres.</p>

<ul style="list-style-type: none"> <li>- Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.</li> <li>- Existing or proposed easements on lots.</li> <li>- Significant vegetation and site features.</li> </ul>	
<p><b>CLAUSE 56.04-3</b></p> <p><b>SOLAR ORIENTATION OF LOTS</b></p> <p><b>Objective</b></p> <p>To provide good solar orientation of lots and solar access for future dwellings.</p> <p><b>Standard C9</b></p> <ul style="list-style-type: none"> <li>• Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</li> <li>• Lots have appropriate solar orientation when: <ul style="list-style-type: none"> <li>- 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.</li> </ul> </li> <li>• 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.</li> <li>• 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.</li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b></p> <p>All proposed lots provide suitable area and are dimensioned and orientated to maximise solar access. All lots have either a north-south or east-west orientation.</p>
<p><b>CLAUSE 56.04-4</b></p> <p><b>STREET ORIENTATION</b></p> <p><b>Objective</b></p> <p>To provide a lot layout that contributes to community social interaction, personal safety and property security.</p> <p><b>Standard C10</b></p> <ul style="list-style-type: none"> <li>• Subdivision should increase visibility and surveillance by: <ul style="list-style-type: none"> <li>- Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.</li> <li>- Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.</li> <li>- Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.</li> <li>- Providing roads and streets along public open space boundaries.</li> </ul> </li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b></p> <p>All lots proposed will have either access onto streets or small access places. 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><b>CLAUSE 56.04-5</b></p> <p><b>COMMON AREA</b></p> <p><b>Objectives</b></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><b>Standard C11</b></p> <ul style="list-style-type: none"> <li>• 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"> <li>- The common area to be owned by the body corporate, including any streets and open space.</li> <li>- The reasons why the area should be commonly held.</li> <li>- Lots participating in the body corporate.</li> <li>- The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</li> </ul> </li> </ul>	<p>✓ <b>Not Applicable</b></p> <p><b>Comments</b>  No common property is proposed.</p>
<p><b>CLAUSE 56.05</b>  <b>URBAN LANDSCAPE</b></p>	
<p><b>CLAUSE 56.05-1</b></p> <p><b>INTEGRATED URBAN LANDSCAPE</b></p> <p><b>Objectives</b></p> <p>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p>	<p>✓ <b>Complies</b></p> <p><b>Comments</b>  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>

