

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

18 February 2014

Agenda Item 8.2 Adoption of Amendment C140 to the Greater Shepparton Planning Scheme (rezoning private school site to the Special Use Zone)

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8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.6 Request for Planning Scheme Amendment for proposed new private school (Roman Catholic Trust Corporation - Diocese of Sandhurst) and rezoning at 4 and 5 Waterbird Court, Kialla

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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.

Council Officers involved in producing this report

Author: Graduate Strategic Planner (Amendments)

Proof reader(s): Team Leader Strategic Planning, Manager Planning

Approved by: Director Sustainable Development

Executive Summary

The Council is required to consider a request for the development of a new Private School, to be established by the Roman Catholic Trust Corporation (RCTC), in Kialla. This requires a combined planning permit and amendment to the Greater Shepparton Planning Scheme (in accordance with Section 96A of the *Planning and Environment Act 1987*) to rezone land at 4 and 5 Waterbird Court, Kialla. The proposal seeks to amend the Schedule to the Rural Living Zone (RLZ) to create lots below the current minimum lot size for subdivision and to rezone a portion of the land to the Special Use Zone (SUZ). The amendment will facilitate the development of the land for a school.

The *South Shepparton Community Infrastructure Needs Assessment 2011* (CINA), adopted by the Council in June 2011, identifies a lack of community infrastructure in South Shepparton, and in the Kialla South area in particular. The proposed development will assist in meeting some of this need in an appropriate location to service the wider Kialla South area.

It is recommended that the Council agree to the preparation and exhibition of the combined amendment and planning permit application, including referring any submissions that request changes to the amendment to an Independent Planning Panel, if required, in accordance with the *Planning and Environment Act 1987*.

Moved by Cr Patterson

Seconded by Cr Oroszvary

That, in accordance with the *Planning and Environment Act 1987* (the Act) for an amendment to the Greater Shepparton Planning Scheme applying to 4 and 5 Waterbird Court, Kialla, which amends the Schedule to the Rural Living Zone and rezones a portion of land to the Special Use Zone (Schedule 8) for a new Private School, the Council:

1. Seek authorisation from the Minister for Planning to prepare the amendment;
2. Exhibit the amendment in accordance with Part 3 Division 1 of the Act; and
3. Refer any submissions seeking changes to the exhibited amendment to an Independent Planning Panel, if required, in accordance with Section 23 of the Act.

CARRIED.

8. SUSTAINABLE DEVELOPMENT DIRECTORATE

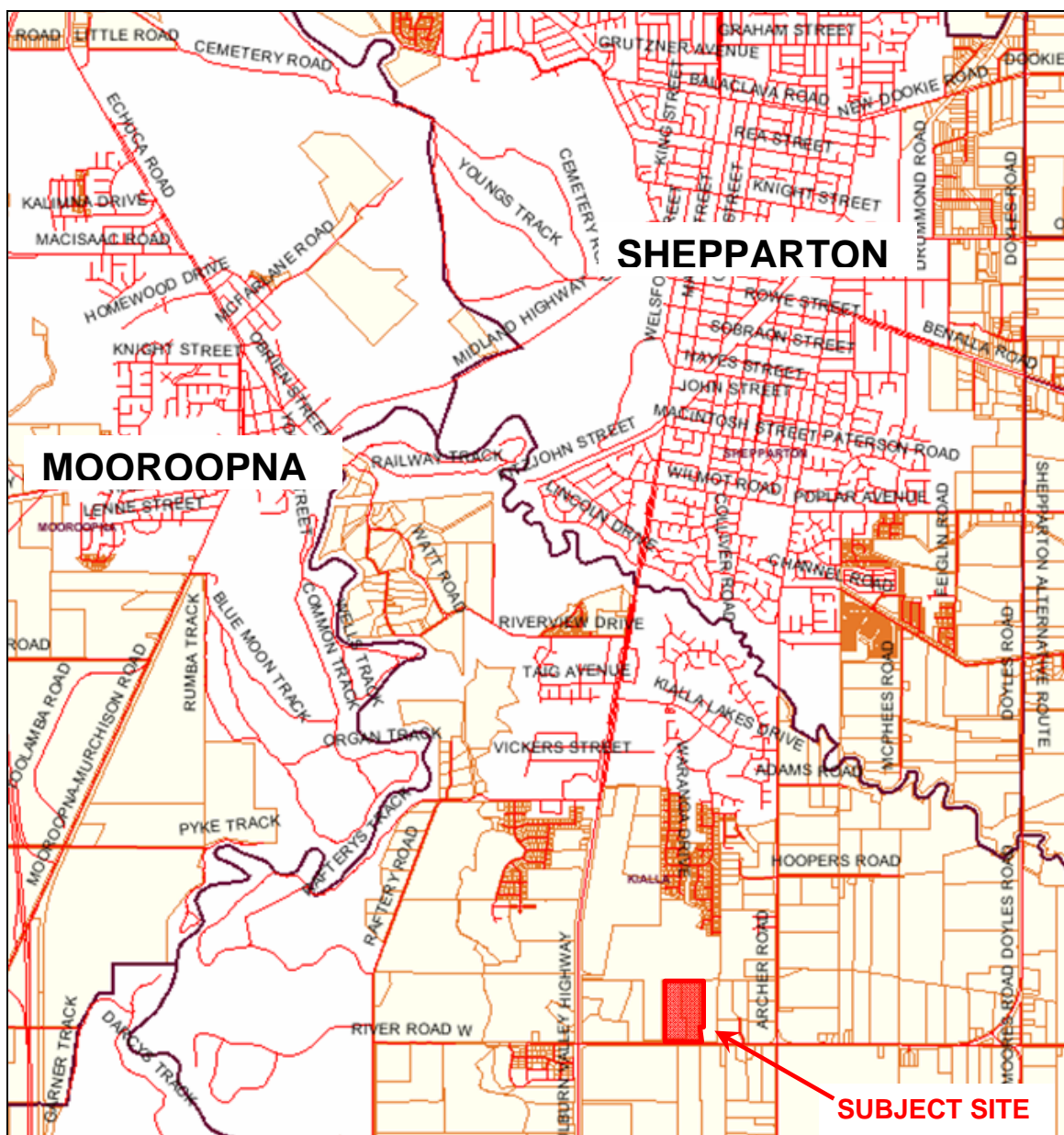
8.6 Request for Planning Scheme Amendment for proposed new private school (Roman Catholic Trust Corporation - Diocese of Sandhurst) and rezoning at 4 and 5 Waterbird Court, Kialla (continued)

Background

A request for an amendment to the Greater Shepparton Planning Scheme was received by the Council in April 2013 seeking to amend the Schedule to the Rural Living Zone (RLZ) for specified land and rezone part of the land to the Special Use Zone Schedule 8 – Private Education Establishments (SUZ8) for the development of a new Private School (to be established by the RCTC).

The application applies to land at 4 and 5 Waterbird Court, Kialla. The subject site is approximately 17ha of land located 7.5km south of the Shepparton Central Business Area.

Figure 1 – Location



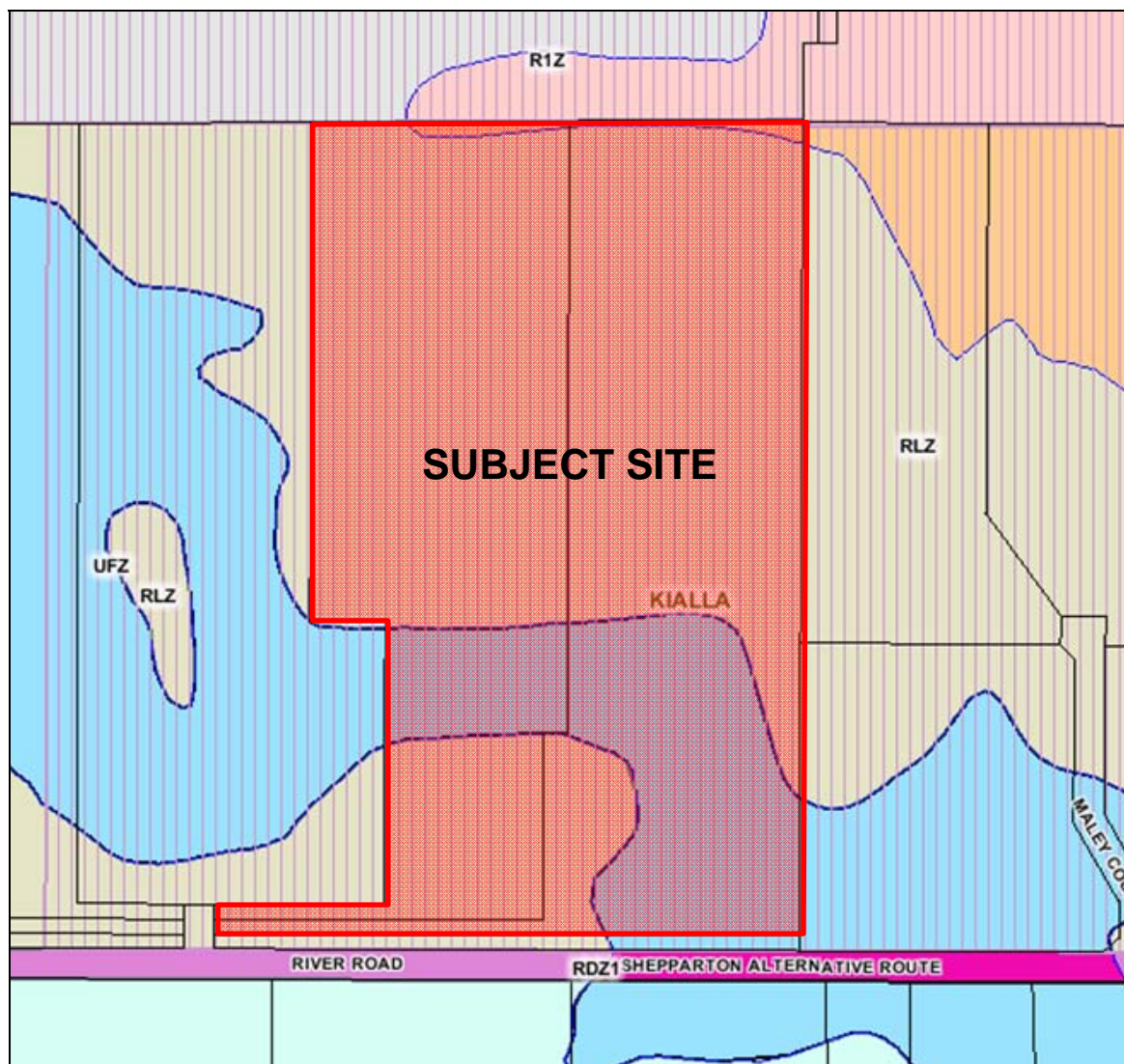
8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.6 Request for Planning Scheme Amendment for proposed new private school (Roman Catholic Trust Corporation - Diocese of Sandhurst) and rezoning at 4 and 5 Waterbird Court, Kialla (continued)

The land is within the Urban Floodway Zone (UFZ) and the Rural Living Zone (RLZ). The land is also affected by the Land Subject to Inundation Overlay (LSIO) and Schedule 1 to the Development Plan Overlay (DPO1).

