

# **CONFIRMED MINUTES**

**FOR THE  
GREATER SHEPPARTON CITY COUNCIL**

## **DEVELOPMENT HEARINGS PANEL**

**Meeting No. 11/2015**

**HELD ON  
WEDNESDAY 4 NOVEMBER 2015  
AT 2:00PM**

**IN THE COUNCIL BOARD ROOM  
90 WELSFORD STREET**

**CHAIR  
Councillor Dinny Adem**

## **1. ACKNOWLEDGEMENT**

Welcome everyone to Development Hearings Panel meeting number 11 for 2015.

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”.

## **2. RECORDING OF PROCEEDINGS**

I would like to advise all present today that:

- the proceeding is being minuted but not recorded.
- 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.

## **3. COMMITTEE MEMBERS PRESENT**

Committee members present today are:

- Cr Dinny Adem (Chair),
- Johann Rajaratnam – Director Sustainable Development
- Colin Kalms – Manager Planning,
- Ian Boyle – Team Leader of Strategic Planning, and
- Michael MacDonagh – Principal Strategic Planner

## **4. OFFICERS AND OTHERS PRESENT**

The Planning Officers present today are:

- Warwick Smith - Planner
- Ronan Murphy – Senior Statutory Planner

I would also like to acknowledge all other parties present today. Given we have a two items for consideration today we will get you to introduce yourself when your turn comes to present.

## **5. APOLOGIES**

None

## **6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Moved by Ian Boyle, and seconded by Johann Rajaratnam that the minutes of the meeting held on 22 October 2015 be adopted.

Carried

## **7. DECLARATIONS OF CONFLICTS OF INTEREST**

None

## **8. 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 today shall be:
  - The planning officer to present the planning report recommendation
  - Any objector/s or representatives on behalf of the objectors present to make a submissions in support of their objection (should they wish to)
  - The applicant/applicant representative to present in support of the application
- The officer, objectors and applicant will be limited to three minutes per person unless granted a further 3 minute extension by the Chair (following a moved and seconded motion from the panel).

## **9. MATTERS FOR CONSIDERATION**

There are two items formally listed for consideration today:

- The first item for consideration is planning permit application 2015-105 for the use and development of land for materials recycling (concrete crushing), removal of two native trees and associated buildings and works at 3300 Katamatite-Shepparton Main Road, Congupna.

- The second item for consideration is planning permit application 2014-66 for a multi lot industrial subdivision, alteration to vehicle access to a Road Zone Category 1 and the removal and variation of easements at 37-65 New Dookie Road and 15 Gemini Crescent Shepparton.

#### **10. LATE REPORTS**

None

#### **11. NEXT MEETING**

No meeting date scheduled at this stage

## INDEX

<b><u>Application No.</u></b>	<b><u>Subject Address:</u></b>	<b><u>Proposal:</u></b>	<b><u>Page No.</u></b>
2015-105	3300 Katamatite-Shepparton Main Road, Congupna	Use and development of land for materials recycling (concrete crushing), removal of two native trees, construction of three power poles and development of two agricultural buildings	3
2014-66	37-65 New Dookie Road, Lot B PS401086 and 15 Gemini Crescent, Shepparton	Multi Lot Subdivision in the Industrial 1 Zone, Subdivision adjacent to a Road Zone Category 1, alteration to access to a Road Zone Category 1 and the removal of easements (known as E-1 and E-2 on Plan TP834260J) and Variation of Easement (known at E-3 on Plan PS401086)	31

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## Application Details:

Responsible Officer:	Andrew Dainton
Permit Number:	2015-105
Applicants Name:	C M McRae
Date Received:	17 March 2015
Statutory Days:	194 days to 4/11/2015
Land/Address:	3300 Katamatite-Shepparton Main Road CONGUPNA VIC 3633
Zoning and Overlays:	Farming Zone 1 Floodway Overlay Land Subject to Inundation Overlay
Why is a permit required (include Permit Triggers):	Use of land for materials recycling under 52.45 Buildings and works in the FZ under 35.07-4 Buildings and works in the FO under 44.03-1 Buildings and works in the LSIO under 44.04-1 Removal of native vegetation under 52.17-2
Are there any Restrictive Covenants on the title?	No

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## Proposal

The application is requesting permission for the continuance of the existing materials recycling facility at the site for crushing of up to 5000m<sup>3</sup> of recycled bricks and concrete per year. The owners operate a demolition company from Grahamvale and have regular and continued access to large amounts of brick and concrete waste that can be crushed and recycled for use on driveways and for other purposes.

The use of the crushing equipment is an 'on demand' enterprise, depending on demolition contracts gained. Operation of the actual crusher will not be a 5 days a week business all year round but rather an operation being conducted 3-5 weeks periodically throughout the year. Small retail sales to the public will not be conducted from the site as the owners will transfer the product to a separate site for sales near Shepparton.

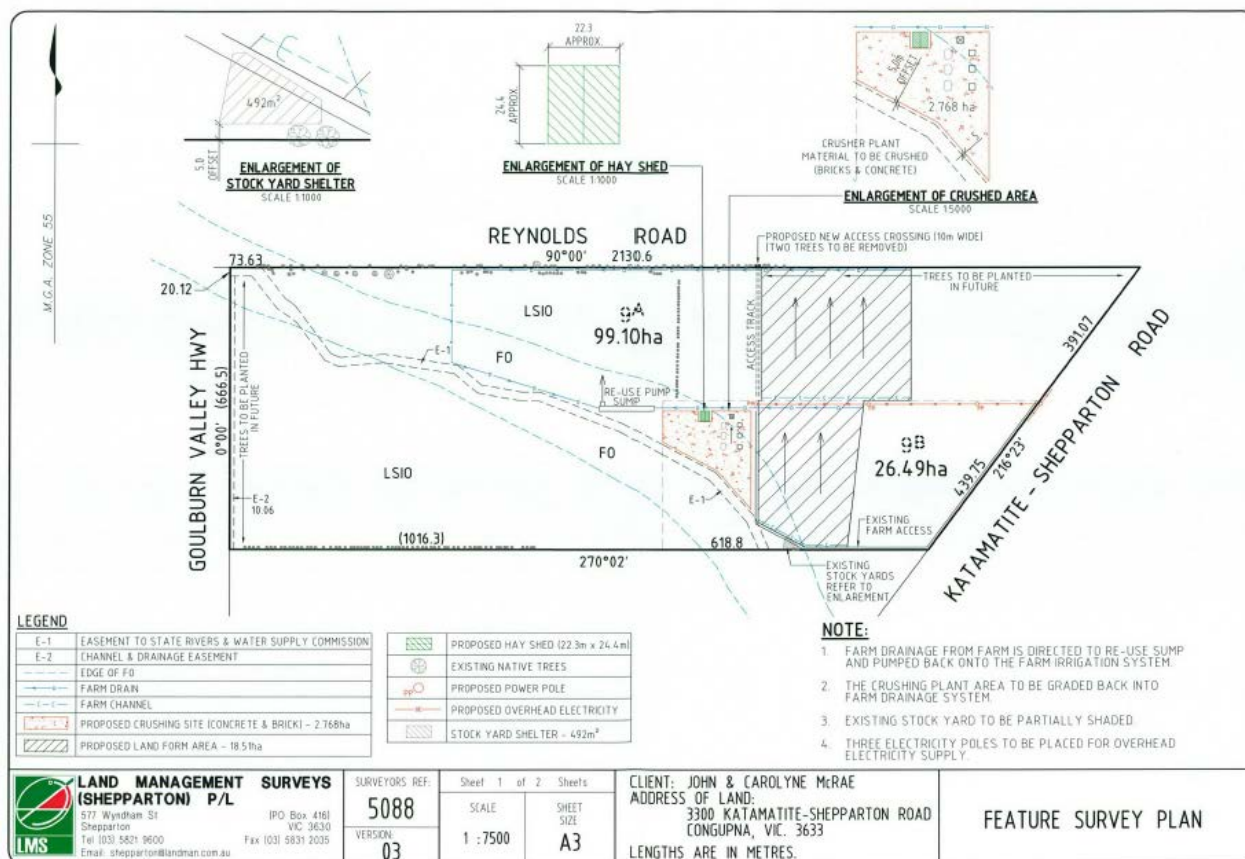
This facility does not require the construction of any buildings as the crushing machines, including the site office and toilet, are portable. It is proposed that the facility will operate between 7am-5pm on weekdays.

The proposal includes the construction of a new 10m wide crossover of Reynolds Road for access to the site. The new access driveway will provide for safer access than the existing entrance from the busier Katamatite-Shepparton Road.

Creation of the new access requires the removal of two native trees within the Reynolds Road reserve. There are currently 3 other entrances to the site off Reynolds Road that will be closed off when the new entrance is constructed. There will be very low additional use of Reynolds Road as the plant will not operate every day.

The proposal also includes: -Power poles- three poles from Katamatite-Shepparton Road to bring the power to the crushing site to replace the existing generator. -Construction of a hay shed 24.4m x 22.3m. -Construction of a shelter over existing stock yards.

A plan of the proposed development is below.



## Summary of Key Issues

- Whether the concrete crushing facility is an appropriate use to locate in the Farming Zone 1, considering local demand and lack of alternative locations.
- That the concrete crushing facility is distant enough from the nearest dwellings on other land and with appropriate operating conditions to control hours and extent of operation, vehicle movements, noise and dust, that detriment will not be caused to other properties and the amenity of the area will not be adversely affected.
- That the facility is located outside the Floodway Overlay and designed to not cause environmental problems to the adjacent ephemeral waterway.
- That the facility can comply with Best Practice Guidelines for resource recovery.
- That removal of two native trees is appropriate to create the new access and the necessary offsets are provided.

## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2015-105** 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 **Clauses 35.07, 44.03, 44.04, 52.17 and 52.45** of the Greater Shepparton Planning Scheme in respect of the land known and described as **3300 Katamatite-Shepparton Main Road CONGUPNA VIC 3633**, for the **use and development of land for materials recycling (concrete crushing), removal of two native trees, construction of three power poles and development of two agricultural buildings** in accordance with the Notice of Decision and the endorsed plans.

### Moved by Colin Kalms

### Seconded by Michael MacDonagh

That Council having caused notice of Planning Application No. **2015-105** 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 **Clauses 35.07, 44.03, 44.04, 52.17 and 52.45** of the Greater Shepparton Planning Scheme in respect of the land known and described as **3300 Katamatite-Shepparton Main Road CONGUPNA VIC 3633**, for the **use and development of land for materials recycling (concrete crushing), removal of two native trees, construction of three power poles and development of two agricultural buildings** in accordance with the Notice of Decision and the endorsed plans.

**CARRIED**

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## Subject Site & Locality

An inspection of the site and the surrounding area was undertaken on 7 April 2015.

The site has a total area of **125 hectares** and currently contains:

The subject site is located approximately 2.8km north east of Congupna. The site is an irrigated farm. Scattered vegetation exists throughout the site including rows of planted native vegetation. Pine Lodge Creek runs across the site. The main access to the site is currently from the western boundary off Katamatite-Shepparton Road.