<p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</p> <p>To provide for integrated water management systems and contribute to drinking water conservation.</p> <p><b>Standard C12</b></p> <ul style="list-style-type: none"> <li>• An application for subdivision that creates streets or public open space should be accompanied by a landscape design.</li> <li>• The landscape design should:             <ul style="list-style-type: none"> <li>- Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.</li> <li>- Create attractive landscapes that visually emphasise streets and public open spaces.</li> <li>- Respond to the site and context description for the site and surrounding area.</li> <li>- Maintain significant vegetation where possible within an urban context.</li> <li>- Take account of the physical features of the land including landform, soil and climate.</li> <li>- Protect and enhance any significant natural and cultural features.</li> <li>- Protect and link areas of significant local habitat where appropriate.</li> <li>- 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.</li> <li>- Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.</li> <li>- Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.</li> <li>- 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.</li> <li>- Provide for walking and cycling networks that link with community facilities.</li> <li>- Provide appropriate pathways, signage, fencing, public lighting and street furniture.</li> <li>- Create low maintenance, durable landscapes that are capable of a long life.</li> <li>- The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.</li> </ul> </li> </ul>	
<p><b>CLAUSE 56.05-2</b></p> <p><b>PUBLIC OPEN SPACE PROVISION</b></p> <p><b>Objectives</b></p> <p>To provide a variety of open spaces with links to other open spaces and regional parks where possible.</p>	<p>✓ <b>Complies</b></p> <p><b>Comments</b></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.</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><b>Standard C13</b></p> <ul style="list-style-type: none"> <li>• The provision of public open space should:       <ul style="list-style-type: none"> <li>- Implement any relevant open space plan, strategy or policy for the area set out in this scheme.</li> <li>- Provide a network of well-distributed regional and local open space that includes:           <ul style="list-style-type: none"> <li>- Regional public open space where appropriate, including along foreshores, streams and permanent water bodies.</li> <li>- Regional parks of at least 3 hectares, combining passive and active use, within 2 kilometres of all dwellings.</li> <li>- Large local parks of at least 1 hectare for active and passive use, within 500 metres safe walking distance from all dwellings.</li> <li>- Small local parks within 150 metres to 300 metres safe walking distance of all dwellings, where appropriate.</li> </ul> </li> <li>- Include land used for drainage control or stream and floodway purposes if generally available for recreational use.</li> <li>- Be integrated with urban water management systems including watercourses and water bodies.</li> <li>- Incorporate natural and cultural features where appropriate.</li> <li>- Encourage shared use of active open space.</li> <li>- Adjoin schools and other community facilities where practical.</li> <li>- Meet the social, cultural, recreational and sporting needs of the community including different age groups and abilities.</li> <li>- Be linked to existing or proposed future public open spaces where appropriate.</li> <li>- Include publicly owned plazas or parks in activity centres where appropriate.</li> </ul> </li> <li>• Land provided for public open space should be:       <ul style="list-style-type: none"> <li>- Of a quality, quantity and character that makes it fit for its potential functions.</li> <li>- Located so that every lot in the subdivision is within 500 metres street walking distance of existing or proposed public open space.</li> <li>- 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 boundaries.</li> <li>- Of an area and dimensions to allow easy adaptation to different uses in response to changing community sport and recreational preferences.</li> </ul> </li> </ul>	<p>Every lot within the subdivision will be within walking distance of the proposed area of open space/retardation basin.</p>
<p><b>CLAUSE 56.06 ACCESS AND MOBILITY MANAGEMENT</b></p>	
<p><b>CLAUSE 56.06-2</b></p> <p><b>WALKING AND CYCLING NETWORK</b></p> <p><b>Objectives</b></p>	<p>✓ <b>Complies</b></p> <p><b>Comments</b> Footpaths are to be provided along all roads proposed.</p>

<p>To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution.</p> <p><b>Standard C15</b></p> <ul style="list-style-type: none"> <li>• The walking and cycling network should be designed to: <ul style="list-style-type: none"> <li>- Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme.</li> <li>- Link to any existing pedestrian and cycling networks.</li> <li>- Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.</li> <li>- 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.</li> <li>- Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.</li> <li>- Ensure safe street and road crossings including the provision of traffic controls where required.</li> <li>- Provide an appropriate level of priority for pedestrians and cyclists.</li> <li>- Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.</li> <li>- Be accessible to people with disabilities.</li> </ul> </li> </ul>	
<p><b>CLAUSE 56.06-4</b></p> <p><b>NEIGHBOURHOOD STREET NETWORK</b></p> <p><b>Objective</b></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><b>Standard C17</b></p> <ul style="list-style-type: none"> <li>• The neighbourhood street network must: <ul style="list-style-type: none"> <li>- Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, cycle paths, footpaths and public transport routes.</li> <li>- Provide clear physical distinctions between arterial roads and neighbourhood street types.</li> </ul> </li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b></p> <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>