This amendment request has been lodged on behalf of the Roman Catholic Trust Corporation (RCTC) for the development of a Private School on the subject land. It is proposed to subdivide the land into three lots; one northern lot being approximately 10ha of land for the proposed school site (being purchased by the RCTC), and the two remaining lots (being 2.94ha and 3.82ha) to continue serving their existing use as residences and remain within their current ownership.

Figure 2 – Zones and Overlays



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8.6 Request for Planning Scheme Amendment for proposed new private school (Roman Catholic Trust Corporation - Diocese of Sandhurst) and rezoning at 4 and 5 Waterbird Court, Kialla (continued)

The current provisions in the planning scheme do not allow subdivision below 8ha in the RLZ. The proposal is for a three lot subdivision with two of the proposed parcels below the permissible limit. The planning scheme amendment will facilitate the creation of the smaller lots proposed.

Surrounding land currently within the RLZ and UFZ will remain within the existing land use zones. The land immediately to the east and west of the subject site is designated in Clause 21.04 *Settlement* of the Greater Shepparton Planning Scheme for 'Potential Low Density' development in 15+ years and is within the settlement boundary for Kialla and South Shepparton. Further development of this land will be considered and assessed by Council officers as necessary in accordance with the Greater Shepparton Planning Scheme through future planning scheme amendments.

The main purpose of the SUZ is to *'recognise or provide for the use and development of land for specific purposes'*. The purposes of Schedule 8 to the SUZ include:

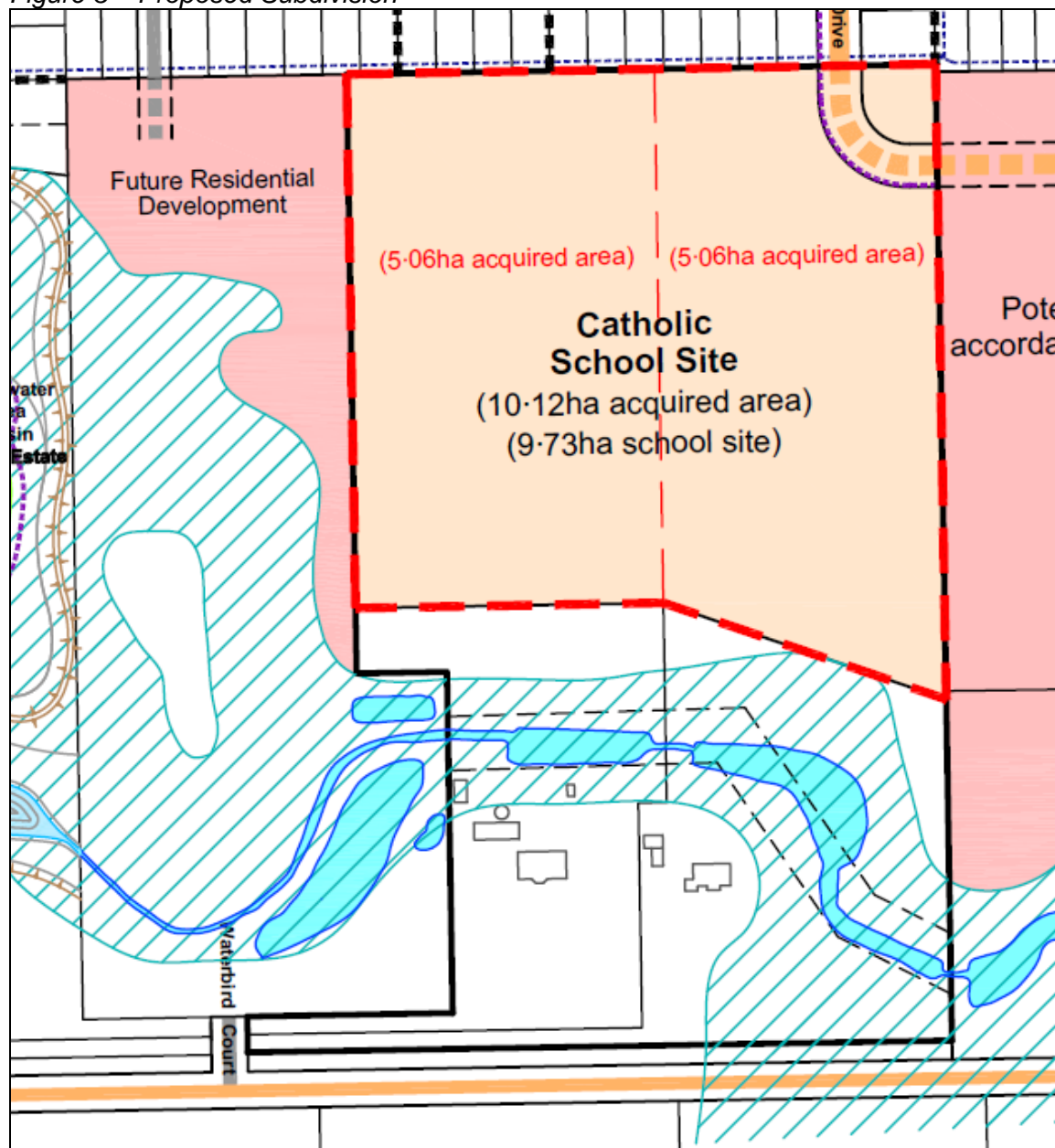
- *To provide for the continued use and development of land for an educational centre and associated uses.*
- *To provide for the use and development of the land in accordance with an approved School Master Plan.*
- *To ensure that the development of an education centre takes place in an orderly and proper manner and does not cause loss of amenity to the neighbourhood.*

This Schedule will facilitate the use and development of the land as required by the RCTC for development as a Private School.

8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.6 Request for Planning Scheme Amendment for proposed new private school (Roman Catholic Trust Corporation - Diocese of Sandhurst) and rezoning at 4 and 5 Waterbird Court, Kialla (continued)

Figure 3 – Proposed Subdivision



A planning permit request has been lodged in accordance with Section 96A (combined planning scheme amendment and planning permit) of the *Planning and Environment Act 1987* for a three lot subdivision of the land, to be progressed in conjunction with this planning scheme amendment.

Assessment under the *Planning and Environment Act 1987*:

Objective (a) 'to provide for the fair, orderly, economic and sustainable use and development of land'

Objective (c) 'to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria'

8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.6 Request for Planning Scheme Amendment for proposed new private school (Roman Catholic Trust Corporation - Diocese of Sandhurst) and rezoning at 4 and 5 Waterbird Court, Kialla (continued)

The proposal meets objectives (a) and (c) of planning in Victoria by providing for the orderly, economic and sustainable use and development of land in the municipality. The amendment allows the development of land for an educational centre in an area highlighted as lacking community facilities. The amendment proposes to balance the interests of the community through the provision of high quality educational facilities to meet the demands of a growing regional centre in Victoria. The amendment will also ensure a pleasant, efficient and safe working, living and recreational environment.

Assessment under the Greater Shepparton Planning Scheme:

The subject land is highlighted at Clause 21.04 *Settlement* of the Greater Shepparton Planning Scheme for 'Potential Low Density' development in 15+ years and is within the settlement boundary for Kialla and South Shepparton. The site immediately abuts Kialla Lakes Estate further to the north: this is an identified urban growth area. The development of this land for a school, as proposed, will provide high quality educational facilities in a growing urban area.

Clause 21.04-6 *Non Residential Uses* of the Greater Shepparton Planning Scheme identifies a need to protect the amenity of existing and future residential areas. It is important that non-residential uses do not have a negative impact on residential amenity through inappropriate location, unsympathetic design and traffic impacts. The planning scheme allows complementary non-residential uses to be integrated into residential areas. It also ensures they are appropriately located by allowing complementary non-residential uses in areas where the intensity and scale will have a minimal impact on the amenity of nearby residential properties.

The *South Shepparton Community Infrastructure Needs Assessment 2011 (CINA)*, adopted by the Council in June 2011, is included as a reference document at Clause 21.09 of the Greater Shepparton Planning Scheme. This document assesses the likely nature and extent of community infrastructure required to meet current and future population needs in South Shepparton, and identifies the appropriate nature and scale of five community infrastructure sites. As part of this assessment, the Kialla South area was identified as lacking community infrastructure and the CINA recommended provision of a '*local level community infrastructure cluster with an activity/community meeting space focus*'.

The proposed amendment would allow the development community infrastructure in an area of identified need. Council officers are also working with the proponent to provide for additional community facilities, including the provision of children's services, shared public recreation facilities, etc. As part of this process, the proposal has been referred to the Community Directorate as appropriate.

Council Plan/Key Strategic Activity

Strategic Objective #2 – Community Life

Key Strategic Activity #8 – '*Increase education and learning opportunities for our community*'

In the next four years – '*Continue to work with education providers to increase the range of locally available education options to promote lifelong learning*'

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Risk Management

A risk assessment has been undertaken for this amendment and all risks identified are considered to be negligible.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Amendment not approved by Minister	Unlikely	Major	Medium	The proposal is consistent with the Greater Shepparton Planning Scheme and all environmental, social and economic impacts have been minimised.
Submissions from public	Likely	Minor	Low	Impacts on other landowners have been minimised. If required, all submissions will be referred to an Independent Planning Panel for consideration.
Adverse traffic impacts	Unlikely	Moderate	Low	A Traffic Impact Assessment has been prepared and peer reviewed.
Amendment not finalised within timelines	Unlikely	Major	Medium	Exemptions from the Ministerial timelines for planning scheme amendments can be sought – impacts are minor. There are major impacts associated with the development being delayed as the RCTC have strict timeframes that must be adhered to. Planning Officers are taking action to ensure the timely progression of this amendment.