Properties adjoining and opposite the site are used for farming purposes.



The Photos below show the existing site:



View south from Reynolds Road down access driveway to crushing site



Equipment and stockpiles of bricks



The two closest trees in the photo for removal in Reynolds Road reserve to allow new access.

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## Permit/Site History

The history of the site includes:

- Approval of a whole farm plan in July 2005
- Enforcement File EF-175 investigations and enforcement activity including negotiations regarding cease dates and requests for site specific planning scheme amendments has been occurring in relation to activities at this site since 2006.
- Representations have been made to the Minister for Planning since 2009 seeking amendment to the Farming Zone provisions to allow consideration of the site for concrete crushing given the lack of alternative sites available within the Municipality. Note: Changes made by the Minister to the allowable uses in the Farming Zone in September 2013 have enabled application 2015-105 to be made.

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## Further Information

Was further information requested for this application? Yes on 10 April 2015.

The information request sought the following:

- Clarify the area of the land to be used for the materials recycling
- Amount of material being brought to the site
- How often crushing will occur on the land

- Management plan in which the crushing will operate under particularly in relation to wind conditions
- Native vegetation report for removal of two trees
- Improved plans to show agricultural buildings being hay shed and roof over cattle yards
- Provide a one page summary of the application that can go to neighbours during public notice

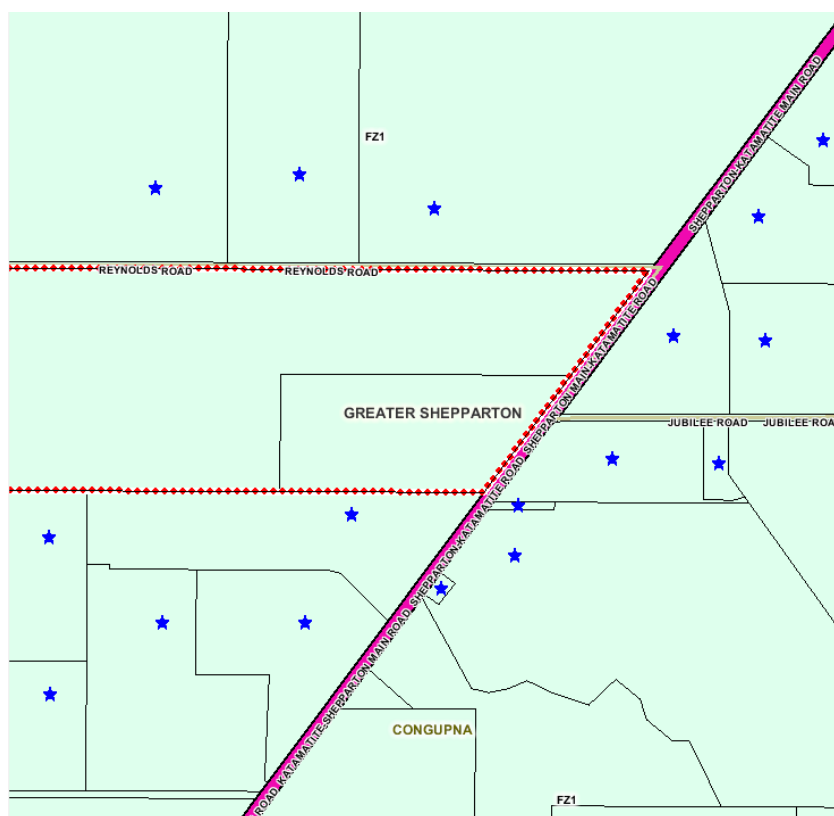
A satisfactory RFI response was received on 16 April 2015.

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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.
- The application was advertised to the properties shown on the map below.



Parts of the application relating to permission in the LSIO was exempt from being advertised in accordance with Clause 44.03-4 and 44.04-4 of the planning scheme.

## Objections

The Council has received two objections to date. The key issues that were raised in the objection submission by Andrew and Elizabeth Grant from 3390 Katamatite-Shepparton Road, Congupna (directly abutting the south boundary of the subject land) are.

- *The proposed operations will create unacceptable noise and air quality impacts. The existing (illegal) operation has already resulted in unacceptable acoustic amenity impacts and legitimisation of the land use will not resolve this matter.*
- *Dust and other airborne particles from the proposed operations may contaminate our rain water drinking supply.*
- *The proposed operations may exacerbate respiratory health issues suffered by a resident.*

The objector included the following objections in response to decision guidelines in the planning scheme:

1. *The proposal is inconsistent with the purposes of the farming zone (FZ). None of the objectives of the FZ support the proposed use.*
2. *The proposal is at odds with the objectives sought by the floodway overlay.*
3. *The proposal will have adverse amenity impacts to surrounding residential dwellings.*
4. *Within the context of the subject land and surrounds, the proposed facility is poorly sited, particularly with respect to off site amenity impacts and watercourse risks.*
5. *The proposal is not consistent with the Guide to Best Practice at Resource Recovery Centres (Sustainability Victoria, 2009).*
6. *The application is deficient with respect to several matters. It lacks sufficient acoustic assessment, a detailed site layout plan, stormwater management, transport infrastructure, traffic management, operational controls, noise attenuation and dust suppression measures.*

*The fact that there are clear inconsistencies between the applicants original Planning Submission and the further information letter dated 13 April 2015 indicates that there are many matters that remain unresolved; which identifies that the permit applicant has not conducted a rigorous examination of all relevant matters that require consideration.*

The objection from Keith and Aileen Raverty of 50 Jubilee Road, Congupna (located 470m east of the intersection of Jubilee Road with Katamatite-Shepparton Road, about 1km total distance from the crushing site) stated the following:

- *As we are on tanks we are concerned that dust may contaminate our water tanks supply as it is for household use.*

### Comments on the objections:

Concerns about airborne and noise emissions from concrete crushing are legitimate. Dust can be created by crushing activity and requires consideration of wind strength and direction, water spray and distance to a sensitive receiver (nearby dwelling).

For noise emission, distance is the most important factor as noise level decreases with distance. Measures that can be made at the source to reduce noise levels include shielding, time of noise (relevant to background noise levels), type of noise characteristics and duration. Noise of crushing activity should reduce to acceptable daytime levels under NIRV over a distance of 500m. Any additional measures such as some shielding could reduce this further if necessary.

The applicant intends to incorporate water spray to the concrete crushing to reduce dust, and to cease crushing when wind strength and direction is unfavourable.

Proposed conditions in relation of dust and noise management are:

Condition 4 - Hours of Operation – limiting hours to normal business hours and duration to ten calendar days per quarter,

Condition 5 - Noise control including conducting a noise test within six months of commencing under the permit and carrying out further measures as necessary,

Condition 6 - Dust Management including wetting down stockpiles before crushing, consideration to wind forecast and actual occurrence,

Condition 9 - Environmental Management Plan requiring experienced and trained personal, litter prevention, dust prevention,

Condition 11 - Covered loads,

Condition 14 - Landscape screen, and

Condition 15 - Environment Protection Authority in relation to dust and noise.

The distance to the dwelling of the closest objector is 450m to the south-east. This distance increases to 500m under condition 1 amending plans to ensure the activity is not within the Floodway Overlay. The distance to the other objector to the east is 1km from the activity area. Provided the activity is managed in accordance with permit conditions there should not be any loss of amenity to the surrounding properties including the objectors.

The objections in relation to decision guidelines are considered with in each of the relevant sections of this report and are not repeated here. The use is not prohibited in the Farming Zone and takes a small amount of land within a productive property. Locating such a use in the Farming Zone must be balanced against the need for the facility to recycle concrete waste and the lack of an alternative zone where such a use can be permitted and have such extensive separation from adjoining uses sensitive to noise or dust and in particular dwellings.

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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.

## Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
GBCMA	44.03-5 and 44.04-5	Recommending	The proposed recycling facility must be located outside the Floodway Overlay

## Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
EPA	<p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• Nuisance dust must not be discharged beyond the boundaries of the premises.</li> <li>• The applicant must limit the scale of, or cease operations, which emit dust during windy days when dust levels are unacceptable.</li> <li>• Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.</li> <li>• The applicant must install bunds and/or cut -off drains around the boundary of operational area to prevent contaminated run-off entering into a waterway.</li> <li>• A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.</li> <li>• Prescribed industrial wastes, as defined by the Environment Protection (Industrial Waste Resource) Regulations 2009, must not be accepted at the premises.</li> </ul> <p>EPA also made the following comments in relation to Council's consideration of the application.</p> <p>EPA Publication 1518 Recommended separation distances for industrial residual air emissions (March 2013) does not include a separation distance for materials recycling, rather they are assessed on a case by case basis. In this instance the closest sensitive use (a dwelling on the adjoining property to the south) is situated approximately 400m away, and access to the site is to be gained from Reynolds Road to the north. Given this the amenity of the residents is unlikely to be unreasonably impacted upon as a result of the proposal and in this instance the separation distance proposed appears acceptable.</p> <p>EPA recommends Council also include a condition limiting the volume of materials that can be stored at the site at any one time so as to reduce the likelihood of stockpiling of material at the site, and ensure that adequate quality control measures are in place so that Prescribed Industrial Waste is not accepted at the premises. Council should also ensure that adequate dust control measures are installed at the site.</p>
GMW	<p>No objection to this planning permit being granted subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. No buildings or works may be erected or carried out within 30 metres of any Goulburn-Murray Water surface infrastructure (including open irrigation channels</li> </ol>

	<p>and drains), 10 metres from any other structure (such as culverts, drainage inlets, subways, syphons), or 5 metres from any below surface infrastructure (including pipelines), located on any G-MW freehold, easements or reserves.</p> <ol style="list-style-type: none"> <li>2. The Crusher Plant, or any associated works or building (including the hay shed) must not be constructed within the Flood Overlay, nor are any works to occur within the Flood Overlay.</li> <li>3. The crusher plant site and associated works area must be appropriately bunded to ensure that no sediment or contaminated runoff is discharged from the area and enter the waterway and/or drain.</li> <li>4. Stormwater runoff from the proposed crushing site and associated works area must first be retained onsite via onsite storage with a volume of 5000.0 kL in the form of tanks or via a retarding basin. The drain level of service at this location is 1 in 10; therefore the maximum allowable discharge rate from the development is to be 1.2L/s/ha.</li> <li>5. The design plan shows tree plantations alongside GMW assets (Easement E-2). Trees must not be planted on GMW reserve/easement. Trees must be planted at least 1 m from the boundary fence or 5 m from the outside toe of any bank. The following trees must not be planted within 50 m of GMW channels or drains: all varieties of Willow; all varieties of Poplar; and Swamp She-oak (<i>Casuarina glauca</i>).</li> </ol>
Powercor	Conditions for provision of an electricity supply

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	Conditions for rural vehicle crossing, and rural drainage

## Assessment

### The zoning of the land

Farming Zone

#### Purpose

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

Materials recycling is a permit required use in the FZ.