<ul style="list-style-type: none"> <li>- Comply with the Roads Corporation's arterial road access management policies.</li> <li>- Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.</li> <li>- Provide safe and efficient access to activity centres for commercial and freight vehicles.</li> <li>- Provide safe and efficient access to all lots for service and emergency vehicles.</li> <li>- Provide safe movement for all vehicles.</li> <li>- Incorporate any necessary traffic control measures and traffic management infrastructure.</li> <li>• The neighbourhood street network should be designed to: <ul style="list-style-type: none"> <li>- Implement any relevant transport strategy, plan or policy for the area set out in this scheme.</li> <li>- Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand.</li> <li>- Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand.</li> <li>- Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles.</li> <li>- Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles.</li> <li>- Provide an appropriate level of local traffic dispersal.</li> <li>- Indicate the appropriate street type.</li> <li>- Provide a speed environment that is appropriate to the street type.</li> <li>- Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles).</li> <li>- Encourage appropriate and safe pedestrian, cyclist and driver behaviour.</li> <li>- Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles.</li> <li>- Minimise the provision of culs-de-sac.</li> <li>- Provide for service and emergency vehicles to safely turn at the end of a dead-end street.</li> <li>- Facilitate solar orientation of lots.</li> <li>- Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees.</li> <li>- Contribute to the area's character and identity.</li> <li>- Take account of any identified significant features.</li> </ul> </li> </ul>	
<p><b>CLAUSE 56.06-5</b></p> <p><b>WALKING AND CYCLING NETWORK DETAIL</b></p> <p><b>Objectives</b></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>✓ <b>Complies</b></p> <p><b>Comments</b></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>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p> <p><b>Standard C18</b></p> <ul style="list-style-type: none"> <li>• Footpaths, shared paths, cycle paths and cycle lanes should be designed to: <ul style="list-style-type: none"> <li>- Be part of a comprehensive design of the road or street reservation.</li> <li>- Be continuous and connect.</li> <li>- Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.</li> <li>- Accommodate projected user volumes and mix.</li> <li>- Meet the requirements of Table C1.</li> <li>- 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.</li> <li>- Provide appropriate signage.</li> <li>- Be constructed to allow access to lots without damage to the footpath or shared path surfaces.</li> <li>- Be constructed with a durable, non-skid surface.</li> <li>- Be of a quality and durability to ensure: <ul style="list-style-type: none"> <li>- Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles.</li> <li>- Discharge of urban run-off.</li> <li>- Preservation of all-weather access.</li> <li>- Maintenance of a reasonable, comfortable riding quality.</li> <li>- A minimum 20 year life span.</li> </ul> </li> <li>- 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.</li> </ul> </li> </ul>	
<p><b>CLAUSE 56.06-7</b></p> <p><b>NEIGHBOURHOOD STREET NETWORK DETAIL</b></p> <p><b>Objective</b></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><b>Standard C20</b></p> <ul style="list-style-type: none"> <li>• The design of streets and roads should: <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> </ul> </li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b></p> <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"> <li>- Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs.</li> <li>- Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users.</li> <li>- Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay.</li> <li>- Provide a safe environment for all street users applying speed control measures where appropriate.</li> <li>- Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles.</li> <li>- 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.</li> <li>• Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> <li>- Enable the carriage of vehicles.</li> <li>- Avoid damage by construction vehicles and equipment.</li> </ul> </li> <li>• Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> <li>- Safe passage of pedestrians, cyclists and vehicles.</li> <li>- Discharge of urban run-off.</li> <li>- Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality.</li> </ul> </li> <li>• Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority.</li> <li>• Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span.</li> <li>• Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> <li>- Perform the required integrated water management functions.</li> <li>- Delineate the edge of the carriageway for all street users.</li> <li>- Provide efficient and comfortable access to abutting lots at appropriate locations.</li> <li>- Contribute to streetscape design.</li> <li>- Provide for the safe and efficient collection of waste and recycling materials from lots.</li> <li>- Be accessible to people with disabilities.</li> </ul> </li> <li>• A street detail plan should be prepared that shows, as appropriate: <ul style="list-style-type: none"> <li>- The street hierarchy and typical cross-sections for all street types.</li> <li>- Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices.</li> <li>- Water sensitive urban design features.</li> <li>- Location and species of proposed street trees and other vegetation.</li> <li>- Location of existing vegetation to be retained and proposed treatment to ensure its health.</li> <li>- Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.</li> </ul> </li> </ul>	
<p><b>CLAUSE 56.06-8</b></p> <p><b>LOT ACCESS</b></p> <p><b>Objective</b></p> <p>To provide for safe vehicle access between roads and lots.</p>	<p>✓ <b>Complies</b></p> <p><b>Comments</b></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>

## Standard C21

- 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.

## Table C1 Design of Roads and Neighbourhood Streets

### Access Lane

A side or rear lane principally providing access to parking on lots with another street frontage.