All stages in the amendment process will be undertaken in accordance with the *Planning and Environment Act 1987*.

Prior to sending this amendment to the Minister for Planning for final approval, the Council will be required to consider any recommendations of an Independent Planning Panel (if required), and to consider and adopt the final amendment.

Policy Consideration

This amendment does not conflict with any existing Council policy. The amendment supports existing Community Development policies.

Financial Implications

This amendment will not impose any unreasonable costs on Council's resources or finances. The proponent of this amendment will be required to meet all costs associated with the planning permit and planning scheme amendment process. The costs associated with an Independent Planning Panel, if required, may be approximately \$40,000 and would be met by the proponent of this amendment, not Council.

Legal/Statutory Implications

All procedures associated with this amendment comply with the legislative requirements under the *Planning and Environment Act 1987* (the Act). The amendment has been assessed in accordance with the Act and the Greater Shepparton Planning Scheme. The assessment is considered to accord with the *Victorian Charter of Human Rights and*

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Responsibilities Act 2006 (the Charter) – no human rights have been negatively impacted upon through the process.

The Charter recognises that reasonable restrictions may be placed on the use and development of land, and that there may on occasion be reasonable and acceptable off-site impacts on others. Provided these issues are properly considered, it would be a rare and exceptional case where the exercise of a planning decision in accordance with the regulatory framework is not Charter compatible.

When submissions are received by the Council seeking changes to an amendment, in accordance with Section 23(1) of the Act, Council must:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a panel appointed under Part 8; or
- (c) abandon the amendment or part of the amendment.

As part of the recommendation included in this report, the amendment is to be referred to an Independent Planning Panel, if required, in accordance with the Act. Council officers have delegation to consider submissions and refer the amendment to a Panel if required. Where submissions are substantial and may raise issues of public interest, concern or controversy, Council officers refer the amendment to the Council for consideration (in accordance with the *Greater Shepparton City Council Exercise of Delegations Policy*). In this case, due to significant time constraints associated with the contracts of sale for the subject site, the referral of submissions to a Panel is being included with the current recommendation. This means that following exhibition of the amendment, any submissions will be referred to a Panel without delay and without further consideration by the Council.

Prior to referral of submissions to a Panel, the Director of Sustainable Development will provide a report to the CEO outlining the content of these submissions and a recommendation on how they should be considered – including whether or not they can be accommodated by changing the amendment. If any submissions cannot be accommodated, the Director will recommend to the CEO referral of the submissions to a Panel for consideration.

Environmental/Sustainability Impacts

An Environmental Site Assessment (ESA) has been prepared for the lot proposed to be used for education by *Vantage Environmental Management*. The report identified that the site has been historically used for agricultural purposes since at least the 1940s. There was no evidence of significant contamination, and the site has a generally low potential for contamination. The ESA also investigated the likely impacts of the project on the water table and concluded that the risk from development to site groundwater would be low.

A Stormwater Management Plan (SMP) has been prepared by *Chris Smith and Associates*. The SMP was prepared to demonstrate how stormwater can be discharged from the site to Waterbird Creek using Best Practice Environmental Management Guidelines for Urban Stormwater. This plan states that the stormwater design will safely convey the 1 in 100 year stormwater flows from the site with velocities and depths within allowable limits.

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8.6 Request for Planning Scheme Amendment for proposed new private school (Roman Catholic Trust Corporation - Diocese of Sandhurst) and rezoning at 4 and 5 Waterbird Court, Kialla (continued)

There are no adverse environmental/sustainability impacts associated with this amendment.

Social Implications

The amendment implements the recommendations of the CINA, which will have positive social impacts for the wider South Kialla and South Shepparton communities.

The development of this site for a new education centre will facilitate development of community facilities in an area of identified need and provides the potential for co-located community facilities in the future. The amendment will also facilitate the provision of high quality educational facilities for the community.

There are no adverse social implications associated with this amendment.

Economic Impacts

The development of a new Private School will provide create jobs in the development industry, teaching and allied profession and support the community.

An Infrastructure Provision Plan (IPP) has been prepared by *Chris Smith and Associates*, which identifies the infrastructure and servicing requirements for the site to cater for the future development of the site as a school. The Plan identifies that the site is able to be connected to existing and future infrastructure and services.

There are no adverse economic impacts associated with this amendment.

Consultation

This amendment has not been subject to any statutory exhibition or notice requirements as it is still in preliminary assessment stage.

This amendment will be exhibited as necessary in accordance with the *Planning and Environment Act 1987*.

Officers believe that appropriate consultation has occurred for this stage of amendment preparation and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

Topic: Community Life

Theme: Health and Social Services

Objective 1: *'To provide an equitable and efficient distribution of community facilities and services.'*

b) Other strategic links

There are no other related strategic links.

Options for Consideration

1. Agree to the preparation and exhibition of the planning scheme amendment, including referral of any submissions that request changes to the amendment that cannot be accommodated to an Independent Planning Panel, if required. (preferred)

8. SUSTAINABLE DEVELOPMENT DIRECTORATE

8.6 Request for Planning Scheme Amendment for proposed new private school (Roman Catholic Trust Corporation - Diocese of Sandhurst) and rezoning at 4 and 5 Waterbird Court, Kialla (continued)

2. Do not agree to the preparation and exhibition of the planning scheme amendment, including referral of any submissions that request changes to the amendment that cannot be accommodated to an Independent Planning Panel, if required.

Conclusion

It is recommended that the Council agree to the preparation and exhibition of the amendment, including referring any submissions that request changes to the amendment that cannot be accommodated to an Independent Planning Panel, if required, in accordance with the *Planning and Environment Act 1987*.

Attachments

Nil

Attachment 2 Submissions recorder

Sub No.	Organisation	Content of Submission	Assessment of submission	Recommendation	Trim Link
1	Goulburn Broken Catchment Management Authority	No objection		No action required	2013/52320
2	Goulburn-Murray Water	No objection		No action required	2013/53506
3	Goulburn Valley Water	No objection		No action required	2013/53696
4	VicRoads	No objection		No action required	2013/55101
5	Department of Environment & Primary Industries	No objection		No action required	2013/56183
6	Country Fire Authority - Hume Region	No objection		No action required	2013/56397
7	Environment Protection Authority - North East	No objection		No action required	2013/56846
8	Conceptz Pty Ltd	Request minor changes to Goulburn-Murray Water planning permit conditions	Agree with submission - minor changes required. Meeting held with G-MW on 16/11/2013 and outcomes agreed. G-MW to amend conditions and circulate to all stakeholders.	Change planning permit conditions as agreed at meeting on 16/11/2013.	2013/56621
9	Public Transport Victoria	No objection		No action required	2013/57642

Attachment 3 – Correspondence Regarding Submission #8

1. Submission #8 requesting changes (from Conceptz Pty Ltd)
2. Goulburn-Murray Water revised planning permit conditions (as agreed at meeting on 26 November 2013)
3. Response from Conceptz Pty Ltd confirming no further changes required
4. Additional correspondence from Goulburn-Murray Water in relation to Condition 9 of the Planning Permit

Grace Docker

From: Kevin Jackson <kevin@conceptz.com.au> on behalf of Kevin Jackson
Sent: Monday, 2 December 2013 3:06 PM
Subject: Planning Scheme Amendment - GMW Conditions

Hi Grace

1. GMW Conditions

The proponent has no objections to the exhibited amendment / permit provided GMW revise their conditions in the spirit of the joint discussions held at Tatura on 26 November 2013.

I have just spoke to Ranine at GMW. She has just received advice from their assets section. Their assessment is understood to be a requirement for a temporary headwall / culvert with ~ 20 m of piping.

Ranine will try and organise a letter this afternoon.

2. GMW Land / Easement

Ranine is still trying to confirm if the channel is GMW property or an easement and will advise. This may / may not result in a small notation change on the Development Plan.

3. Minor plan changes requested by Andrew

Two minor changes were requested. Both are being attended to.

(a) Two lots on land owned by Kavant to be shown on Development Plan west of the school site (east side of the court); and

(b) Notation to be added to Concept Plan ... "Piped Channel", on the property boundary where the collector road is proposed.

4. Signed Section 173 Agreement

Tom is dealing with this issue and will notify you directly in relation to this item asap.

Thank you.

Kevin Jackson

Director
Conceptz

5442 7233

Andrew Dainton
Planning Department
Greater Shepparton City Council
council@shepparton.vic.gov.au
Andrew.dainton@shepparton.vic.gov.au

2 December 2013

Dear Andrew

3 Lot Subdivision & Removal of Easement - Application for Planning Permit

Application No: 2013-172
Applicant: Conceptz Town Planners
Location: Lots 4 & 5 PS426092, Lot A PS628428 - 4 & 5 Waterbird Court, Kialla

I refer to the meeting held on Tuesday, 26 November 2013 with yourself, Goulburn-Murray Water (G-MW) and Kevin Jackson (Concept Town Planners) to discuss G-MW's proposed conditions provided to Council on 22 August 2013.

I confirm that all parties agreed to amend the conditions on the basis that the applicant/developer partially pipe G-MW's open channel no. 5/7 adjacent to the northern boundary of the subject property. The pipe is to be constructed to a design and standard approved by G-MW, and the balance of the open channel adjacent to the property is to be appropriately fenced to G-MW specifications.

Based on the information provided and in accordance with Section 56 (b) of *the Planning and Environment Act 1987*, GMW has no objection to this planning permit being granted subject to the following conditions:

1. Prior to Statement of Compliance of the Plan of Subdivision, G-MW's open channel no. 5/7 adjacent to the northern boundary of the subject property must be partially piped with a temporary headwall-less culvert in accordance with G-MW's requirements.
2. Prior to Statement of Compliance of the Plan of Subdivision, the applicant must submit design plans for the construction of temporary headwall-less culvert to G-MW for approval.
3. Prior to the commencement of works associated with the temporary headwall-less culvert, the applicant must obtain a 'Construction and Use of Private Works Licence' from G-MW. Applications along with design plans by a suitably qualified irrigation

designer should be made to G-MW, Leasing & Licensing Section, 40 Casey Street, Tatura Vic 3616 – ph: (03) 5826 3653.