Decision guidelines are under 35.07-6 and include:

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

### **General issues**

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

### **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.*

### **Comments:**

The application submission stated that:

*The proposed activities are in accordance with the purpose of the zone because the crushing plant only takes up approximately 1 hectare of the 125.59 hectare site (less than 1%), the remainder of the site will remain in agricultural use including cropping and cattle farming. The crushing plant is not a permanent use of the land due to the*



*transportable machines, therefore, will not permanently remove the land from agricultural use. The plant will not affect the environment as any runoff from the activity area will be directed to the re-use pump sump. The site will provide employment opportunities.*

In relation to the relevant decision guidelines of the Farming Zone 1 (FZ1), the use of a relatively minor portion of the property for the proposed use whereby the remainder of the land is used for productive agriculture is a relevant consideration. Also the recent changes to permitted uses which has allowed the current application contemplates that there are beneficial uses such as waste recycling that may be appropriate to locate in the FZ1.

The purpose of the Farming Zone does envisage non-agricultural uses subject to considering the impact under relevant decision guidelines

The use is proposed in a location central to the farming property which allows adequate buffers of a minimum 450m to the closest dwelling. (Under proposed conditions which require the activity to be outside the Floodway Overlay, the crushing would be not closer than 500m from the nearest dwelling and one kilometre from the next closest.

The controls to limit dust and noise and required compliance with NIRV noise guidelines ensure that the activity does not cause disturbance appreciably above background noise levels and would not affect surrounding agricultural production. Some activities in the farming area including ploughing, scarifying and grading cause plumes of fine dust to travel great distances. The crushing activity on the other hand should not cause such a dust problem and the particle size from concrete and bricks would not travel long distances under normal wind conditions.

The activity does support agriculture by providing a cheaper recycled material for use on farm tracks and that is the market for much of the product according to the applicant.

The activity is portable and need not take land permanently out of agriculture. The remainder of the property is still able to be farmed.

Conditions imposed by GBCMA, GMW, Council and EPA are designed to ensure that the activity does not adversely impact on the environment of the waterway.

The activity and stockpiles are required to be limited in extent and grouped to minimise loss of farmland and be of reasonable appearance from the distant view points on public roads or adjacent land. It is not unusual to have large machinery stored in the open on rural properties.

The moving of access to the site to Reynolds Road increases the safety due to traffic turning from Katamatite Road at a recognised road intersection rather than at a rural driveway entrance. Traffic in Reynolds Road is of low volume, and lower speed than the main road. The road can cope adequately with the anticipated volume of truck movements from the activity.

### **Relevant overlay provisions**

Floodway Overlay and Land Subject to Inundation Overlay

### **Purpose**

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

- *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.*

#### Comments:

The application submission provided that:

*The continued use of the materials recycling facility will not interrupt the free passage or temporary storage of floodwater nor will it affect waterway health as any runoff will be collected and used for irrigation. The proposed power poles, hay shed and stock yard cover, will not block floodwater as the shelters will be supported by thin poles with open sides.*

The GCMA does not object to the application provided that the activity does not take place within the Floodway Overlay. Together with the GMW conditions requiring bunds and control of stormwater runoff this will protect the waterway that crosses the property.

The structures of the hayshed and roof to stockyards and also the crusher equipment will not impede flow or affect flood storage within the LSIO.

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

##### **12.01-2 Native vegetation management**

###### **Objective**

- *To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.*

##### **13.02-1 Floodplain management**

- *Avoid intensifying the impacts of flooding through inappropriately located uses and developments.*

##### **13.04-1 Noise abatement**

###### **Objective**

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

###### **Strategy**

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

Planning must consider as relevant:

*Interim Guidelines for Control of Noise from Industry in Country Victoria (Environment Protection Authority, 1989). (now Noise from Industry in Regional Victoria (NIRV) October 2011.*

Comment: As state previously the closest dwelling would be 500m from the noise source under the permit conditions. This should be adequate to ensure that the noise which would only be generated within daytime 7am to 6pm Mon-Fri, 7am to 1pm Sat, complies with NIRV. The proposed conditions provide a safeguard that the noise would be measured under operating conditions and any additional measures identified as necessary would have to be implemented by the operator.

#### **13.04-2 Air quality**

##### **Objective**

- *To assist the protection and improvement of air quality.*
- *Ensure, wherever possible, that there is suitable separation between land uses that reduce*
- *amenity and sensitive land uses.*

Planning must consider as relevant:

- *State Environment Protection Policy (Air Quality Management).*
- *Recommended Buffer Distances for Industrial Residual Air Emissions (Environmental Protection Authority, 1990) in assessing the separation between land uses that reduce amenity and sensitive land uses.*

Comment: Loss of amenity due to dust is the second major concern of objectors in relation to a crushing operation. The applicant proposes measures to reduce any dust that might otherwise be generated. The proposed permit conditions relating to use of water spray, and regard to weather conditions directly act to eliminate any nuisance from dust beyond the property boundaries.

#### **14.01-1 Protection of agricultural land**

##### **Objective**

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

##### **Strategies**

- *Ensure that the State's agricultural base is protected from the unplanned loss of productive*
- *agricultural land due to permanent changes of land use.*

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*

- *Assessment of the land capability.*

*Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.*

*Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.*

*In assessing rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals (such as degradation of soil or water quality and land salinisation) which might affect productive agricultural land against the benefits of the proposals.*

Comment: The application does propose to use a small proportion of farmland for the activity, which potentially uses productive land. The Farming Zone does envisage non-agricultural uses where this can be justified by need and supported by other policy – such as resource recovery and re-use. The activity will assist production on agricultural land in general by provision of a re-used and lower cost product for farm driveways and laneways. The activity does not affect the use of surrounding properties for agriculture.

#### **14.02-2 Water quality**

##### **Objective**

- *To protect water quality.*

##### **Strategies**

- *Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.*

Planning must consider as relevant:

- *Doing it Right on Subdivisions: Temporary Environment Protection Measures for Subdivision Construction Sites (Environmental Protection Authority, 2004 – Publication 960).*

Comment: Conditions required by Council and referral authorities are designed to prevent any degradation to a waterway or off-site discharge.

#### **15.03-2 Aboriginal cultural heritage**

##### **Objective**

- *To ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

Comment: An aboriginal due diligence assessment has been completed with the conclusion that no Cultural Heritage Management Plan is required. See details in Aboriginal Heritage Act 2006 section of this report.

#### **19.03-5 Waste and resource recovery**

##### **Objective**

- *To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.*

##### **Strategies**

- *Establish new sites and facilities to safely and sustainably manage all waste and maximise opportunities for resource recovery.*

- *Encourage facilities for resource recovery to maximise the amount of resources recovered.*
- *Provide sufficient waste management and resource recovery facilities to promote re-use, recycling, reprocessing and resource recovery and enable technologies that increase recovery and treatment of resources to produce energy and marketable end products.*
- *Encourage waste generators and resource generators and resource recovery businesses to locate in close proximity to enhance sustainability and economies of scale.*
- *Ensure buffers for waste and resource recovery facilities are defined, protected and maintained.*

Comment: this policy supports the activity as it proposes to recover and crush concrete and brick waste to be re-used in the local area, with the activity located on a convenient but large property able to provide adequate buffers to adjoining properties.

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

### **21.05-2 Floodplain and Drainage Management**

#### **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.*

### **21.06-1 Agriculture**

- *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.*

### **21.07-2 Urban And Rural Services**

- *Goulburn Valley Regional Waste Management anticipates that within the next 20 years technology may change the way we are currently treating and managing waste with government regulations expected to limit the amount of waste going to landfill with greater emphasis on recycling and green waste reuse.*

Comment: See relevant discussion under State Policy headings. The activity cannot be easily located within an alternative zone, industrial and commercial zones within Shepparton and surrounds do not have sites large enough for adequate buffers. The activity will reduce waste to landfill and produce a useful product through recycling and processing.

## **Relevant Particular Provisions**

### **52.17 Native Vegetation**

### **Purpose**

- *To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:*
  - *Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*
  - *Minimise impacts on Victoria's biodiversity from the removal of native vegetation.*
  - *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*
- *To manage native vegetation to minimise land and water degradation.*
- *To manage native vegetation near buildings to reduce the threat to life and property from bushfire.*

A permit is required to remove native vegetation under 52.17-2.

Exemptions for the removal of native vegetation are contained at 52.17-2 and include:

Vehicle access from public roads:

To enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road, subject to authorisation from the relevant public land manager.

This exemption only applies to properties which share a common boundary with the road reserve.

The maximum total width of native vegetation permitted to be removed, destroyed or lopped under this exemption is 6 metres.

This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.

The application submits that:

*The owners of the site have planted and established rows of trees throughout the property approximately 5 years ago. The below photographs indicate these established plantation rows. There are plans to expand these areas further across the property.*

Comment: - The land abuts the Reynolds Road reserve and has been reasonably sited to only require the removal of two trees, however the application has been assessed under the low-risk pathway and the appropriate off-sets will be required. The owner has undertaken extensive tree planting within the site.

### **52.45 – Resource Recovery**

#### **Purpose**

- *To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.*

Decision guidelines are at Clause 52.45-3 and include:

Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider:

- *The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.*
- *The impact of the proposal on the amenity of the surrounding area.*
- *The Towards Zero Waste Strategy (DSE, 2005) and the Metropolitan Waste and Resource Recovery Strategic Plan (Sustainability Victoria, 2009).*
- *Relevant guidelines applicable to the use including the Environmental Guidelines for Composting and Other Organic Recycling Facilities (EPA, 1996), the Guide to Best Practice for Organics Recovery (Sustainability Victoria, 2009) and the Guide to Best Practice at Resource Recovery Centres (Sustainability Victoria, 2009).*

Comments: As stated previously the application proposes recycling to reduce landfill and produce a useable product.