- **Traffic volume<sup>1</sup>:** 300vpd
- **Target speed<sup>2</sup>:** 10kph
- **Carriageway width<sup>3</sup> & parking provision within street reservation:** 5.5m wide with no parking spaces to be provided. Appropriately signed.
- **Verge width<sup>4</sup>:** No verge required.
- **Kerbing<sup>5</sup>**
- **Footpath provision:** None. Carriageway designed as a shared zone and appropriately signed.
- **Cycle path provision:** None

### Access Place

A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.

- **Traffic volume<sup>1</sup>:** 300vpd to 1000vpd
- **Target speed<sup>2</sup>:** 15kph
- **Carriageway width<sup>3</sup> & parking provision within street reservation:** 5.5m wide with 1 hard standing verge parking space per 2 lots **or** 5.5m wide with parking on carriageway - one side. Appropriately signed.
- **Verge width<sup>4</sup>:** 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.
- **Kerbing<sup>5</sup>:** 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 **or** 1.5m wide footpath offset a minimum distance of 1m from the kerb.
- **Cycle path provision:** None

### Access Street - Level 1



A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

- **Traffic volume<sup>1</sup>** : 000vpd to 2000vpd
- **Target speed<sup>2</sup>**: 30kph
- **Carriageway width<sup>3</sup> & parking provision within street reservation**: 5.5m wide with 1 hard standing verge parking space per 2 lots.
- **Verge width<sup>4</sup>**: 4m minimum each side
- **Kerbing<sup>5</sup>**: 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.

### Access Street - Level 2

A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

- **Traffic volume<sup>1</sup>**: 2000vpd to 3000vpd
- **Target speed<sup>2</sup>**: 40kph
- **Carriageway width<sup>3</sup> & parking provision within street reservation**: 7m-7.5m wide with parking on both sides of carriageway
- **Verge width<sup>4</sup>**: 4.5m minimum each side
- **Kerbing<sup>5</sup>**: 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 volume<sup>1</sup>**: 3000vpd
- **Target speed<sup>2</sup>**: 50kph<sup>8</sup> reduced to 40kph at schools and 20kph at pedestrian and cycle crossing points.
- **Carriageway width<sup>3</sup> & 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 width<sup>4</sup>**: 4.5m minimum each side with adequate road reserve width for widening for future bus route if required.
- **Kerbing<sup>5</sup>**: 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 volume<sup>1</sup>:** 3000vpd to 7000vpd
- **Target speed<sup>2</sup>:** 60kph<sup>9</sup>
- **Carriageway width<sup>3</sup> & 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 width<sup>4</sup>:** 6m minimum each side (plus central median).
- **Kerbing<sup>5</sup>:** 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.

## Arterial Road

- **Traffic volume<sup>1</sup>:** Greater than 7000vpd
- **Target speed<sup>2</sup>:** Arterial road design as required by the relevant roads authority.
- **Carriageway width<sup>3</sup> & parking provision within street reservation:** Arterial road design as required by the relevant roads authority.
- **Verge width<sup>4</sup>:** Arterial road design as required by the relevant roads authority.
- **Kerbing<sup>5</sup>:** 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.

## Key to Table C1:

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

<p>carriageway width of 5.5m will provide adequate access to a standard 3.5m wide single garage built to the property line.</p> <p>7. 7m-7.5m widths should be used when parking is required on each side.</p> <p>8. 50kph is the default urban speed limit in Victoria.</p> <p>9. Target speed must not exceed the legal speed limit.</p>	
<p><b>CLAUSE 56.07  INTEGRATED WATER MANAGEMENT</b></p>	
<p><b>CLAUSE 56.07-1</b></p> <p><b>DRINKING WATER SUPPLY</b></p> <p><b>Objectives</b></p> <p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water.</p> <p><b>Standard C22</b></p> <ul style="list-style-type: none"> <li>• The supply of drinking water must be: <ul style="list-style-type: none"> <li>- Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</li> <li>- Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</li> </ul> </li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b>  All proposed lots will have independent connections to reticulated town water to the Satisfaction of the Goulburn Valley Regional Water Authority.</p>
<p><b>CLAUSE 56.07-2</b></p> <p><b>REUSED AND RECYCLED WATER</b></p> <p><b>Objective</b></p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p> <p><b>Standard C23</b></p> <ul style="list-style-type: none"> <li>• Reused and recycled water supply systems must be: <ul style="list-style-type: none"> <li>- 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.</li> <li>- Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul> </li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b>  Reticulated re-used water is not available to this subdivision, future owners should consider incorporating water harvesting features into house design.</p>