4. A plan of subdivision lodged for certification must be referred to G-MW pursuant to Section 8(1)(a) of the *Subdivision Act, 1988*.
5. All works associated with the temporary pipeline or works affecting G-MW infrastructure are to be undertaken at the applicant's expense and to G-MW's satisfaction.
6. Prior to Statement of Compliance, the applicant is to construct a 1.8 metre high pool fence on the boundary of the subject property adjacent to G-MW's open channel. 5.7. The constructed pool fence must be to G-MW's satisfaction and the applicant must ensure that access cannot be gained from the subject property G-MW's open channel.

If you require further information contact Ranine McKenzie or e-mail ranine.mckenzie@gmwater.com.au.

Yours sincerely

Neil Repacholi
SECTION LEADER STATUTORY PLANNING

Per: (original signed by Ranine McKenzie)

Grace Docker

From: Kevin Jackson <kevin@conceptz.com.au>
Sent: Friday, 13 December 2013 10:16 AM
Subject: RE: Revised GMW response

Hi Andrew

We are satisfied with the GMW response.

Thank you

Kevin Jackson
Conceptz

5442 7233

From: Andrew Dainton [mailto:andrew.dainton@shepparton.vic.gov.au]
Sent: Friday, 13 December 2013 8:12 AM
To: Kevin Jackson (kevin@conceptz.com.au)
Cc: Grace Docker
Subject: Revised GMW response

Hi Kevin

Please refer to the revised GMW response

Andrew



GREATER
SHEPPARTON

Andrew Dainton
Statutory Planning
Greater Shepparton City Council

Phone: (03) 5832 9730
Fax: (03)5831 1987
Email: andrew.dainton@shepparton.vic.gov.au
Website: www.greatershepparton.com.au

From: McKenzie, Ranine [mailto:Ranine.McKenzie@gmwater.com.au]
Sent: Thursday, 12 December 2013 6:12 PM
To: Andrew Dainton
Cc: Council
Subject: TRIM: PP20556B - SHEP 2013-172 - 3 LOT SUBDIVISION & REMOVAL OF EASEMENT - APPLICATION FOR PLANNING PERMIT - CONCEPTZ TOWN PLANNERS

Dear Andrew

I refer to the above application and attach G-MW's revised response for your information. Please note I have also included a planning note regarding any delivery shares which may affect the property.

Regards

GOULBURN-MURRAY WATER

Ranine McKenzie

SENIOR PLANNING OFFICER

Property Services - Infrastructure

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Andrew Dainton
Planning Department
Greater Shepparton City Council
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Andrew.dainton@shepparton.vic.gov.au

4 February 2014

Dear Andrew

3 Lot Subdivision & Removal of Easement - Application for Planning Permit

Application No: 2013-172
Applicant: Conceptz Town Planners
Location: Lots 4 & 5 PS426092, Lot A PS628428 - 4 & 5 Waterbird Court, Kialla

I refer to Goulburn-Murray Water's (G-MW) previous response dated 2 December 2013. I confirm that based upon a request received from Kevin Jackson (Concept Town Planners) in relation to condition 6, G-MW has agreed to alter the condition to accord with subdivision timeframes.

Therefore, based on the information provided and in accordance with Section 56 (b) of *the Planning and Environment Act 1987*, GMW has no objection to this planning permit being granted subject to the following conditions:

1. Prior to Statement of Compliance of the Plan of Subdivision, G-MW's open channel no. 5/7 adjacent to the northern boundary of the subject property must be partially piped with a temporary headwall-less culvert in accordance with G-MW's requirements, unless otherwise agreed in writing by G-MW.
2. Prior to Statement of Compliance of the Plan of Subdivision, the applicant must submit design plans for the construction of temporary headwall-less culvert to G-MW for approval, unless otherwise agreed in writing by G-MW.
3. Prior to the commencement of works associated with the temporary headwall-less culvert, the applicant must obtain a 'Construction and Use of Private Works Licence' from G-MW. Applications along with design plans by a suitably qualified irrigation designer should be made to G-MW, Leasing & Licensing Section, 40 Casey Street, Tatura Vic 3616 – ph: (03) 5826 3653.
4. A plan of subdivision lodged for certification must be referred to G-MW pursuant to Section 8(1)(a) of the *Subdivision Act, 1988*.

5. All works associated with the temporary pipeline or works affecting G-MW infrastructure are to be undertaken at the applicant's expense and to G-MW's satisfaction.
6. Prior to the issue of a Statement of Compliance, the applicant is to enter into an Agreement under Section 173 of the Planning and Environment Act 1987 to provide the following:

Prior to any future development on Lot 3 coming into use, the owner / developer is required to construct a 1.8 metre high pool fence on the boundary of the subject property adjacent to G-MW's open channel. The constructed pool fence must be to G-MW's satisfaction and the applicant must ensure that access cannot be gained from the subject property G-MW's open channel.

Planning Note:

For urban development of property holding delivery shares the applicant must either:

- a. 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**
- b. 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.

If you require further information contact Ranine McKenzie or e-mail ranine.mckenzie@gmwater.com.au.

Yours sincerely

Neil Repacholi
SECTION LEADER STATUTORY PLANNING

Per: (original signed by Ranine McKenzie)

ATTACHMENT 4 – FINAL AMENDMENT DOCUMENTATION

1. Explanatory Report
2. Planning Scheme Map
3. Clause 35.03
4. Clause 37.01 (Schedule 10)
5. Concept Plan
6. Instruction Sheet
7. Planning Permit 2013-172

GREATER SHEPPARTON PLANNING SCHEME

AMENDMENT C140

EXPLANATORY REPORT

Who is the planning authority?

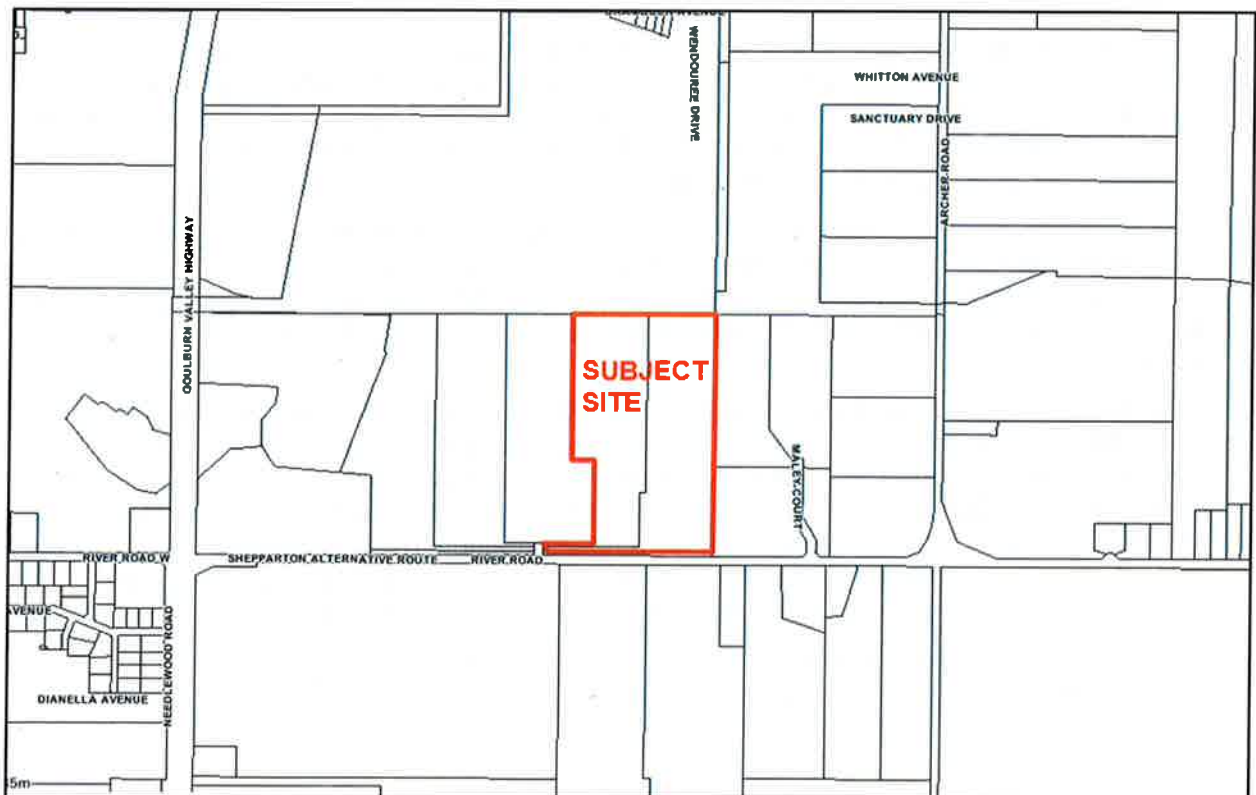
This amendment has been prepared by the Greater Shepparton City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Conceptz Pty Ltd on behalf of the Roman Catholic Trust Corporation – Diocese of Sandhurst.

Land affected by the amendment

The amendment applies to two parcels of land at 4 and 5 Waterbird Court, Kialla (lots 4 and 5 on PS426092).

Figure 1 – Subject Site



What the amendment does

The amendment amends the schedule to the Rural Living Zone to create lots below the minimum lot size for subdivision, rezones part of the land to the Special Use Zone and inserts a new Schedule 10 to the Special Use Zone. Planning Permit No 2013-172 allows subdivision of the land into three lots and the creation of drainage and water supply easements.

The amendment:

- Rezones proposed Lot 3 from the Rural Living Zone to the Special Use Zone;
- Inserts a new Schedule 10 to Clause 37.01 Special Use Zone;

- Amends the Schedule to the Rural Living Zone at Clause 35.03, changing the minimum lot size for subdivision for 4 and 5 Waterbird Court, Kialla to 2.5ha; and
- Amends Planning Scheme Map No. 11.

Planning permit application 2013/172 allows:

- Subdivision of 4 and 5 Waterbird Court, Kialla, into three lots; and
- Creation of drainage and water supply easements.

Strategic assessment of the amendment

Why is the amendment required?

The amendment was required to subdivide the land into three lots; one northern lot being approximately 10.12ha of land for the school site, and the two remaining lots (being 2.94 ha and 3.82ha) to continue serving their existing use as residences and remain within their current ownership.

The provisions in the planning scheme did not allow subdivision below 8ha in the RLZ. The amendment is for a three lot subdivision with two of the proposed parcels below the permissible limit. This planning scheme amendment facilitates the creation of the smaller lots proposed.