#### **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.*

In respect of planning scheme policy, zone, overlay and particular provisions the applicant submits that:

*It is intended that we use a small area of property for the use of recycling concrete and bricks. There is a demand for the recycling and reuse of this product and we would be able to handle larger materials that local Council are unable to accommodate. Also relieving pressure on local landfill. It would be intended that an area of non productive land of 2-3 Ha be used for activity and stockpiles.*

*Truck access to property of Reynolds road —very low additional use and there would be none outside day light hours. We estimate up to 150 truckloads of product entering property per annum. In regards to concrete crushing operations we estimate there may be up to 5000 cubic meters of concrete and or bricks per annum. This is all dependent on projects in area. Product would be from local area only.*

*Primarily product would be from our operations only. Product from other operators may be allowed but only if they are approved by us and meet our standards. For example concrete /bricks must be clean loads, not mixed, must be clean and not contaminated. Property is locked so there is no one making deliveries without us being there. So any additional loads from others must be go thru office in Grahamvale.*

*Actual crushing is not a 5 day week operation but would be dependent on sufficient quantities before crushing takes place. Anticipate that actual crushing would occur for 3-5 day periods x 3-4 times a year. Sometimes product has to be pulverized with excavator before crushing takes place. Dust is suppressed with sprinkling system. Crushing will not take place on days when weather is not favourable. Will not take place if winds are strong. Noise levels are no more than traffic on highway or other heavy machinery operations.*

*Crushed product is a reusable product and sale will occur. Large quantities by truck load will be out loaded by our vehicles. Smaller quantities for example trailer loads will be picked up from our yard at Grahamvale road.*

*The actual Crusher equipment is totally portable and will not always be on this site. We encourage crushing to take place where possible on the actual demolition sites for the clients to reuse product themselves. Concrete and bricks going to our facility would only be from jobs where crushing on site is not viable or required.*

*There is virtually no pollution as product is crushed and screened into suitable stockpiles. All metal is separated and disposed of at suitable facility, concrete /bricks stockpiled until reused. No asbestos contaminated concrete or brick will be allowed on our site. Loads delivered will be separate, bricks only or concrete only. They will not contain timber or other materials.*

*The proposed recycling crushing plant for concrete and bricks creates an opportunity to recycle non-toxic material that would otherwise go to landfill. It is considered that it provides*



*a facility in the local market for demolition contractors, councils and other government departments that do not provide or have a facility to process such materials.*

*The end recycled product can be used for road fill, pavement foundation, internal roads and in the primary producer sector such as dairying and cattle raising properties for laneways, mustering yards etc. Some of the older bricks are hand cleaned and reused for historical restorations.*

*Dumping will not occur as access to the farm and the crusher site will be locked at all times when the owner or staff are not on site.*

*The actual crusher equipment is totally transportable and where the opportunity arises it will be transported to the contracted demolition site. It is encourage for crushing to take place where possible on the actual sites and suggested to clients to reuse the products themselves.*

Comments: The matters of Clause 65 have been considered elsewhere in this report. A decision to grant a permit is considered orderly planning as the proposed activity can be adequately located on the site and subject to conditions will not cause detriment to the amenity of the area, it cannot be reasonably located on land of alternative zoning, and on balance satisfies the need identified in State and local planning policy.

**Relevant incorporated or reference documents**

*Greater Shepparton Floodplain Development Plan –Precinct of Broken Creek, October 2006*

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

None applicable to the application

**Relevant Planning Scheme amendments**

None applicable to the application

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

The application does not have significant social and economic effects

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

None applicable to the application

**The Aboriginal Heritage Act 2006**

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

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

The 'Area of Cultural Heritage Sensitivity in Victoria' includes the land within an area of cultural heritage sensitivity.

The applicant was supported by a report from RPS to determine if the proposed use and development triggered the need for a CHMP. RPS stated the following within their report:

*A CHMP is not required for the proposed activity as the activity area is not an area of cultural heritage sensitivity and the activity is not a high impact activity. Based on the desktop assessment of cultural heritage, visual inspection of the activity area, and understanding of the proposed activity, the risk of discovering Aboriginal places within the activity area as a result of the proposed activity is considered to be nil.*

*The activity area has been subject to significant ground disturbance as a result of previous land uses and the modification and maintenance of the Pine Lodge Creek as an irrigation asset. Additionally, no previously recorded Aboriginal places have been recorded in or within 1.5 kilometres of the activity area.*

On this basis a CHMP is not required for the proposed activity. This is in accordance with the Aboriginal Heritage Act 2006.

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

The process of consideration and decision-making in respect of the application has given proper consideration to and is compatible with the requirements of the Charter of Human Rights and Responsibilities.

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## **Conclusion**

It is considered that the proposal for use and development for materials recycling (concrete crushing) and removal of native vegetation will produce an acceptable planning outcome having regard to policy and decision guidelines Farming Zone 1, Floodway Overlay, Land Subject to Inundation Overlay, and particular provisions and that a Notice of Decision to grant a permit should be issued subject to the conditions in the recommendation of this report.

# Draft Notice Of Decision

**APPLICATION NO:** 2015-105

**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:** 3300 KATAMATITE-SHEPPARTON MAIN ROAD CONGUPNA VIC 3633

**WHAT THE PERMIT WILL ALLOW:** USE AND DEVELOPMENT OF LAND FOR MATERIALS RECYCLING (CONCRETE CRUSHING), REMOVAL OF TWO NATIVE TREES, CONSTRUCTION OF THREE POWER POLES AND DEVELOPMENT OF TWO AGRICULTURAL BUILDINGS

## **WHAT WILL THE CONDITIONS OF THE PERMIT BE?**

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**1. Amended Plans Required**

Before the use and 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 two copies (or as specified) must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) Elevation plans of the hay shed and stock yard
- b) The boundaries within which the relocated materials recycling use area must be contained as required by this permit. The area must be outside the Floodway Overlay as required by the Goulburn Broken Catchment Management Authority and Goulburn Murray Water, and not closer than 500m from the nearest dwelling not in the same ownership.
- c) A detailed site plan of the materials recycling use including location of crusher, stockpiles and areas for internal vehicle circulation
- d) The submission of a drainage plan to satisfy Goulburn Murray Water's requirements, including position of bunds.

**2. Layout Not Altered**

Except for the access driveway from Reynolds Road, the use and development of materials recycling as shown on the endorsed plans must be contained within the area of the site shown for materials storage and recycling and must not be altered without

the written consent of the responsible authority.

Retail sales of the crushed products are not permitted from the land.

**3. Rural Vehicle Crossing**

Before the use commences the vehicle crossing providing access to the land from Reynolds Road must be constructed at a location as shown on the endorsed plans and of dimensions and standard to the satisfaction of the responsible authority.

The vehicle crossing for the lot must be no less than 4.9 metres in length and include a pipe of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of (375) mm). Culverts located in the clear zone shall be installed with trafficable end walls (refer IDM standard drawing SD 255). The final location of the crossing is to be approved by the responsible authority via a 'Works within the Roads Reserve' (Road Opening)' permit.

Vehicle access to the materials recycling use is not allowed via direct entry from Katamatite – Shepparton Main Road.

**4. Hours of Operation**

The use may only operate between the hours of:

- a) Monday to Friday 8.00am to 5.00pm

The use must not operate for more than ten days per calendar quarter of a year unless otherwise agreed in writing by the responsible authority.

The operator must keep a log of days on site concrete, stone and brick crushing is conducted and upon request provide a copy of this log to the responsible authority.

**5. Noise Control**

- The use hereby permitted must be conducted such that noise levels generated do not exceed permissible noise levels established in accordance with State Environmental Protection Policy No. N-1 (Control of Noise from Commerce, Industry and Trade) under the Environment Protection Act 1970, or NIRV (Noise from Industry in Regional Victoria) as applicable.
- Within six months of the use commencing the permit holder must engage a suitably qualified person to undertake a noise test to ensure the concrete crushing activities on the land comply with the relevant EPA noise guidelines. If the noise testing finds the use is not achieving compliance then measures such as modifying activities conducted on the site, additional restrictions on permissible hours for such activities by amendment of this permit, or additional acoustic attenuation measures, or a combination of the above must be undertaken without delay.
- 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 additional measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.

- Following receipt of the report of measured noise levels and additional measures to ensure noise of activities of material recycling does not breach the above EPA noise limits, in consultation with the permit holder the responsible authority will require the permit holder to implement appropriate measures, which may include the permit holder submitting a formal request for changes to permit conditions, and the measures must be implemented and maintained thereafter to the satisfaction of the responsible authority.

## **6. Dust Management**

Before the commencement of the use a dust management plan must be prepared to the satisfaction of the responsible authority. The plan must include measures to ensure any dust from the operation does not cause unreasonable impact upon the amenity of the area. The dust management plan must include the following:

- the provision of an adequate supply of water being available at all times for the purpose of dust suppression
- internal roads should be clearly defined to ensure that vehicles do not randomly drive on the hardstand areas which are not watered
- stockpiles must be wetted down before loaders move materials
- Portable sprinkler systems should be provided to prevent dust emissions at all times from stockpiles.
- All material must be wetted down before being placed in the crushing machine
- The operations of the site must have regard to predicted climatic conditions and the operations at site must be adjusted or where reasonably necessary halted during extreme climatic conditions which have a propensity to lead to any significant increase in the levels of visible raised dust. Dust mitigation measures must continue on days when the site is not in operation.
- The operator must at all times designate a person who is responsible for the implementation of the Dust Management Plan, to ensure that dust does not have any unreasonable impact on the amenity of the area.

The use of the land must be conducted in accordance with the Dust Management Plan approved by the responsible authority. The Dust Management Plan may be amended with the consent of the responsible authority.

## **7. Materials to be Crushed or Recycled**

Materials other than construction and demolition wastes of concrete, bricks and rock must not be brought to the site, stored, crushed or recycled at the premises except with the consent of the responsible authority. Such materials not permitted include timber, hardboard, metals other than reinforcing mesh yet to be separated from concrete.

## **8. Quantity of Materials**

- a) The total quantity of materials brought to the site for recycling must not exceed 5000 tonnes per annum.
- b) The total quantity of materials stored in connection with the materials recycling use must not exceed 5000 cubic metres at any one time.

- c) The stockpiles of materials on the site must not exceed five metres in height and there must be a separation of at least three metres between each stockpile to the satisfaction of the responsible authority.

These quantities/dimensions must not be exceeded without the written permission of the responsible authority to be obtained in advance.

**9. Environmental Management Plan**

Prior to the commencement of the use hereby permitted an Environmental Management Plan, prepared by a suitably qualified person and to the satisfaction of the responsible authority, 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 provide for the operation and management of the use and development hereby permitted in a manner which:

- is in accordance with the “Guide To Best Practice At Resource Recovery Centres” Sustainability Victoria 2009;
- ensures that an experienced and trained site manager is present at all times when the use hereby permitted is operated to receive and recycle waste, together with a sufficient number of staff to ensure its satisfactory operation and that the gatehouse/weighbridge area is manned at all times during the hours of operation of the use hereby permitted, to ensure access to the site is controlled and that only construction and demolition waste is received;
- provides for measures to prevent litter arising from the operations at all times is confined within the boundaries of the subject land and disposed of to the satisfaction of the responsible authority;
- provides for measures to prevent paper and other light materials being blown from the subject land;
- provides for measures to prevent dust arising from operations associated with the use or development hereby permitted from extending beyond the boundaries of the site;
- ensures that an adequate water supply and distribution system is available at all times so that sufficient water may be discharged by means of a hose to extinguish a fire on any part of the site;

The use and development hereby permitted must be managed and maintained in accordance with the approved Environmental Management Plan at all times to the satisfaction of the responsible authority.

**10. Prohibited Materials**

Prescribed industrial wastes including asbestos, as defined by the *Environment Protection (Prescribed Waste) Regulations 1998*, should not be permitted to be accepted on site, without the further written permission of the responsible authority and the required permission of the Environment Protection Authority.

Where such wastes are detected, the operator must direct the carrier to the appropriate facility, or if found within the depositing or processing areas, immediately place such waste in an appropriate container and remove the waste to the appropriate facility. All such material must be removed within twenty-four (24) hours of detection.