<p><b>CLAUSE 56.07-3</b></p> <p><b>WASTE WATER MANAGEMENT</b></p> <p><b>Objective</b></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><b>Standard C24</b></p> <ul style="list-style-type: none"> <li>• Waste water systems must be: <ul style="list-style-type: none"> <li>- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</li> <li>- Consistent with any relevant approved domestic waste water management plan.</li> </ul> </li> <li>• Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b></p> <p>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><b>CLAUSE 56.07-4</b></p> <p><b>URBAN RUN-OFF MANAGEMENT</b></p> <p><b>Objectives</b></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><b>Standard C25</b></p> <ul style="list-style-type: none"> <li>• The urban stormwater management system must be: <ul style="list-style-type: none"> <li>- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> <li>- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.</li> <li>- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best</li> </ul> </li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b></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>

<p>Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>• The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</li> <li>• For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:       <ul style="list-style-type: none"> <li>- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</li> <li>- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.</li> </ul> </li> <li>• For storm events greater than 20% AEP and up to and including 1% AEP standard:       <ul style="list-style-type: none"> <li>- Provision must be made for the safe and effective passage of stormwater flows.</li> <li>- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.</li> <li>- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria <math>da Vave &lt; 0.35 \text{ m}^2/\text{s}</math> (where, <math>da</math> = average depth in metres and <math>Vave</math> = average velocity in metres per second).</li> </ul> </li> <li>• The design of the local drainage network should:       <ul style="list-style-type: none"> <li>- Ensure run-off is retarded to a standard required by the responsible drainage authority.</li> <li>- 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.</li> <li>- 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.</li> <li>- 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.</li> </ul> </li> <li>• Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</li> </ul>	
<p><b>CLAUSE 56.08</b>  <b>SITE MANAGEMENT</b></p>	
<p><b>CLAUSE 56.08-1</b></p> <p><b>SITE MANAGEMENT</b></p> <p><b>Objectives</b></p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p>	<p>✓ <b>Complies</b></p> <p><b>Comments</b>        Site management to be managed through conditions and submission of construction management plan.</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><b>Standard C26</b></p> <ul style="list-style-type: none"> <li>• A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: <ul style="list-style-type: none"> <li>- Erosion and sediment.</li> <li>- Dust.</li> <li>- Run-off.</li> <li>- Litter, concrete and other construction wastes.</li> <li>- Chemical contamination.</li> <li>- Vegetation and natural features planned for retention.</li> </ul> </li> <li>• Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</li> </ul>	
<p><b>CLAUSE 56.09  UTILITIES</b></p>	
<p><b>CLAUSE 56.09-1</b></p> <p><b>SHARED TRENCHING</b></p> <p><b>Objectives</b></p> <p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p> <p><b>Standard C27</b></p> <ul style="list-style-type: none"> <li>• Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b>  Shared trenching for service connections to the lots will be utilized where appropriate and to the satisfaction of the responsible authority.</p>
<p><b>CLAUSE 56.09-2</b></p> <p><b>ELECTRICITY, TELECOMMUNICATIONS AND GAS</b></p> <p><b>Objectives</b></p>	<p>✓ <b>Complies</b></p> <p><b>Comments</b>  Appropriate connections to be provided as per conditions and the service authority requirements.</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><b>Standard C28</b></p> <ul style="list-style-type: none"> <li>• The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</li> <li>• Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</li> <li>• 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.</li> <li>• 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.</li> </ul>	
<p><b>CLAUSE 56.09-3</b></p> <p><b>FIRE HYDRANTS</b></p> <p><b>Objective</b></p> <p>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</p> <p><b>Standard C29</b></p> <ul style="list-style-type: none"> <li>• Fire hydrants should be provided: <ul style="list-style-type: none"> <li>- A maximum distance of 120 metres from the rear of the each lot.</li> <li>- No more than 200 metres apart.</li> </ul> </li> <li>• Hydrants and fire plugs must be compatible with the relevant fire service equipment.</li> </ul>	<p>✓ <b>Complies</b></p> <p><b>Comments</b>  Fire hydrants to be provided in accordance with Country Fire Authority Requirements.</p>
<p><b>CLAUSE 56.09-4</b></p> <p><b>PUBLIC LIGHTING</b></p>	<p>✓ <b>Complies</b></p> <p><b>Comments</b>  Street lighting to be provided as per conditions.</p>