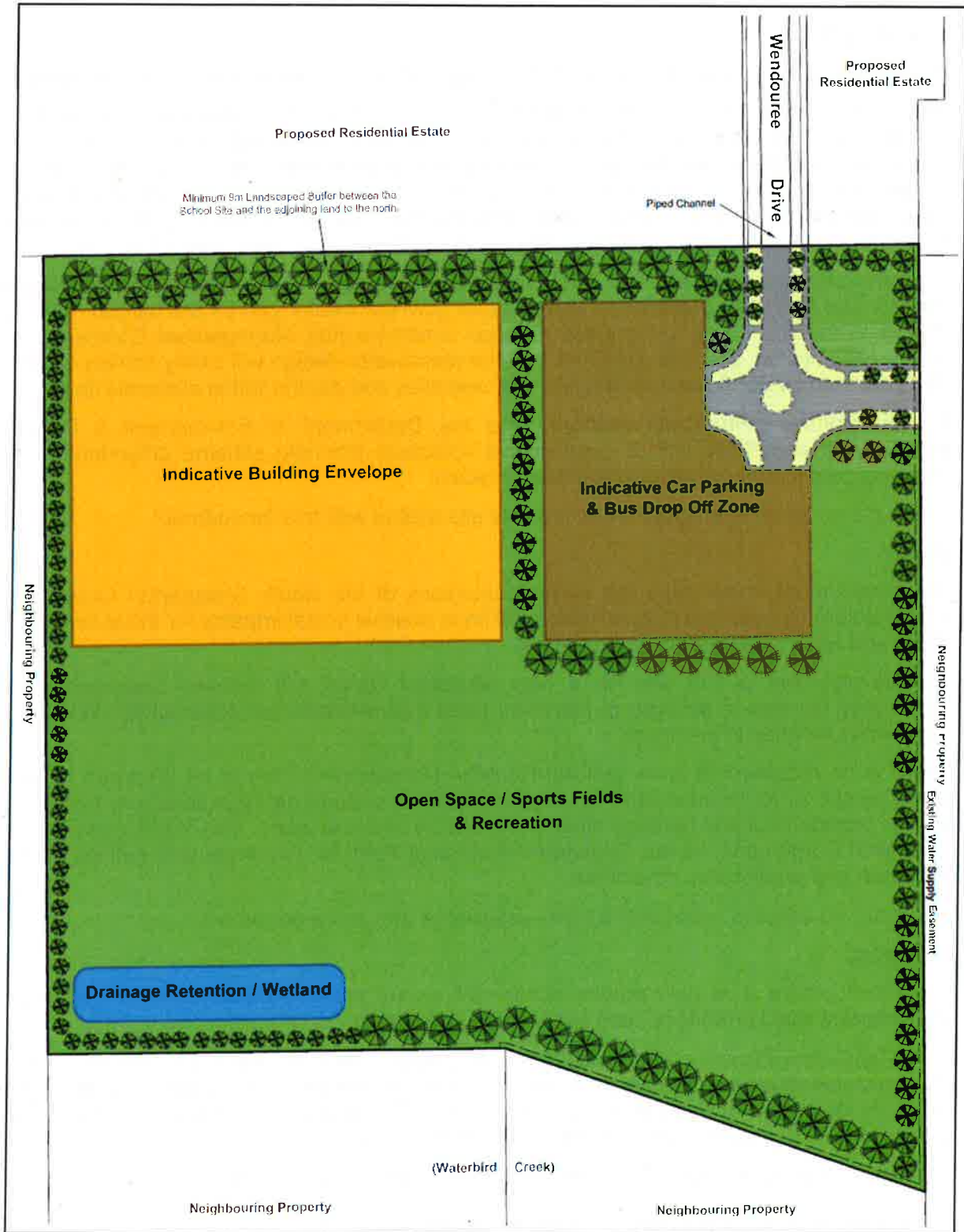
The subject site was within the RLZ. The main purpose of the RLZ is to *'provide for residential use in a rural environment'*, seeking a residential outcome rather than an educational one. The main purpose of Schedule 10 to the Special Use Zone (SUZ10) is to *'provide for the use and development of land for an educational centre and associated uses'*, being the preferred educational outcome for the land.

The northern lot was rezoned to the SUZ to facilitate development of the land for an education centre. The Roman Catholic Trust Corporation (RCTC) identified that a Catholic school is required to service communities in the south Shepparton area. The RCTC plans to establish a new primary school (and possibly a Secondary School) on the site when required.

SUZ10 has been designed specifically for the establishment of this private school and place of worship. Under the SUZ10, further approvals will still be required for the school. A master plan must be prepared and must be generally in accordance with the School Concept Plan (see *Figure 2 – School Concept Plan*), which was exhibited as part of this amendment. The master plan must include design plans, and information relating to traffic management, infrastructure, construction, staging and school growth. It must be prepared to the satisfaction of the responsible authority prior to commencement of any buildings and works.

The combined planning permit and planning scheme amendment is the most appropriate means of achieving the desired outcome.

Figure 2 – School Concept Plan



How does the amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria by providing for the orderly use and development of land and by balancing the interests of the community in providing for high quality educational facilities to meet the demands of a growing regional centre in Victoria. The amendment secures a pleasant, efficient and safe working and living environment.

How does the amendment address any environmental, social and economic effects?

Environmental

The school site is predominantly cleared farming land with no areas of significant vegetation.

An Environmental Site Assessment (ESA) has been prepared by Vantage Environmental Management Pty Ltd for the lot to be used for education. The report identified that the site has been historically used for agricultural purposes since at least the 1940s. There was no evidence of significant contamination on the site and the site has a generally low potential for contamination. The ESA also investigated the likely impacts of the project on the water table and concluded that the risk from development to site groundwater would be low.

A Stormwater Management Plan (SMP) has been prepared by Chris Smith and Associates Pty Ltd. The SMP was prepared to demonstrate how stormwater can be discharged from the site to Waterbird Creek using *Best Practice Environmental Management Guidelines for Urban Stormwater*. The Plan confirms that the stormwater design will safely convey the 1 in 100 year stormwater flows from the site with velocities and depths within allowable limits.

The Environment Protection Authority and the Department of Environment & Primary Industries were notified with a copy of this combined planning scheme amendment and planning permit, and did not object to the proposal.

There are no adverse environmental impacts associated with this amendment.

Social

The amendment implements the recommendations of the South Shepparton Community Infrastructure Needs Assessment, which will have positive social impacts for the wider South Kialla and South Shepparton communities.

The development of this site for a new education centre will facilitate development of community facilities in an area of identified need and provides the potential for co-located community facilities in the future.

There is no requirement for a Cultural Heritage Management Plan to be prepared for this site. The site is not located within an area of identified cultural heritage sensitivity and there are no recorded cultural heritage sites in the vicinity of the location. The Yorta Yorta Nation Aboriginal Corporation, as the Registered Aboriginal Party for this area, was notified of this approach and provided no objections.

There are no adverse social implications associated with this amendment.

Economic

The development of a new private school will create jobs in the development industry, teaching and allied profession, and support the community.

An Infrastructure Provision Plan (IPP) has been prepared by Chris Smith and Associates Pty Ltd, which identifies the infrastructure and servicing requirements for the site to cater for the future development of the site as a school. The IPP identifies that the site is able to be connected to existing and future infrastructure and services.

There are no adverse economic impacts associated with this amendment.

Does the amendment address relevant bushfire risk?

The amendment meets the objectives and gives effect to the strategies to address the risk to life as a priority, property, community infrastructure and the natural environment from bushfire in the State Planning Policy Framework (Clause 13.05-1) as the site is not exposed to extreme bushfire hazard and the site is located within the urban growth boundary.

The amendment is consistent with the Local Planning Policy Framework objectives and strategies that apply to bushfire risk. No local policy for bushfire risk management is required to support the amendment as bushfire mitigation measures can be readily implemented and the risk can be reduced to an acceptable level.

The CFA was notified with a copy of this combined planning scheme amendment and planning permit, and did not object to the proposal. The CFA is satisfied that the amendment has appropriately applied the principles of avoiding growth in areas of extreme risk, managing growth in areas of high risk and supporting growth in areas of low risk.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is affected by Minister's Direction No. 1 (Potentially Contaminated Land) under section 12(2) (a) of the *Planning and Environment Act 1987*, and as part of the amendment an Environmental Site Assessment has been prepared by Vantage Environmental Management Pty Ltd confirming that the site was suitable for the use proposed under the rezoning.

The amendment has been evaluated in accordance with the strategic considerations provided by Ministerial Direction 11 regarding the Strategic Assessment of Amendments and is consistent with these requirements.

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment is consistent with Clause 11.05-1 (Regional settlement networks) and Clause 11.05-4 (Regional planning strategies and principles) which aim to promote the sustainable growth and development of regional Victoria through a network of settlements and to support sustainable development of regional cities and centres such as Shepparton. Strategies also aim to provide for appropriately located supplies of residential, commercial and industrial land sufficient to meet community needs and promote liveable regional settlements and healthy communities by responding to changing community needs and facilitating timely provision of, and access to, social infrastructure and services.

The amendment addresses the requirements of Clause 13.03-1 (Use of contaminated and potentially contaminated land) as an ESA has been completed for the land and is included in the amendment documentation, demonstrating that the site is suitable for the proposed use.

The amendment addresses the requirements of Clause 13.05-1 (Bushfire planning strategies and principles) and the CFA has been consulted to ensure the appropriate bushfire protection measures are able to be implemented.

The amendment is consistent with the objectives for land use and transport planning (Clause 18.01-1) and the transport system (Clause 18.01-2) as the proposal will provide for education facilities within the identified growth area for Kialla, providing opportunities for access to the facility through all modes of transport, including walking and cycling.

The amendment implements the objectives of Clause 19.02-2 (Education facilities) as it will assist in the integration of education facilities with the local Kialla community and surrounding area.

The amendment is consistent with Clause 19.03-2 (Water supply, sewerage and drainage) and 19.03-3 (Stormwater) as the site will be appropriately serviced to meet State and community needs, and protect the environment and reduce the impact of stormwater on the catchment.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports the Municipal Strategic Statement (MSS).

Clause 21.04-1 (Settlement – Urban consolidation and growth) identifies that the City of Greater Shepparton is expected to grow to 71,509 people by 2026. To accommodate this growth, additional housing stock will be required and this will be facilitated through the implementation of Council's *Greater Shepparton Housing Strategy, 2011*.