The operator must provide and maintain a sign at the front entry of the site indicating the type of waste materials that must not be deposited at the site and provide advice as to the location of the nearest approved waste facility for the various wastes.

Access to the materials recycling area is to be kept locked at all times that the operator is not in attendance at the site or implementation of similar measure to ensure that materials are not brought to and left at the site without authorisation and supervision of the operator.

**11. Covered Loads**

All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the responsible authority.

**12. Native Vegetation Offsets**

Native vegetation offsets are required to offset the removal of native vegetation (**2 scattered trees**) approved as part of this permit. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment, Land, Water and Planning)*:

The offset must:

- a) contribute gain of at least **0.008 general biodiversity equivalence units**
- b) be located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton City Council Municipal district
- c) have a **strategic biodiversity score of at least 0.156**

**13. Native Vegetation Offset Evidence**

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries)*.

Offset evidence can be either:

- a) An allocated native vegetation credit register extract from the Native Vegetation Credit Register; or
- b) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority.  
Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

The Offset Management Plan must be in accordance with *Permitted clearing of native vegetation; First party general offset kit (Department of Environment and Primary Industries)* and include:

- (a) The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions
- (b) Location of where offsets are to be provided and size of area (to be drawn to scale)
- (c) Type of offsets to be provided
- (d) If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density

- (e) Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses
- (f) Management actions that will be undertaken to ensure long term sustainability of offset(s) such as permanent fencing, weed control, revegetation maintenance, retention of timber/branches and other habitat management actions
- (g) Method of permanent protection for offset(s) such as a formal agreement
- (h) Person(s) responsible for implementing and monitoring the Offset Management Plan
- (i) Time frame for implementing the Offset Management Plan
- (j) Other actions (to be specified)

**14. Landscape Plan**

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

**15. Environment Protection Authority**

- a) Nuisance dust must not be discharged beyond the boundaries of the premises.
- b) The applicant must limit the scale of, or cease operations, which emit dust during windy days when dust levels are unacceptable.
- c) Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
- d) The applicant must install bunds and/or cut -off drains around the boundary of operational area to prevent contaminated run-off entering into a waterway.
- e) A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
- f) Prescribed industrial wastes, as defined by the Environment Protection (Industrial Waste Resource) Regulations 2009, must not be accepted at the premises.

**16. Goulburn Murray Water Requirements**

- a) No buildings or works may be erected or carried out within 30 metres of any Goulburn-Murray Water surface infrastructure (including open irrigation channels and drains), 10 metres from any other structure (such as culverts, drainage inlets, subways, syphons), or 5 metres from any below surface infrastructure (including pipelines), located on any G-MW freehold, easements or reserves.
- b) The Crusher Plant, or any associated works or building (including the hay shed) must not be constructed within the Flood Overlay, nor are any works to occur within the Flood Overlay.
- c) The crusher plant site and associated works area must be appropriately bunded to ensure that no sediment or contaminated runoff is discharged from



the area and enter the waterway and/or drain.

- d) Stormwater runoff from the proposed crushing site and associated works area must first be retained onsite via onsite storage with a volume of 5000.0 kL in the form of tanks or via a retarding basin. The drain level of service at this location is 1 in 10; therefore the maximum allowable discharge rate from the development is to be 1.2L/s/ha.
- e) The design plan shows tree plantations alongside GMW assets (Easement E-2). Trees must not be planted on GMW reserve/easement. Trees must be planted at least 1 m from the boundary fence or 5 m from the outside toe of any bank. The following trees must not be planted within 50 m of GMW channels or drains: all varieties of Willow; all varieties of Poplar; and Swamp She-oak (*Casuarina glauca*).

**17. Powercor Requirements**

The applicant shall:

- a) Provide an electricity supply to development 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
- b) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations
- c) Any construction work must comply with Energy Safe Victoria's 'No Go Zone' rules

**18. Goulburn Broken Catchment Management Authority Requirement**

The proposed materials recycling facility must be located outside the Floodway Overlay.

**19. Time for Starting and Completion**

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

- a) the development and use are not 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.

## Application Details:

Responsible Officer:	Ronan Murphy
Application Number:	2014-66
Applicants Name:	Fourteenth Nell P/L
Date Application Received:	28 March 2014
Statutory Days:	148
Land/Address:	37-65 New Dookie Road, Lot B PS401086 and 15 Gemini Crescent SHEPPARTON VIC 3630
Zoning and Overlays:	Industrial 1 Zone General Residential Zone Land Subject to Inundation Overlay General Residential Zone
Why is a permit required (include Permit Triggers):	33.01-3 Subdivision in the Industrial 1 Zone 44.04-2 Subdivision in the Land Subject to Inundation Overlay 52.02 Easements, Restrictions and reserves. 52.29 Alteration to an access to a Road Zone Category 1 Subdivision adjacent to a Road Zone Category 1
Are there any Restrictive Covenants on the title?	No

## Proposal

The proposal comprises of a staged multi lot industrial subdivision (32 lots) 37-65 New Dookie Road, Shepparton.

The application also includes the removal of a number of easements as set out below:

- E-1 on the western side of Lot 1 TP834260J which is carriageway easement extending from New Dookie Road to land to the rear of the adjoining property at 19-35 New Dookie Road.
- E-2 on TP 834260J is a carriageway easement.
- E-3 ON PS401086 is a carriageway, drainage and power easement which does not contain assets and which is required to be adjusted approximately 6m to the east to align with the proposed layout.

The land is within the Industrial 1 Zone and partially within the General Residential Zone and is affected by the Land Subject to Inundation Overlay.

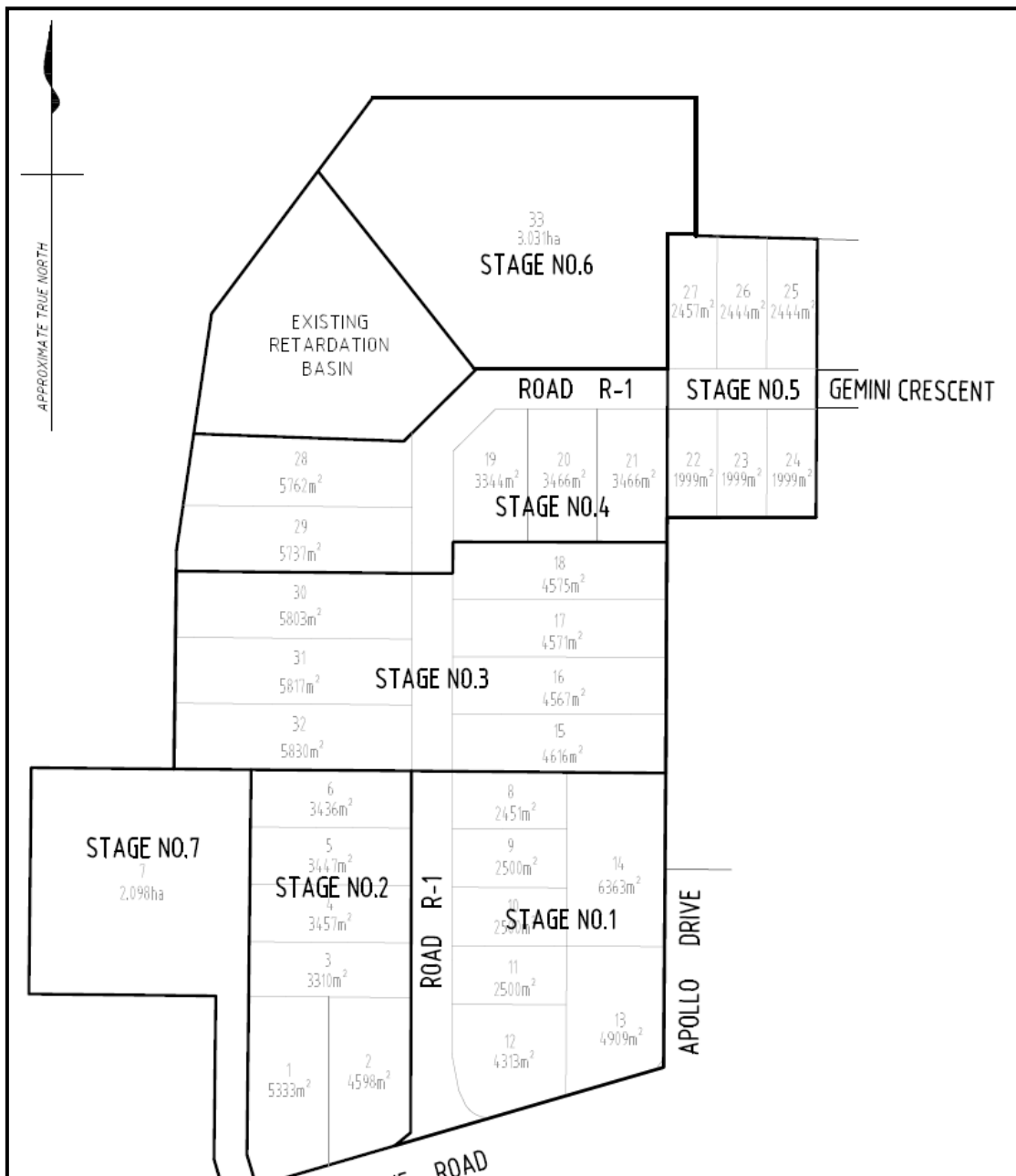
A Planning Permit is required pursuant to the provisions of Clause 33.01-3 of the Planning Scheme for subdivision in the Industrial 1 Zone and clause 44.04-2 for subdivision in the Land Subject to Inundation Overlay.

A Planning Permit is also required pursuant to 52.29 of the Planning Scheme for an alteration to an access to a Road Zone Category 1 and for a subdivision adjacent to a Road Zone Category 1.

It should be noted that the land within the General Residential Zone is part of a super lot (shown as stage 7), it is noted that the application does not include any subdivision of the land within the General Residential Zone. The notification of the application included the General Residential Zone as a trigger, however as none of the land within the General Residential Zone is being subdivided this is now not considered pertinent.

It is noted that the land denoted in stage 6 is an area to be set aside for the extension of the existing retardation basin (Ivanhoe Basin). The developers will be required to extend the basin to cater for the proposed subdivision. In addition to this the Councils Infrastructure Department wish to extend the basin area to cater for the entire catchment which the basin services. This has been the subject of detailed discussion and at this stage the final outcome has not been agreed upon. Therefore the area shown in stage 6 of the development will be set aside to allow Council Engineers and the applicants to discuss the final basin size after a the Notice of Decision is issued.

The proposal would have the following layout



## Summary of Key Issues

The application comprises of a stage multi lot subdivision (33 lots)

The application was referred to the CFA, GBCMA, GVW, APA, Powercor and Vic Roads and no objections were received.

The application was notified to the EPA and GMW and no objections were received.

The application was referred to the Councils Development Engineers and no objections were received, however the ongoing discussions regarding the basin is noted.