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

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## **Conclusion**

The proposed 24 lot subdivision in the General Residential Zone and Land Subject to Inundation Overlay is considered to achieve acceptable planning outcomes when assessed against the relevant policies of the Planning Scheme and is therefore recommended for approval.

# Draft Notice of Decision

**APPLICATION NO:** 2018-281/A  
**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:** 24 LOT SUBDIVISION IN THE GENERAL  
RESIDENTIAL ZONE AND LAND SUBJECT TO  
INUNDATION OVERLAY

## WHAT WILL THE CONDITIONS OF THE PERMIT BE?

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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.

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, 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 9 to 14 and lots 18 to 23 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 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 or as otherwise agreed to in writing by the responsible authority.

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. Supervision Fees**

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

**Plan Checking Fee**

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

**6. 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.

## **7. Drainage Discharge Plan**

Before the 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:

- 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;
- i) 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.
- j) Overland flow path details
- k) 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.
- l) Drainage Design must incorporate GBCMA recommendations.
- m) Redundant pit/s to be removed if required.

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.

## **8. 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) All landscaped areas to be used for stormwater retardation;
- h) Landscaping of the road reserve either side of the extension of the Skilton Avenue extension to Hughes Street.
- i) Landscaping along the retardation basin boundaries for both court bowls to show shrubs and trees along the fence lines.

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, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

#### **9. 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
- 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 of each lot to at least 1:200
- l) Silt and erosion control measures
- m) An on-site meeting be undertaken with officers of the responsible authority, the contractor and owner's consultant to discuss, amongst other things, roadside management, construction techniques, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction must have taken place.

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

**10. Construction of Works**

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

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

- a) Street and drainage in accordance with the approved construction drawings;
- b) Before development a 2m high acoustic fencing abutting 17, 21 and 2/21 Hughes Street, Tatura must be constructed 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.

**11. Boundary Fencing**

Before statement of compliance is issued, 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 or as otherwise agreed to in writing by the responsible authority.

**12. General Provision of Services**

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

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

**13. 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.

**14. 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.

## 15. **Subdivision Development**

### **Form 13**

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

### **Other Matters**

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

- a) a water supply/tapping (including a water meter) to each area of parkland/reserve in the subdivision;
- b) an assets statement for each street;
- c) full set of 'as constructed' digitised construction plans for roads and drainage (31/2" disk – or other format as appropriate);
- d) an 'as constructed' set of transparency plans for the entire work in each development stage;
- e) a certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments;
- f) street name plates or payment in this respect;
- g) payment for fencing of all land abutting the retardation basin;
- h) fire plugs in accordance with the Country Fire Authority requirements (generally at a maximum spacing of 120 m), at the subdivider's expense.

To the satisfaction of the responsible authority.

## 16. **Goulburn Broken Catchment Management Authority Requirements**

The proposed stormwater 750mm diameter pipe must have the ability to drain backwater flooding into the proposed retardation basin and road network system (if required). This must be submitted in the detailed design phase including computations of balance floodwater volume for the 100-year ARI flood (preservation of flood volume below 112.2 metres AHD over the entire backwater coverage) prior to commence of works.



**17. 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.

**18. 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.

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.

- d) 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.
- e) 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

## 19. Country Fire Authority Requirements

### 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:

- a) 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.

- b) 1.2 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](http://www.cfa.vic.gov.au))

### 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.

- c) 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.
- d) Curves must have a minimum inner radius of 10 metres.
- e) 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.
- f) 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.

## **20. 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 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.

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

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

- The subdivision is not started within **two (2)** years of the date of this permit;
- The subdivision is not completed within **seven (7)** years of the date of certification.