The Kialla and Shepparton South Framework Plan contained at Clause 21.04 identifies that the site is located inside the defined settlement boundary, and is within an area identified for future low density residential development. The site immediately abuts to the south an identified urban growth area (Kialla Lakes Estate).

Clause 21.04-6 (Non Residential Uses) identifies a need to protect the amenity of existing and future residential areas as it is important that non residential uses (such as places of worship, schools, medical centres, display homes, child care centres and the like) do not have a negative impact on residential amenity through inappropriate location, unsympathetic design and traffic impacts. Objectives for non residential uses include allowing complementary non-residential uses to be integrated into residential areas and ensure they are appropriately located. Strategies include ensuring that such uses are located in areas that are appropriate to the intensity and scale of the proposed use and that will have a minimal impact on the amenity of nearby residential properties and ensuring that the siting and design of buildings and works (including car parking areas) responds to the surrounding housing and streetscape and includes features to reduce the noise, loss of privacy and to enhance the appearance of the development including landscaping, screening and acoustic fencing.

The amendment supports Clause 21.05-1 (Natural environment and biodiversity) which aims to maintain and enhance the biodiversity of native flora and fauna and protect and manage the natural resources of water, air and land as the site does not contain any significant areas of native vegetation and the ESA prepared by Vantage Environmental Management Pty Ltd has identified that the proposal will not adversely impact the water table.

The amendment is consistent with Clause 21.05-2 (Floodplain and drainage management), which aims to recognise the constraints of the floodplain on the use and development of land. A SMP has been prepared by Chris Smith and Associates Pty Ltd demonstrating how stormwater from the site will be appropriately managed.

The amendment is consistent with Clause 21.05-4 (Cultural Heritage) as the site is not located within an area of Cultural Heritage sensitivity, and the Yorta Yorta Nation Aboriginal Corporation were consulted in the preparation of the amendment.

The amendment is consistent with Clause 21.07-1 (Transport) as the Traffic Impact Assessment Report (TIAR) prepared by Paffrath Consulting Pty Ltd in support of the amendment identifies that the amendment will result in a safe and efficient traffic system, that is able to incorporate bicycle infrastructure and adequate on-site car parking.

The amendment is consistent with Clause 21.07-2 (Urban and rural services) which aims to ensure new development incorporate water sensitive urban design principles in accordance with *Best Practice Environmental Management Guidelines for Urban Stormwater* and ensure that new development provides physical and community infrastructure through development contribution plans or pre-development agreements as part of development plans. The SMP and IPP prepared by Chris Smith and Associates Pty Ltd identify that the servicing of the land will be in accordance with the relevant requirements and standards. The rezoning of the land for educational purposes will also assist in the provision of community infrastructure within a designated growth area.

The amendment is consistent with Clause 21.07-3 (Urban stormwater management) as demonstrated in the SMP prepared by Chris Smith and Associates Pty Ltd, as the proposal will maintain and enhance stormwater quality throughout the municipality and incorporate *Best Practice Environmental Management Guidelines for Urban Stormwater*.

The *Greater Shepparton Housing Strategy, 2011* is a Reference Document (Clause 21.09) in the Greater Shepparton Planning Scheme. The strategy was undertaken to guide the future long term identification and provision of residential land within the municipality. The land falls within the Kialla and Shepparton South Growth Management Plan contained in the strategy. Kialla and Shepparton South in the Housing Change Area Plan contained in the strategy identify the land abutting the site to the north (Kialla Lakes Estate) as a primary urban growth area and the site as a potential Low Density area. The amendment supports the implementation of the strategy.

Does the amendment make proper use of the Victoria Planning Provisions?

The changes to the Schedule to the Rural Living Zone facilitate the proposed subdivision to create the RCTC school site and allow the two existing dwellings to be retained by the existing owners without allowing for further subdivision of those lots.

The application of the Special Use Zone is appropriate for the use of the land, with Schedule 10 to the Special Use Zone designed specifically for the establishment of this private school and place of worship. Under the SUZ10, further approvals will still be required for the school. A master plan must be prepared to the satisfaction of the responsible authority prior to commencement of any buildings and works.

How does the amendment address the views of any relevant agency?

The RCTC and consultant team have consulted with the Department of Infrastructure, VicRoads, Public Transport Victoria, Goulburn Broken Catchment Management Authority, Country Fire Authority, Goulburn Valley Water, and infrastructure servicing authorities in the preparation of this amendment. The views of the relevant agencies are addressed in the planning scheme amendment, development plan and planning permit application documentation and accompanying reports.

The Council referred the planning application for a three lot subdivision to relevant authorities. The planning permit incorporating the conditions required by authorities and Council forms part of the documentation for this combined planning scheme amendment and planning permit.

An opportunity for relevant authorities and departments to comment further was formalised as part of the exhibition period for the combined planning permit and planning scheme amendment process. No referral authorities objected or sought changes to the combined planning scheme amendment and planning permit.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The purpose of the *Transport Integration Act 2010* is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state.

The objectives of the *Transport Integration Act 2010* relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety and health and wellbeing.

The amendment facilitates the development of a new school within an identified residential growth area. A Traffic Impact Assessment Report (TIAR) prepared by Paffrath Consulting Pty Ltd underpins the amendment.

The TIAR confirms that the school site is well suited and is not expected to create any detrimental impact on the traffic and parking conditions on the surrounding road network. The TIAR identifies planning scheme requirements for parking for the school and recreation uses can be provided on the site. A roundabout is the recommended road treatment to provide for safe and efficient access to / egress from the school site, and is shown on the School Concept Plan. On this basis it is considered that the amendment will not have any significant impact on the transport system, as defined by Section 3 of the *Transport Integration Act 2010*.

The development promotes the adoption of sustainable transport modes alternative to the private passenger vehicle, with 45% of students expected to arrive by bus, cycle or by walking.

The following table is an extract from the report.

	Year	Student No.	Staff No.	Anticipated Mode of Travel			
				Bus (30%)	Cycling (10%)	Car (55%)	Walking (5%)
Stage 1	1	100 - 150	8	45	15	83	7
Stage 2	2 - 4	150 - 250	14	75	25	138	12
Stage 3	5 - 7	250 - 350	18	105	35	193	17
Stage 4	8 - 10	350 - 450	22	135	45	248	22

The Minister has not prepared any statements of policy principles under Section 22 of the *Transport Integration Act 2010*; therefore, no such statements are applicable to this amendment.

Public Transport Victoria and VicRoads were notified with a copy of this combined planning scheme amendment and planning permit, and did not object to this proposal.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

This combined planning permit and planning scheme amendment will not have a negative impact on the resource and administrative costs of the Council. Schedule 10 to the Special Use Zone requires a School Concept Plan to be exhibited and approved as part of this planning scheme amendment process. Following this, a master plan must be prepared to the satisfaction of the Responsible Authority, which is generally in accordance with the approved School Concept Plan. This process provides exemptions from the requirements for multiple planning permits for use or development of the land into the future; thereby, reducing ongoing resource and administrative costs of the Responsible Authority.

Where you may inspect this Amendment

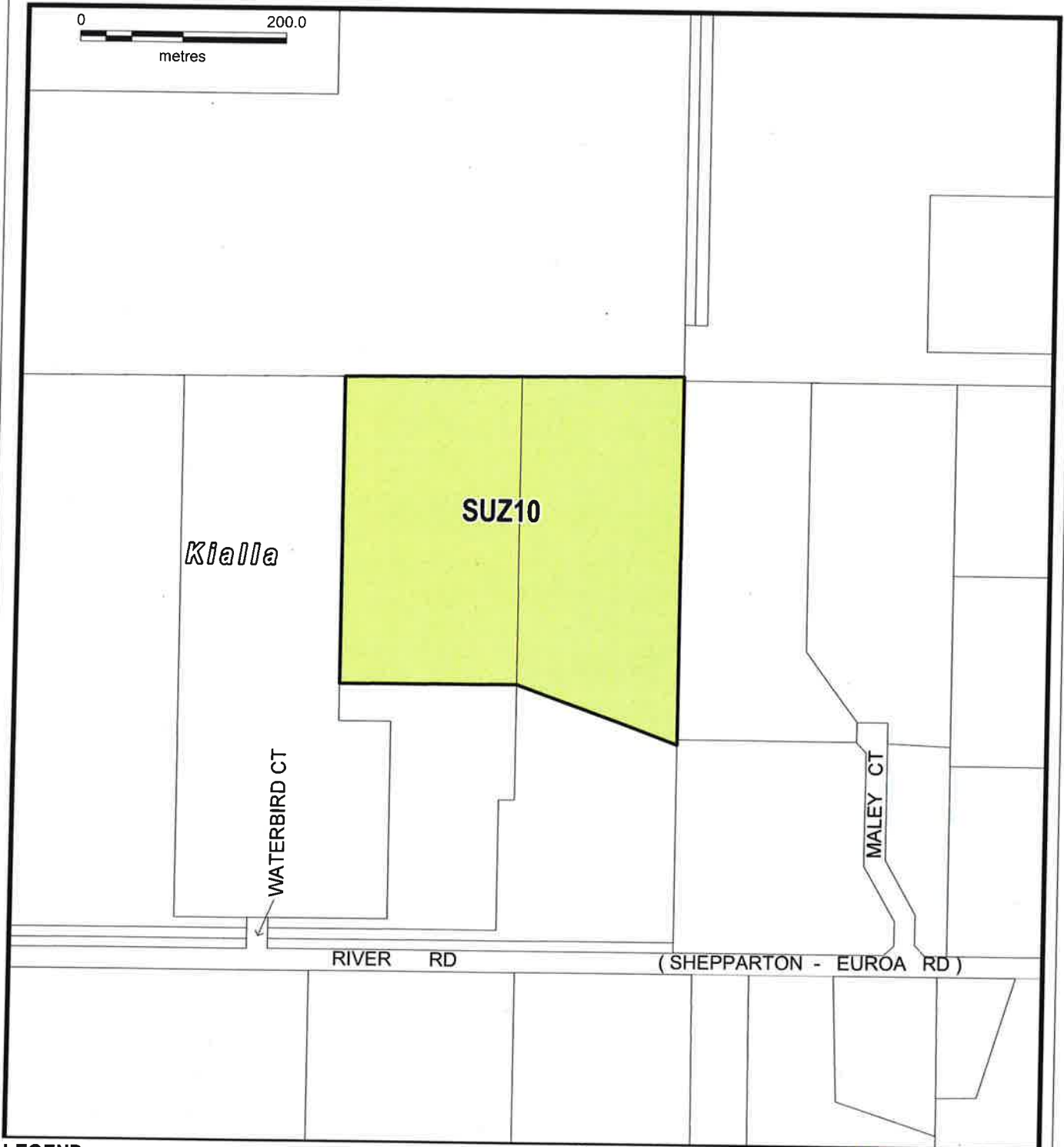
The amendment is available for public inspection, free of charge, during office hours at the following places:

Greater Shepparton City Council
 90 Welsford Street
 Shepparton

www.greatershepparton.com.au

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at www.dpced.vic.gov.au/planning/publicinspection

GREATER SHEPPARTON PLANNING SCHEME LOCAL PROVISION



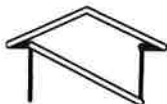
LEGEND

Part of Planning Scheme Map 11

SUZ10 Special Use Zone - Schedule 10

AMENDMENT C140

| Planning Mapping Services |
| Amendments Coordination Team |
| Planning & Building Systems |
| Planning, Building & Heritage |



Department of
Transport, Planning and
Local Infrastructure



15/09/2008
 VC49 Proposed
 ed C140

SCHEDULE TO THE RURAL LIVING ZONE

Shown on the planning scheme map as RLZ

	Land	Area/Dimensions/Distance
Minimum subdivision area (hectares).	CA 224 Parish of Murchison North, River Road, Old Toolamba	Must be in accordance with the proposed plan of subdivision prepared by Land Management Surveys (Shepparton) Pty Ltd, reference 3419 version 3.
	<u>4 and 5 Waterbird Court, Kialla</u>	<u>2.5 hectares</u>
	All other land	8 hectares
Minimum area for which no permit is required to use land for a dwelling (hectares).	All land	4 hectares
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).	None specified	
Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres)	None specified	
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	
Minimum setback from a road (metres).	None specified	
Minimum setback from a boundary (metres).	None specified	
Minimum setback from a dwelling not in the same ownership (metres).	None specified	

Permit requirement for earthworks

Earthworks which change the rate of flow or the discharge point of water across a property boundary. All land

Earthworks which increase the All land this zone
discharge of saline groundwater.

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Proposed
C140

SCHEDULE 10 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ10.

KIALLA PRIVATE SCHOOL

Purpose

To provide for the use and development of land for an educational centre and associated uses.

To provide for the use and development of the land in accordance with an approved School Concept Plan.

To ensure that the development of an education centre takes place in an orderly and proper manner and does not cause loss of amenity to the neighbourhood.

1.0

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Proposed
C140

Table of uses

Section 1 - Permit not required

USE	CONDITION
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997
Art & Craft Centre	Must be generally in accordance with an approved Master Plan for the site.
Carnival	Must meet the requirements of a "Good Neighbour" Code of Practice for a Circus or a Carnival, October 1997.
Carpark	Must be generally in accordance with an approved Master Plan for the site. Must not require a new access to a road.
Circus	Must meet the requirements of a "Good Neighbour" Code of Practice for a Circus or a Carnival, October 1997.
Child Care Centre	Must be generally in accordance with an approved Master Plan for the site.
Education Centre	Must be generally in accordance with an approved Master Plan for the site.
Geothermal Energy Extraction	Must meet the requirements of Clause 52.08-4.
Informal outdoor recreation	Must be generally in accordance with an approved Master Plan for the site.
Mineral Exploration	
Mining	Must meet the requirements of Clause 52.08-2

USE	CONDITION
Minor Utility installation	
Natural systems	
Place of Worship	Must be generally in accordance with an approved Master Plan for the site.
Open sports Ground	Must be generally in accordance with an approved Master Plan for the site.
Railway	
Road	
Search for Stone	Must not be costeaning or bulk sampling
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19

Section 2 - Permit required

USE	CONDITION
Agriculture (other than animal keeping, animal training, intensive animal husbandry and horse stables)	
Accommodation (other than a corrective institution)	
Emergency services facility	
Market	
Medical Centre	
Mineral, stone or soil extraction (other than Mineral exploration, Geothermal energy extraction, Mining and Search for stone)	
Minor Sports and Recreation facility	
Office	
Place of Assembly (Other than Amusement Parlour, Carnival, Cinema, Drive-in Theatre, Nightclub)	
Place of Worship	
Utility Installation (other than Minor utility installation and Telecommunications facility)	
Wind energy facility	

Section 3 - Prohibited

USE

Any other use not in Sections 1 and 2

2.0

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Proposed
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Use of Land

Amenity of the neighbourhood

- A use must not adversely affect the amenity of the neighbourhood, including through the:
 - Transport of materials, good or commodities to or from the land.
 - Appearance of any stored goods or materials.
 - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Application requirements

An application to use land must be accompanied by the following information:

- The purpose of the use and the types of activities which will be carried out.
- The proposed hours of operation.
- The potential off-site effects including noise levels, traffic, hours of operation and light spill.
- The effect of the proposed use on existing land use and service infrastructure.
- Access to the site (pedestrian and vehicular, including emergency service, staff and visitor vehicles).
- Site plans at an appropriate scale showing the location of all buildings to be used.

Exemption from notice and appeal

An application for use, in accordance with the approved School Master Plan, is exempt from the notice and review requirements of Section 51(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

4.0

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Proposed
C140

Subdivision

A permit is required to subdivide land.

Application requirements

Any application must state the intended outcome of the proposed subdivision and its impact on the overall operation of the education establishment.

Exemption from notice and appeal

An application for subdivision, in accordance with the approved School Master Plan, is exempt from the notice and review requirements of Section 51(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

5.0 Buildings and works

Proposed
C140

Prior to the commencement of any buildings or works, a School Master Plan must be approved by the Responsible Authority.

A School Master Plan must be generally in accordance with the School Concept Plan, to the satisfaction of the Responsible Authority.

A School Master Plan may be prepared and implemented in stages, to the satisfaction of the Responsible Authority.

An approved School Master Plan may be amended, to the satisfaction of the Responsible Authority.

A School Master Plan must include the following plans, as appropriate, prepared to the satisfaction of the Responsible Authority:

- A **Design Plan** drawn to scale showing:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - The location, height and purpose of buildings and works on adjoining land.
 - Relevant ground levels.
 - The layout of existing and proposed buildings and works.
 - Driveways, vehicle parking areas, bus areas and loading and unloading areas.
 - Details of proposed fencing.
 - Proposed landscape areas, including landscape screens as shown on the Concept Plan.
 - External storage and screened waste storage areas.
 - Elevations, including the colour and materials of all buildings and works.
- A **Stormwater Management Plan** specifying details of how stormwater runoff will be collected and treated within the development, with particular emphasis on the removal of sediment, litter and urban waste from stormwater prior to its discharge into local watercourses, and demonstrating how that process will not impact adversely on the flood carrying capacity of any local watercourse.
- A **Construction Management Plan** specifying the measures proposed to ensure that construction activity has minimal impact on surrounding areas.
- A **Traffic Management Plan** providing details on:
 - Vehicle, pedestrian and bicycle access points at the property boundaries.
 - The location and treatment of circulation areas, driveways and other accessways within and abutting the site.
 - A traffic impact assessment which addresses access to the site, carparking requirements and external traffic impacts and requirements.
 - A bus management plan detailing on-site bus parking and circulation arrangements.
 - Details of waste disposal, including collection times.
- A **School Growth Plan** providing details on estimated numbers of students and staff associated with each stage of the development.
- A **Staging Plan** identifying the likely sequence and timing of development and the obligations on the land owner to implement the works required by each stage.
- An **Other School Use Plan**, which details the use and the time of use, traffic, parking and lightspill management.

A permit is not required to construct or carry out buildings and works that are generally in accordance with a School Master Plan, which has been prepared and approved to the satisfaction of the Responsible Authority

Buildings or works generally in accordance with an approved School Master Plan must be constructed or carried out in accordance with the approved plans, as appropriate, forming part of the School Master Plan prepared to the satisfaction of the responsible authority:

Except with the written consent of the responsible authority, the buildings and works cannot be occupied until the works relating to that stage (in accordance with approved staging plan) are completed to the satisfaction of the Responsible Authority.

An application for the School Master Plan is exempt from the notice and review requirements of Section 51(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Application Requirements

Any application for buildings and works must be accompanied by a plan, drawn to scale, which shows:

- The boundaries and dimensions of the site including setbacks from site boundaries.
- Elevation drawings indicating the material and colour of all proposed buildings.
- The layout and use of existing and proposed buildings and works, including accessways car parking and loading areas.
- The location, size and form of any signage to be erected.
- Details of existing and proposed landscaping.
- The potential off-site effects including noise levels, traffic and light spill on existing land use and service infrastructure.

6.0

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Proposed
C140

Decision Guidelines

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

- Any approved school master plan.
- The capability of the land to accommodate the proposed use or development.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses
- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- Whether use or development protects and enhances the environmental and landscape qualities of the site and its surrounds.
- The effect any proposed subdivision will have on the potential of the land to accommodate existing and future uses in accordance with the purpose of the zone and the approved School Master Plan.
- The movement of pedestrians and cyclists, supplies vehicles, waste removal, emergency service and public transport.
- The provision of car parking.
- The availability of and connection to services.