The application was notified to surrounding properties and by a sign on site. The Planning Department received one objection, this will be discussed later in the report.

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## Recommendation

### Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. **2014-66** 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 **33.01-3, 44.04-2, 52.02 52.29** of the Greater Shepparton Planning Scheme in respect of the land known and described as **37-65 New Dookie Road, Lot B PS401086 and 15 Gemini Crescent SHEPPARTON VIC 3630**, for a **Multi Lot Industrial Subdivision in the Industrial 1 Zone, subdivision adjacent to a Road Zone Category 1, alteration to access to a Road Zone Category 1 and the removal of easements (known as E-1 and E-2 on Plan TP834260J) and variation of easement (known as E-3 on Plan PS401086)** in accordance with the Notice of Decision and the endorsed plans.

### Moved by Colin Kalms

### Seconded by Johann Rajaratnam

That Council having caused notice of Planning Application No. **2014-66** 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 **33.01-3, 44.04-2, 52.02 52.29** of the Greater Shepparton Planning Scheme in respect of the land known and described as **37-65 New Dookie Road, Lot B PS401086 and 15 Gemini Crescent SHEPPARTON VIC 3630**, for a **Multi Lot Industrial Subdivision in the Industrial 1 Zone, subdivision adjacent to a Road Zone Category 1, alteration to access to a Road Zone Category 1 and the removal of easements (known as E-1 and E-2 on Plan TP834260J) and variation of easement (known as E-3 on Plan PS401086)** in accordance with the Notice of Decision and the endorsed plans

**CARRIED**

## Subject Site & Locality

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

Date: **4/4/14**      Time: **10.12** am

The site has a total area of approximately **7.6 hectares** and currently contains:

- The subject land is currently vacant.

The main site/locality characteristics are:

- The subject land is within an area which is mixed use in character, to the south and east is characterised by industrial development, while to the north and west residential development is predominant.

The Photos below show the existing site:





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## Permit/Site History

The history of the site includes:

- 2001-330  
Planning permit granted for a 23 lot subdivision.

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## Further Information

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

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

What date was the further information received?: **24/4/15**

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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 **45 Lot subdivision in the Industrial 1 Zone and General Residential Zone creation of easement**, by:

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

The application was exempt from notification in the Land Subject to inundation.

## Objections

The Council have received 1 objection to date. The key issues that were raised in the objection are.

- increased noise at unspecified hours (there already is with the other businesses)
- decreased privacy.
- a decrease in the value of the objectors dwelling
- increased traffic in the area that is already excessively busy and in peak times becomes an absolute bottle neck to get anywhere.

In response to these concerns it is considered that the proposal

- The proposal is for the subdivision of the land only, a planning permit would be required for buildings and works for the separate industrial developments. This would ensure that noise and other concerns can be addressed when the type of industry is known for each block.
- The proposed layout includes a 6 metre wide landscape buffer along the entire eastern boundary of the land, this would be in addition to any other measures required at planning permit application stage (eg boundary fences etc.) It is considered that this would ensure that privacy is maintained.
- The decrease in property is not a valid planning consideration. In this regard it is considered that the amenity of the area would not be unduly affected by the proposed subdivision.
- A Traffic Impact Assessment has been undertaken which demonstrates that the proposal would not have a detrimental impact on the traffic environment of the area. In addition to this, Vic Roads have considered that, subject to appropriate road layout measures the proposal would not have a detrimental impact on the traffic environment in the area. It is noted that the Draft Notice of Decision includes conditions which would ensure that the proposal would not have a detrimental impact on the traffic in the area.

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## Title Details

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

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## Consultation

Planning Officers have spoken to the objector (by phone 9/9/15), the objector outlined that they are opposed to the application and would not be prepared to withdraw their objection.



## Referrals

External Referrals/Notices Required by the Planning Scheme:

Section 55 -Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Response
CFA	66.01	Determining	<p>Before the development starts, amended plans to the satisfaction of CFA must be submitted and approved by CFA and the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:</p> <ul style="list-style-type: none"> <li>• Operable hydrants, above or below ground. Hydrants must be shown with a</li> <li>• maximum distance between a hydrant and the rear of a building envelope (or in</li> <li>• the absence of the building envelope, the rear of a lot) of 90m and hydrants must</li> <li>• be no more than 120m apart.</li> <li>• Constructed roads with a minimum trafficable width of 7.3m.</li> <li>• Constructed roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over curbs if they are provided.) T or Y heads of dimensions specified by the CFA may be used as alternatives.</li> </ul> <p><b>2. Hydrants</b></p> <p>2.2. Operable hydrants, above or below ground must be provided to the satisfaction of CFA.</p> <p>2.3. The maximum distance between these hydrants and the rear of all building envelopes (or in the</p>

<p>GBCMA Goulburn Valley Water</p>	<p>44.04-4 66.01</p>	<p>Recommending Determining</p>	<p>absence of the building envelope, the rear of all lots) must be 90m and hydrants must be no more than 120m apart.</p> <p>2.4. Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (<a href="http://www.cfa.vic.gov.au">www.cfa.vic.gov.au</a>)</p> <p><b>3. Roads</b></p> <p>3.1 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> <p>3.2. 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.</p> <p>No objection, no conditions</p> <p>(a) Payment of a new customer contribution for water supply to the development, such amount being determined by the Corporation at the time of payment;</p> <p>(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</p>
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			<p><i>the satisfaction of the Goulburn Valley Region Water Corporation;</i></p> <p>(c) <i>Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation</i></p> <p>(d) <i>Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment;</i></p> <p>(e) <i>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;</i></p> <p>(f) <i>Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;</i></p> <p>(g) <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</i></p>
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			<p>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>
APA	66.01	Determining	<p>(h) 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	66.01	Determining	<p>No objection, no conditions</p> <ol style="list-style-type: none"> <li>1. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.</li> <li>2. The applicant shall:-             <ul style="list-style-type: none"> <li>• Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirement and standards, including the extension, augmentation or re-arrangement of any such 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.</li> <li>• Where buildings or other installations exist on the land to be subdivided and are connected to the</li> </ul> </li> </ol>

			<p><i>electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victoria Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.</i></p> <ul style="list-style-type: none"> <li>• <i>Any buildings must comply with the clearances required by the Electrical Safety (Installations) Regulations.</i></li> <li>• <i>Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.</i></li> <li>• <i>Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electrical substation (other than a pole mounted type) is required to service the subdivision.</i></li> </ul> <p><i>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.</i></p> <ul style="list-style-type: none"> <li>• <i>Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor</i></li> </ul>
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VicRoads	52.29	Determining	<p><i>Australia Ltd electric lines on the land and for any new powerlines 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(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.</i></p> <ul style="list-style-type: none"> <li>• <i>Obtain for the use of Powercor Australia Ltd any easement external to the subdivision required to service the lots.</i></li> <li>• <i>Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.</i></li> <li>• <i>Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.</i></li> <li>• <i>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.</i></li> </ul> <p>1. <i>Prior to Certification, amended plans must be submitted</i></p>
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			<p>to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans contained in the TTM Traffic Impact Assessment Report (dated 31st July, 2015) and annotated as but modified to show:</p> <ul style="list-style-type: none"> <li>a) Updated Line marking plan</li> <li>b) Upgrade the access to Lot 7 to include:       <ul style="list-style-type: none"> <li>i. Truck Access (SD2065)</li> </ul> </li> <li>c. Create the access to the internal access road to include:       <ul style="list-style-type: none"> <li>i. Splitter island</li> <li>ii. Left Turn Treatment</li> <li>iii. Right Turn treatment</li> </ul> </li> <li>d) Upgrade the Apollo Drive intersection to include:       <ul style="list-style-type: none"> <li>i. Splitter island</li> <li>ii. Left Turn Treatment</li> <li>iii. Right Turn treatment</li> </ul> </li> </ul> <p>2. Prior to the issue of Statement of Compliance the following roadworks on New Dookie Road must be completed at no cost to and to the satisfaction of the Roads Corporation:</p>
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			<ul style="list-style-type: none"> <li>a. Updated Line marking plan</li> <li>b. Upgrade the access to Lot 7 to include:                             <ul style="list-style-type: none"> <li>i. Truck Access (SD2065)</li> </ul> </li> <li>c. Create the access to the internal access road to include:                             <ul style="list-style-type: none"> <li>i. Splitter island</li> <li>ii. Left Turn Treatment</li> <li>iii. Right Turn treatment</li> </ul> </li> <li>d. Upgrade the Apollo Drive intersection to include:                             <ul style="list-style-type: none"> <li>i. Splitter island</li> <li>ii. Left Turn Treatment</li> <li>iii. Right Turn treatment</li> </ul> </li> </ul>
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Referrals/Notice	Advice/Response/Conditions
EPA	EPA
GMW	<p>No response within the prescribed period, consent is deemed.</p> <ol style="list-style-type: none"> <li>1. Council shall take responsibility for all drainage from the subdivision. The development area is to be added to the Council's Special Charge for drainage. The developer is required to obtain a letter from Council confirming their agreement to this, prior to the Issue of Statement of Compliance.</li> <li>2. The developer and Council will need to accord with the following requirements of GMW's policy on 'Acceptance of Urban and Industrial Water into Goulburn-Murray Water Drains':                             <ul style="list-style-type: none"> <li>a) GMW will only permit rainfall runoff to enter its drain. No other water or discharge is permitted, including sullage (grey water), sewage or water containing hydrocarbons or non-approved detergents.</li> <li>b) Flows from the development are to be first directed into the existing Ivanhoe Estate Retardation Basin.</li> <li>c) The maximum allowable discharge rate from the Ivanhoe Estate Retardation Basin into the Shepparton Drain 3 is to be capped to a rate of 1.2L/s/ha.</li> </ul> </li> <li>3. Trees must not be planted on GMW reserve/easement. Trees must be planted at least 1m from the boundary fence or 5m from the outside toe of any bank. The following trees must not be planted within 50m of GMW channels or drains: all varieties of Willow; all varieties of Poplar; and Swamp She-oak (<i>Casuarina glauca</i>).</li> <li>4. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.</li> <li>5. No stormwater is to be discharged directly to any GMW irrigation drains.</li> <li>6. All stormwater is to be discharged into council's retardation basin.</li> <li>7. All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary</li> </ol>



	<p><i>Environmental Protection Measures for Subdivision Construction Sites”, September 2004.</i></p> <ol style="list-style-type: none"><li>8. <i>The plan of subdivision must show building exclusion zones to prevent future buildings from being located within 30 metres of GMW’s Shepparton Drain 3 (measured from the inside top edge of the bank)</i></li><li>9. <i>. Prior to issue of Statement of Compliance, the owner / developer is required to construct a 2 metre high chain mesh fence on the boundary of the subject property adjacent to GMW Shepparton Drain 3. The fence must be constructed to the satisfaction of GMW.</i></li></ol>
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## Assessment

### The zoning of the land

Industrial 1 Zone

The purpose of the Industrial 1 Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

A Planning Permit is required pursuant to the provisions of Clause 33.01-3 for a subdivision in the Industrial 1 Zone.

The following decision guidelines are set out:

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Any natural or cultural values on or near the land.*
- *Streetscape character.*
- *Landscape treatment.*
- *Interface with non-industrial areas.*

It is considered that the proposal would comply in the following ways:

- The proposal would comprise of an appropriately designed industrial subdivision in the Industrial 1 Zone;
- The proposal would be appropriately screened from adjoining residential developments to the north and west and it is considered that the proposal would not have an impact on the amenity of the area.
- There are no natural or cultural values on or near the land.
- The area can be described as having a mixed character with land to the east and west along New Dookie Road and land to the northeast (Apollo Drive) being industrial in character and land to the north west being residential in character. The proposal would have a character commensurate with the industrial nature of the lands fronting New Dookie Road and Apollo Drive. Further to this it is considered that the proposal would be appropriately screened from the residential development to the west and north.
- The proposal includes an appropriate landscape buffer to the west and north west of the land (5 metre wide landscape buffer), it is considered that this would be an

appropriate landscaping treatment and would provide an appropriate transition between the industrial area and the residential area.

In light of the above, it is considered that the proposal would comply with the provisions of the Industrial 1 Zone.

### **Relevant overlay provisions**

Land Subject to Inundation Overlay.

The purpose of the Land Subject to Inundation Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *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.*

A Planning Permit is required pursuant to the provisions of Clause 44.04-4 of the Planning Scheme for a subdivision in the Land Subject to Inundation.

The application was referred to the Goulburn Broken Catchment Management Authority, who stated:

*Having regards to the above, the Goulburn Broken CMA raises no objection to the proposed subdivision as submitted.*

In light of the response of the Goulburn Broken Catchment Management Authority, it is considered that the proposal would comply with the provisions of the Land Subject to Inundation Overlay.

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

11.01-1 A diversified economy

The objective of Clause 11.10-1 of the Planning Scheme is:

*To develop a more diverse regional economy while managing and enhancing key regional economic assets.*

The following strategies are set out:

- *Plan for a more diverse and sustainable regional economy by supporting existing economic activity and encouraging appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.*
- *Support tourism activities, including nature-based tourism, that take advantage of environmental and cultural heritage assets and the rural environment without compromising their future.*
- *Support opportunities for nature-based tourism throughout the region, including those arising from the restoration of the Winton Wetlands and other wetlands of national and regional value such as the Barmah Forest and the lower Ovens River.*
- *Support large commercial tourism uses in urban locations or rural areas of lower agricultural value and away from areas identified as strategic agricultural land.*
- *Facilitate rural tourism activities that support agricultural enterprises such as cellar door and farm gate sales and accommodation in appropriate locations.*
- *Avoid encroachment from rural residential settlement and other land uses that are non complementary to agriculture in areas identified as strategic agricultural land and direct proposals for settlement to existing centres and townships.*
- *Support agricultural production through the protection and enhancement of infrastructure and strategic resources such as water and agricultural land, including areas of strategic agricultural land.*
- *Support clustering of intensive rural industries and agricultural production to take advantage of locational opportunities, including access to key infrastructure such as transport, power, water, information and communications technology, and separation from sensitive land uses.*
- *Create renewable energy hubs that support co-location of industries to maximise resource use efficiency and minimise waste generation.*
- *Plan for rural areas by considering the location of earth resources, the potential for their future extraction and how to minimise impacts on sensitive uses and the environment.*
- *Support the availability of construction materials locally and consider measures to facilitate and manage their extraction.*
- *Maintain and develop buffers around mining and quarrying activities to manage potential land use conflicts.*

The proposal would comply in the following ways:

- The proposal would comply with the objective of Clause 11.10-1 of the Planning Scheme by providing an industrial subdivision in an industrial area of Shepparton, which would allow for the sustainable use of land within the developed area of the area of the municipality.

#### 11.10-3 Planning for growth

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

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

The following strategies are set out:

- *Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta and Wodonga, and in Benalla.*

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

The proposal would comply in the following ways:

- The proposal would facilitate the employment growth of Shepparton and would support improved access to employment within Shepparton.

It is considered that the proposal would comply with the provisions of Clause 11.10-3 of the Planning Scheme.

## 17.02 Industry

### 17.02-1 Industrial Land Development

The purpose of Clause 17.02-1 of the Planning Scheme is:

*To ensure availability of land for industry.*

The following strategies are set out:

- *Identify land for industrial development in urban growth areas where:*
  - *Good access for employees, freight and road transport is available.*
  - *Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.*
- *Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.*
- *Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.*
- *Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability.*
- *Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.*
- *Avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas.*

The proposal would comply in the following ways:

- The proposal comprises of an industrial subdivision within an industrial area and would facilitate the expansion of industrial development.

### 17.02-2 Design of Industrial Development

The purpose of Clause 17.02-2 of the Planning Scheme is:

*To facilitate the sustainable development and operation of industry and research and development activity.*

The following strategies are set out:

- *Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.*
- *Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.*
- *Minimise inter-industry conflict and encourage like industries to locate within the same area.*
- *Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.*
- *Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.*

The proposal would comply in the following ways:

The proposal comprises of an industrial subdivision within a predominantly industrial area, applications for buildings and works will be required for any development on any of the lots, any industrial activities which would require set backs would be assessed at planning permit application stage.

#### 21.06-4 Manufacturing and Freight

The following objectives are set out:

- *To sustain a growing and diverse industrial base.*
- *To protect the existing industrial base in the urban areas of Shepparton, Mooroopna and Tatura*

The following strategies are set out:

- *Consolidate existing major industrial zones within the new urban growth boundaries.*
- *Identify industrial areas in logical areas adjacent to major transport routes, and separated from areas of environmental significance or high residential amenity.*
- *Support the expansion of the industrial base in appropriate locations, such as land to the north of Wanganui Road, bounded by the proposed Goulburn Valley Highway Bypass; and land north of Gemini Crescent as shown on the Industrial Framework Plan; and land in Lemnos.*
- *Promote and develop the Goulburn Valley Freight Logistic Centre (inland port).*
- *Protect existing industries and facilitate their expansion.*
- *Support new industries in established industrial zones, with access to infrastructure and constructed roads.*
- *Support food related industries and value adding opportunities.*
- *Encourage new value adding industries to locate in existing serviced industrial areas.*
- *Protect the supply of future industrial land from encroachment of non industrial uses.*

- *Allow limited light industry in the townships if it relates to local agricultural production and subject to servicing and environmental constraints.*
- *Encourage industrial developments that incorporate high quality architectural design elements, create visual interest and incorporate landscaping and/or urban art.*
- *Ensure that land within 10 metres of the frontage of an industrial site (other than land required for car parking and access) is developed for landscaping.*

The proposal would comply in the following ways:

- The proposal would ensure the consolidation of industrial uses within an established industrial area of the city.
- The proposal would support new industries with would have an access to all services including an appropriate road infrastructure.
- The proposal would ensure that industrial land would not be protected from the encroachment of any other land uses.

In light of the above, it is considered that the proposed subdivision would comply with the provisions of Clause 21.06-4 of the Planning Scheme.

#### **Relevant Particular Provisions**

##### **52.01 Public Open Space Contribution**

The applicants have stated that a contribution on the land has already been made. The applicants will be required to demonstrate this or comply with Condition 12 of the Draft NOD which requires payment in lieu of open space.

##### **52.02 Easements, reserves and restrictions.**

The purpose of Clause 52.02 of the Planning Scheme is:

*To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered*

The application includes a new drainage easement shown as E-7, the exact dimensions are being discussed between the developers and the development engineers.

The other easements being removed:

- E-1 (western side of Lot 1 TP834260J) This is a carriageway easement which is proposed to become a public carriageway easement as part of this application.
- E-2 on TP834260J and is redundant and can be removed.
- E-3 on PS401086 is a carriageway, drainage and power easement which does not contain assets and is required to be adjusted approximately 6m to the east to align with the proposed layout.

All of these easements are redundant and are able to be removed for this reason.

## 52.29 Land adjacent to a Road Zone, Category 1

The purpose of Clause 52.29 of the Planning Scheme is:

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

The application includes the alteration to New Dookie Road, which is a Road Zone Category 1.

The application was referred to Vic Roads.

Vic Roads responded with no objection to the proposal, subject to compliance with conditions which will be attached to the permit.

It is considered that, subject to compliance with the conditions attached to the notice of decision that the proposal would comply with the provisions of Clause 52.29 of the Planning Scheme.

### **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.

### **65.02 Approval of an application to subdivide land**

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

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage electricity and gas.*

- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sillage within the boundaries of each lot.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

The proposal would comply in the following ways:

- The land is predominantly within the Industrial 1 Zone (a small portion of the land to the west of the land holding is within the General Residential Zone) and is suitable for an industrial subdivision as proposed.
- The land to east and south (on the opposite side of New Dookie Road) are within the Industrial 1 Zone ,while the land to the north and north west is within residential zonings. All of the surrounding lands are developed and it is unlikely that land within the area could be developed for industrial development.
- The proposal has been designed in
- The proposal provides for appropriately designed and dimensioned blocks to provide for industrial development.
- The proposed road network connects appropriately to the existing network to the south of the site (New Dookie Road) and to the east / North east (Apollo Drive).
- The movement of pedestrians and vehicular traffic can be appropriately accommodated within the proposed subdivision.
- The applicants will be required to pay a contribution in lieu of the provision of open space within the subdivision.
- It is proposed that the subdivision would be developed in 7 stages generally following the land from north to south (i.e. stage 1 and 2 would be to the south of the land, with stage 3 in the centre of the land, stages 4-6 to the north of land and stage 7 to the west of the land).
- The layout of the subdivision would not increase the risk of the spread of fire.
- There is no body corporate proposed.
- The land is fully reticulated.
- The land does not contain any native vegetation.
- A standard drainage condition is attached to the draft Notice of Decision which allows for an appropriate drainage design that will meet Council requirements and not impact on other properties with common drainage.

In light of the above it is considered that the proposal would comply with the provisions of Clause 65.02 of the Planning Scheme.

**Relevant incorporated or reference documents**

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

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

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

**Relevant Planning Scheme amendments**

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

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

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



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

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

**The Aboriginal Heritage Act 2006**

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

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

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

The land is not within an area identified as having Aboriginal Cultural Heritage Significance.

**Charter of Human Rights and Responsibilities**

The application was appropriately notified and it is considered that the Charter of Human Rights and Responsibilities has been appropriately considered.

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**Conclusion**

The proposed subdivision is considered appropriate and it is recommended that a Notice of Decision to Grant a Planning Permit should issue.