7.0 Advertising signs

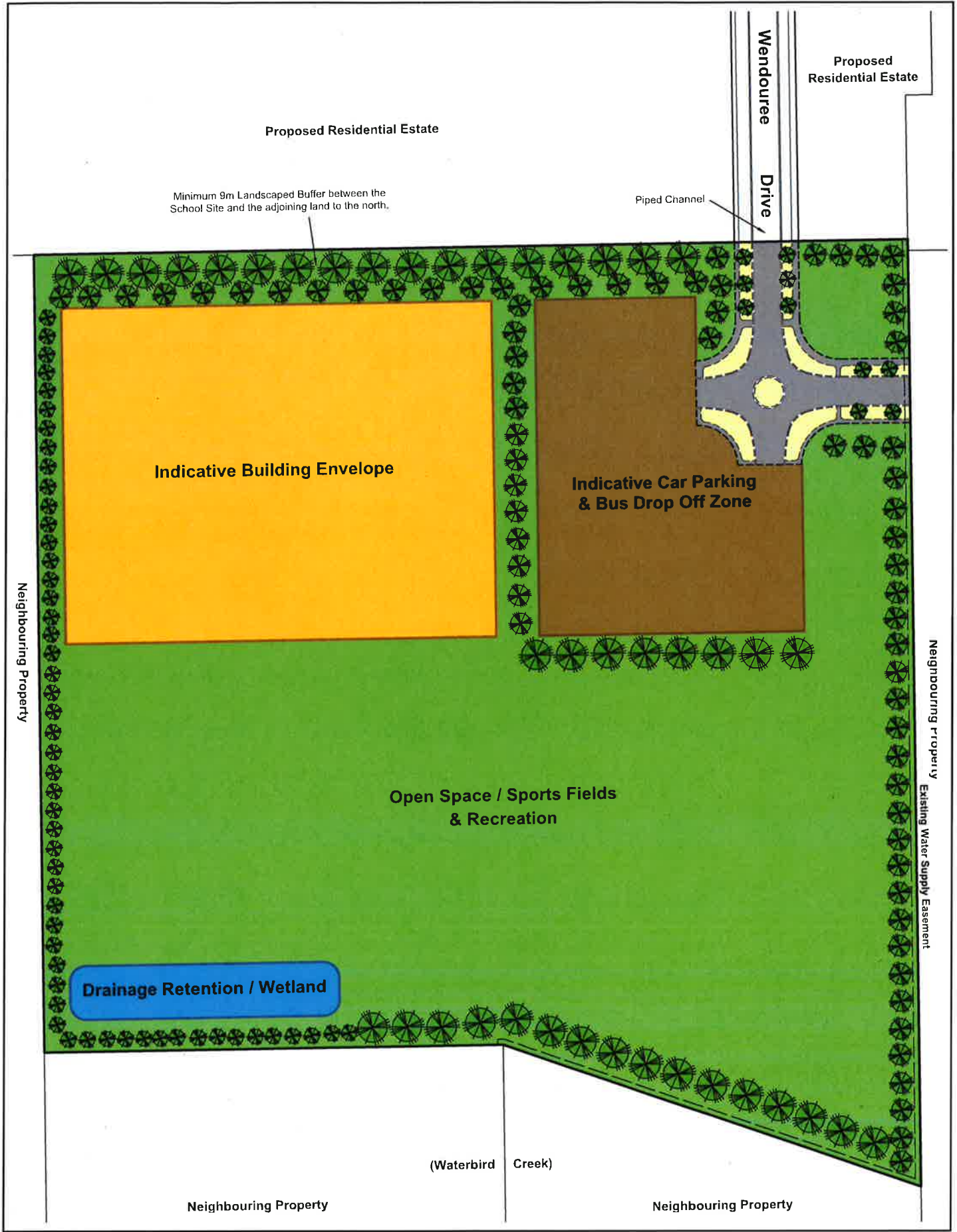
Proposed
C140

This zone is in Category 3.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies, which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.



REVISION	DATE	ZONE
4	9/12/13	-
3	4/9/13	-
2	10/7/13	-
1	2/7/13	-



Chris Smith & Associates
 SPECIALISING IN SUBDIVISION PROJECT MANAGEMENT AND DESIGN
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Designed: Col Hoops
 Drawn: Scott Delighly
 Created: 28th June 2013
 Applied:

**Catholic Education Office, Sandhurst
 Catholic School Site**
 Wendouree Drive
 Kialla
 Concept Plan

Drawing No. 12144-02/01
 Sheet No. 1 of 1

Rev. 4
 12144-02/01-4.dwg
 A3

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Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

AMENDMENT C140

INSTRUCTION SHEET

The planning authority for this amendment is the Greater Shepparton City Council.

The Greater Shepparton Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map sheet.

Zoning Maps

1. Amend Planning Scheme Map No. 11 in the manner shown on the 1 attached map marked "Greater Shepparton Planning Scheme, Amendment C140".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In Zones – Clause 35.03, replace the Schedule with a new Schedule in the form of the attached document.
3. In Zones – following Clause 37.01, insert a new Schedule 10 in the form of the attached document.

End of document

PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1987

Permit No.: 2013-172

Planning Scheme: Greater Shepparton

Responsible Authority: Greater Shepparton
City Council

ADDRESS OF THE LAND: 4-5 Waterbird Court, Kialla (Lots 4 and 5 on
PS426092S) and Lot B on PS636772

THE PERMIT ALLOWS: Three lot subdivision of the land
Creation of drainage and water supply easements

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1.	<p><u>Amended Plans required</u> Before the certification of the plan of subdivision, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:</p> <p>a) The road within the site designed to Collector Street Level 1 standard b) Land set aside for the provision of stormwater treatment and retention</p>
2.	<p><u>Layout Not Altered</u> The subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.</p>
3.	<p><u>Independent Drainage</u> Before the plan of subdivision is certified under the <i>Subdivision Act 1988</i>, drainage plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then will form part of the permit. The plans must be drawn to scale with dimensions. The plans must include</p>

Date Issued:

Date Permit comes into
operation:

(or if no date is specified, the permit
comes into operation on the same day as
the amendment to which the permit
applies comes into operation)

Signature for the Responsible
Authority

- a) direction of stormwater run off
- b) a point of discharge for each lot
- c) independent drainage for each lot
- d) discharge rate of 115l/sec for lot three only
- e) documentation demonstrating approval from the relevant authority for the point of discharge for lot three only
- f) incorporation of water sensitive urban design in accordance with the "Urban Stormwater Best Practice Environmental Management Guidelines" 1999 (lot 3 only)
- g) the expected discharge quality emanating from the development output from Model for Urban Stormwater Improvement Conceptualisation (MUSIC) (lot 3 only)
- h) an electronic copy of treatment modelling (MUSIC or equivalent) to demonstrate proposed treatment results (lot 3 only).

Before the statement of compliance is issued all drainage works required by the endorsed drainage plan must be completed to the satisfaction of the responsible authority, unless otherwise agreed in writing by the responsible authority.

4. **General Provision of Services**

Before the issue of Statement of Compliance, reticulated water, sewerage and electricity must be available to the satisfaction of the responsible authority, unless otherwise agreed in writing by the responsible authority.

Before the issue of Statement of Compliance, all reticulated services including telecommunications infrastructure shall be undergrounded, unless otherwise agreed in writing by the responsible authority. Where possible all services are to be provided within common trenches.

5. **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 (unless otherwise agreed in writing by the responsible authority) under the *Subdivision Act 1988* the owner must provide to the satisfaction of the responsible authority:

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Signature for the Responsible Authority

	<p>a) full set of 'as constructed' digitised construction plans in PDF and CAD format for landscaping, roads and drainage (CD or other format as appropriate).</p>
<p>6.</p>	<p><u>Powercor</u></p> <p>a) The plan of subdivision submitted for certification under the <i>Subdivision Act 1988</i>, shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.</p> <p>The applicant shall:</p> <p>b) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (a payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.</p> <p>c) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.</p> <p>d) Any construction work must comply with the Officer of the Chief Electrical Inspector 'No go zone' rules.</p> <p>e) Set aside on the plan of subdivision for the use of Powercor Australia reserves satisfactory to Powercor Australia where any electric substation (other than pole mounted type) is required to service the subdivision.</p> <p>Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of caveat prior to the registration of the plan of subdivision.</p> <p>f) Provide easements satisfactory to Powercor Australia, where easements have not been otherwise provided, for all existing Powercor Australia electric lines on the land and for any new power lines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement in favour of Powercor Australia for Powerline purposes pursuant to Section 88 of the Electricity Industry Act 2000.</p> <p>g) Obtain for the use of Powercor Australia any other easement external to the</p>

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	<p>subdivision required to service the lots.</p> <p>h) Adjust the position of any existing easement(s) for power lines to accord with the position of the line(s) as determined by survey.</p> <p>i) Obtain the approval of Powercor Australia to lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.</p> <p>j) Provide to Powercor Australia Ltd, a copy of the version of the Plan of Subdivision submitted for certification, which shows any amendments which have been required</p>
7.	<p><u>Goulburn Broken Catchment Management Authority</u> No part of proposed lot 3 is to be located within the Urban Floodway Zone.</p>
8.	<p><u>Goulburn Valley Water</u></p> <p>a) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the <i>Subdivision Act, 1988</i>.</p>
9.	<p><u>Goulburn Murray Water</u></p> <p>a) Prior to Statement of Compliance of the Plan of Subdivision, G-MW's open channel no. 5/7 adjacent to the northern boundary of the subject property must be partially piped with a temporary headwall-less culvert in accordance with G-MW's requirements.</p> <p>b) Prior to Statement of Compliance of the Plan of Subdivision, the applicant must submit design plans for the construction of temporary headwall-less culvert to G-MW for approval.</p> <p>c) Prior to the commencement of works associated with the temporary headwall-less culvert, the applicant must obtain a 'Construction and Use of Private Works Licence' from G-MW. Applications along with design plans by a suitably qualified irrigation designer should be made to G-MW, Leasing & Licensing Section, 40 Casey Street, Tatura Vic 3616 – ph: (03) 5826 3653.</p> <p>d) A plan of subdivision lodged for certification must be referred to G-MW pursuant to Section 8(1)(a) of the <i>Subdivision Act, 1988</i>.</p> <p>e) All works associated with the temporary pipeline or works affecting G-MW infrastructure are to be undertaken at the applicant's expense and to G-MW's satisfaction.</p>

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f) Prior to the issue of a Statement of Compliance, the applicant is to enter into an Agreement under Section 173 of the *Planning and Environment Act 1987* to provide the following:

- Prior to any future development on Lot 3 coming into use, the owner / developer is required to construct a 1.8 metre high pool fence on the boundary of the subject property adjacent to G-MW's open channel. The constructed pool fence must be to G-MW's satisfaction and the applicant must ensure that access cannot be gained from the subject property G-MW's open channel.

Planning Note:

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.

10.

Telecommunications

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

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	<p>d) 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.</p>
<p>11.</p>	<p><u>Time for Starting and Completing a Subdivision</u></p> <p>This permit will expire if one of the following circumstances applies:</p> <p>a) the subdivision is not started (certification) within two (2) years of the date of this permit;</p> <p>b) the subdivision is not completed (statement of compliance issued) within five (5) years of the date of this permit.</p>

(If the permit has been amended, include the following table indicating the date and nature of amendments included in the amended permit)

Date of amendment	Brief description of amendment

Date Issued:

Date Permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the Responsible Authority

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of -
 - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or.
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or.
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must also be served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.