## Draft Notice Of Decision

**APPLICATION NO:** 2014-66

**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:** 37-65 NEW DOOKIE ROAD, LOT B PS401086 AND 15 GEMINI CRESCENT SHEPPARTON VIC 3630

**WHAT THE PERMIT WILL ALLOW:** MULTI LOT INDUSTRIAL SUBDIVISION IN THE INDUSTRIAL 1 ZONE, SUBDIVISION ADJACENT TO A ROAD ZONE CATEGORY 1, ALTERATION TO ACCESS TO A ROAD ZONE CATEGORY 1 AND THE REMOVAL OF EASEMENTS (KNOWN AS E-1 AND E-2 ON PLAN TP834260J) AND VARIATION OF EASEMENT (KNOWN AS E-3 ON PLAN PS401086)

### **WHAT WILL THE CONDITIONS OF THE PERMIT BE?**

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**1. Amended Plans Required**

Prior to certification of the first stage of the 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 (Onleys Version 15C titled Proposed Plan of Subdivision) with the application but modified to show:

- a) Amended site layout to show the basin extension area shown in stage 6 to be relabelled as potential Council reserve
- b) Deletion of note on plan relating to stage sequencing
- c) A 6m wide landscape buffer

**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. 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) All internal roads must be in accordance with IDM SD625 (Industrial):
- b) concrete footpaths on one side all roads including New Dookie Road
- c) pavement, sealing, line marking, drainage, kerb and channel across the lands frontage to New Dookie Road
- d) water sensitive urban design features within the retardation basin
- e) underground drains
- f) site grading from the rear to the frontage. Full details are to be provided if retaining walls are required at the rear of the lots,
- g) services and street lights including lighting of intersections
- h) traffic management measures
- i) vehicle crossing to each lot
- j) underground power supply including the undergrounding of any existing overhead lines on the land

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

#### Supervision Fees

Before the issue of statement of compliance for each stage the owner must make a payment comprising 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

Before the issue of statement of compliance for each stage 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.

### **4. Drainage Discharge Plan**

Prior to certification of the plan of subdivision of each stage, a drainage plan with computations prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies must be provided. The plans must be in accordance with Council's Infrastructure Design Manual and include:

- how the land will be drained;
- underground pipe drains conveying stormwater to the legal point of discharge;
- plans of any required upsize of the existing basin to accommodate the proposed development;
- for each stage of the development, the plan must show any required basin upsizing and the required land area to accommodate the basin upsizing must be vested to Council.

If the upsizing is undertaken within the existing Council reserve, an equivalent

- area of the permit holders land must be vested to Council;
- for each stage of the development, the plan must show any required pump station upsizing
- computations including total energy line and hydraulic grade line for the proposed drainage;
- water sensitive urban design methods to be incorporated into the redevelopment of the existing and extended basin;
- documentation including plans demonstrating how drainage will be designed so neighbouring properties are not adversely affected by the development, including overland water flow to and from neighbouring properties including details on fencing if changes in levels result in overlooking and/or the construction of retaining walls. The supplied documentation must consider both 10% and 1% probability storm events

Before the statement of compliance for each stage all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority.

**5. Drainage Basin Implementation**

Before the issue of statement of compliance for each stage the basin and pump station must be upsized/upgraded and land vested to Council in accordance with the endorsed drainage plan all at the developers cost.

**6. Intersection Treatment**

Prior to certification of the plan of subdivision for stage 1, plans must be submitted and endorsed by the responsible authority to show a right and left turn movement and associated street lighting from New Dookie Road.

Before statement of compliance of stage 1 is issued a right and left turn movement is to be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

**7. Landscape Plan**

Prior to certification of the plan of subdivision for stage one, 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:

- The provision of a six metre planted screen along the entire length of the western boundary of the land.
- A street tree master plan for the land including retention of the existing London Plain Trees on New Dookie Road
- All trees planted as part of the landscape works must be a minimum height of 1.2 metres at the time of planting, and be staked and guarded to the satisfaction of the Responsible Authority.

Before the issue of statement of compliance for each stage, unless otherwise agreed in writing by the responsible authority, landscaping must be undertaken in accordance with the endorsed landscape plans.

**8. Prior to Commencement of Construction**

Before the commencement of any road/drainage works associated with the subdivision, the following items must be satisfied;

- a) certification of the Plan of Subdivision;
- b) approval of the construction plans;
- c) Contractors working within the New Dookie Road Reserve are required to be VicRoads approved and an on-site meeting be undertaken with officers of the responsible authority, the contractor and the owner and / or owner's consultant to discuss, amongst other things, roadside and traffic management, construction techniques, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction must have taken place. Traffic Management Plans for New Dookie Road will require the approval of VicRoads

**9. Construction Phase**

- Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority.
- 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.

**10. Construction of Works**

Before the Statement of Compliance for each stage 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) fully sealed pavement with kerb and channel including upgrading to New Dookie Road;
- b) street trees;
- c) underground conduits for water, gas, electricity and telephone;
- d) intersection and traffic control/mitigation measures;
- e) street lighting and signage;
- f) footpaths;
- g) high stability permanent survey marks;
- h) street name plates;
- i) the existing basin and pump station must be sized to meet the requirements of the new development

to the satisfaction of the responsible authority.

**11. Provision of Services Underground**

Before statement of compliance for each stage all services including telecommunications, reticulated water, sewerage and electricity infrastructure shall be under grounded to the satisfaction of the responsible authority. Where possible all services are to be provided within common trenches.

**12. Payment in Lieu of Open Space**

Before the statement of compliance is issued for each stage under the *Subdivision Act 1988*, the applicant or owner must pay to the responsible authority a sum equivalent to 5 per cent of the site value of all land in the subdivision.

The owner must advise the 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.

**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. Subdivision Development**

Prior to the issue of a Statement of Compliance for each stage by the Responsible Authority, the Subdivider must undertake or cause to be provided in accordance with the requirements in the Infrastructure Design Manual and to the satisfaction of the responsible authority the following:

- c) Copy of Form 13;
- d) issue of a Final Completion Certificate by Council's Engineering Section, for the acceptance of street construction, site grading, etc;
- e) street name plates or payment in this respect;
- f) permanent survey/bench marks;
- g) reticulated water supply, sewerage and electricity to each lot, in conjunction with the relevant authorities;
- h) electrical power and lighting by underground cables in all Streets that do not command a high voltage supply or steel or concrete poles for public street lighting, where underground electrical cables are provided;
- i) fire plugs in accordance with the Country Fire Authority Act, at the subdivider's expense;
- j) an assets statement for each street.
- k) full set of 'as constructed' digitised construction plans for roads and drainage (*PDF, DSPEC and Autocad format*);
- l) a digitised plan of subdivision (*PDF*) showing:
  - i. all bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements (as applicable);
  - ii. other information relevant to the land such as dams, wells, filled land, land subject to inundation, etc.
- m) a certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments.

**15. VicRoads Requirements**

1. Prior to Certification, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans contained in the TTM Traffic Impact Assessment Report (dated 31st July, 2015) and annotated as but modified to show:

- a. Updated Line marking plan
  - b. Upgrade the access to Lot 7 to include:
    - i. Truck Access (SD2065)
  - c. Create the access to the internal access road to include:
    - i. Splitter island
    - ii. Left Turn Treatment
    - iii. Right Turn treatment
  - d. Upgrade the Apollo Drive intersection to include:
    - i. Splitter island
    - ii. Left Turn Treatment
    - iii. Right Turn treatment
2. Prior to the issue of Statement of Compliance the following roadworks on New Dookie Road must be completed at no cost to and to the satisfaction of the Roads Corporation:
- a. Updated Line marking plan
  - b. Upgrade the access to Lot 7 to include:
    - i. Truck Access (SD2065)
  - c. Create the access to the internal access road to include:
    - i. Splitter island
    - ii. Left Turn Treatment
    - iii. Right Turn treatment
  - d. Upgrade the Apollo Drive intersection to include:
    - i. Splitter island
    - ii. Left Turn Treatment
    - iii. Right Turn treatment

**16. Powercor Requirements**

- a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with section 8 of that Act.
- b) The applicant shall:
  - c) 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).
  - d) Any buildings must comply with the clearances required by the Electricity Safety (Network Assets) Regulations.
  - e) Any construction work must comply with the Officer of the Chief Electrical Inspector "No Go Zone" rules.
  - f) Set aside on the plan of subdivision for the use of Powercor Australia Ltd Reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision. Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and accessways 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 a caveat prior to the registration of the plan of subdivision.

- g) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for line located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- h) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- i) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.
- j) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- k) 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.

## **17. Country Fire Authority Requirements**

### **Amended plans required**

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

- Operable hydrants, above or below ground. Hydrants must be shown with a maximum distance between a hydrant and the rear of a building envelope (or in the absence of the building envelope, the rear of a lot) of 90m and hydrants must be no more than 120m apart.
- Constructed roads with a minimum trafficable width of 7.3m.
- Constructed roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over curbs if they are provided.) T or Y heads of dimensions specified by the CFA may be used as alternatives.

### **2. Hydrants**

Operable hydrants, above or below ground must be provided to the satisfaction of CFA.

The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 90m and hydrants must be no more than 120m apart.

Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))



### **3. Roads**

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width

The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

## **18. Goulburn Valley Region Water Corporation Requirements**

- a) Payment of a new customer contribution for water supply to the development, such amount being determined by the Corporation at the time of payment;
- b) Provision of 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) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation;
- d) Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- e) 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;
- f) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;
- g) 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;
- h) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.

## **19. Goulburn Murray Water Requirements**

- a) Council shall take responsibility for all drainage from the subdivision. The development area is to be added to the Council's Special Charge for drainage. The developer is required to obtain a letter from Council confirming their agreement to this, prior to the Issue of Statement of Compliance.
- b) The developer and Council will need to accord with the following requirements of GMW's policy on 'Acceptance of Urban and Industrial Water into Goulburn-Murray Water Drains:
- c) GMW will only permit rainfall runoff to enter its drain. No other water or discharge is permitted, including sullage (grey water), sewage or water

containing hydrocarbons or non-approved detergents.

- d) Flows from the development are to be first directed into the existing Ivanhoe Estate Retardation Basin.
- e) The maximum allowable discharge rate from the Ivanhoe Estate Retardation Basin into the Shepparton Drain 3 is to be capped to a rate of 1.2L/s/ha.
- f) Trees must not be planted on GMW reserve/easement. Trees must be planted at least 1m from the boundary fence or 5m from the outside toe of any bank. The following trees must not be planted within 50m of GMW channels or drains: all varieties of Willow; all varieties of Poplar; and Swamp She-oak (*Casuarina glauca*).
- g) Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.
- h) No stormwater is to be discharged directly to any GMW irrigation drains.
- i) All stormwater is to be discharged into council's retardation basin.
- j) J) 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.
- k) The plan of subdivision must show building exclusion zones to prevent future buildings from being located within 30 metres of GMW's Shepparton Drain 3 (measured from the inside top edge of the bank).
- l) Prior to issue of Statement of Compliance, the owner / developer is required to construct a 2 metre high chain mesh fence on the boundary of the subject property adjacent to GMW Shepparton Drain 3. The fence must be constructed to the satisfaction of GMW.

## **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 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.

**21. 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 **seven (7)** years of the date of certification.