

CONFIRMED MINUTES

**FOR THE
GREATER SHEPPARTON CITY COUNCIL**

DEVELOPMENT HEARINGS PANEL

Meeting No. 2/2015

**HELD ON
WEDNESDAY 21 JANUARY 2015
AT 10.02AM**

**IN THE COUNCIL BOARDROOM
90 WELSFORD STREET**

**CHAIR
Councillor Dinny Adem**

1. ACKNOWLEDGEMENT

“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

The Chairperson advised the hearing that:

- the proceeding is being minuted but not recorded.
- 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

Councillor Dinny Adem (Chair), Robert Frame – Acting Director Sustainable Development , Braydon Aitken – Team Leader Statutory Planning and Michael MacDonagh – Principal Strategic Planner.

4. OFFICERS PRESENT

Tim Watson – Senior Statutory Planner.

5. APOLOGIES

Johann Rajaratnam, Colin Kalms, Ian Boyle and Jonathan Griffin.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved by Robert Frame, and seconded by Michael MacDonagh that the minutes of the meeting held on 7 January 2015 be adopted.

Carried

7. DECLARATIONS OF CONFLICTS OF INTEREST

None

8. MATTERS FOR CONSIDERATION

One item listed for consideration. Planning application no. 2014-183, for the proposed eight (8) lot staged subdivision in the Low density Residential Zone at 431 Dhurringile Road, Tatura.

9. LATE REPORTS

None.

10. NEXT MEETING

18 February 2015.

I N D E X

<u>Application No.</u>	<u>Subject Address:</u>	<u>Proposal:</u>	<u>Page No.</u>
2014-183	431 Dhurringile Road, Tatura	8 Lot Staged Subdivision in the Low Density Residential Zone	3

Application Details:

Responsible Officer:	Tim Watson
Application Number:	2014-183
Applicants Name:	R M Mallon
Date Application Received:	10 July 2014
Statutory Days:	99
Land/Address:	431 Dhurringile Road TATURA VIC 3616
Zoning and Overlays:	Low Density Residential Zone No overlays
Why is a permit required (include Permit Triggers):	32.03-3 – subdivision in the Low Density Residential Zone
Are there any Restrictive Covenants on the title?	Yes

Executive Summary

The application for a planning permit proposes an eight lot staged subdivision in the Low Density Residential Zone. The application was amended under Section 57A (after notice) to reduce the number of allotments from nine to eight and to amend the plans to show the proposed access along the southern boundary as opposed to the northern boundary.

The amendment was made as a result of four objections received, two of which have been withdrawn relating to the access way along their rear boundary. The amended application was re-advertised with an additional objection received from the abutting lands to the south.

The objection to the amended application related to the removal of native vegetation, the location of the access way and the issue of the land not being provided with sewer services.

In total five objections were received, subsequently two objections were withdrawn leaving three objections to the application that were unable to be resolved.

The purpose of the zone is for low density residential development. The proposed subdivision will allow for the creation of multiple allotments on the edge of the Tatura township where larger allotments are supported to allow for alternate residential opportunities. The proposed development is considered acceptable for the zone with all of the allotments meeting the minimum allotment size.

It is therefore recommended that the application for a planning permit issue.

Summary of Key Issues

- The application for a planning permit proposes an eight lot staged subdivision in the Low Density Residential Zone.
- The initial application was advertised and received four objections, with the main point of concern being the location of the internal access way.
- The application was amended under section 57A to relocate internal access way from the northern boundary to the southern boundary. This amended application was

advertised and received one additional objection, bringing the total number of objections to five.

- The objection received as part of the amended notice related to the removal of native vegetation, the location of the revised access way and the requirement that the land be serviced by reticulated sewerage.
- The applicant has agreed after discussions that should a permit grant a condition be included requiring the development being connected to reticulated sewerage.
- Two of the five objections have been withdrawn; the remaining objections are concerned about the type of fencing to be provided so as to prevent domestic pets moving between properties.
- A condition will be included on the permit to require the erection of a ring lock type fence to discourage domestic pets from moving outside of property boundaries.
- The land is within an area of cultural heritage sensitivity and the proposed subdivision is a high impact activity. The application is accompanied by a letter of cultural heritage advice from Australian Cultural Heritage Management (ACHM). ACHM concludes within their advice that the land has been subject to significant ground disturbance and therefore *'the proponent of the development is not required by the regulations to prepare a CHMP'*.

Recommendation

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2014-183 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 32.03-3 of the Greater Shepparton Planning Scheme in respect of the land known and described as 431 Dhurringile Road TATURA VIC 3616, for the 8 lot staged subdivision in the Low Density Residential Zone in accordance with the Notice of Decision.

Moved by Braydon Aitken

Seconded by Robert Frame

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. 2014-183 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* and having considered the objections to the application, decides to Grant a Notice of Decision to Grant a Permit under the provisions of 32.03-3 of the Greater Shepparton Planning Scheme in respect of the land known and described as 431 Dhurringile Road TATURA VIC 3616, for the 8 lot staged subdivision in the Low Density Residential Zone in accordance with the amended Notice of Decision.

Amendments to the Notice of Decision are as follows:

Condition 7. Rural Vehicle Crossing Location

Before the Statement of Compliance for each stage the relevant vehicle crossings providing access to the land must be constructed at a location and of dimensions and standard to the satisfaction of the responsible authority. Vehicle crossing(s) must be constructed at the owner's expense.

The vehicle crossing for (Lot 1) & (Lots 2-8 Common area) must be no less than 4.9 metres in width 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.

Condition 8. General Provision of Services

Before the issue of Statement of Compliance for each stage unless otherwise agreed to in writing with the responsible authority, reticulated sewerage must be connected to each lot to the satisfaction of the responsible authority.

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

CARRIED

Subject Site & Locality

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

Date: 11/7/14

The site has a total area of 4.047 hectares and currently contains:

- An existing dwelling and sheds located on the road frontage to Dhurringile Road.
- The remainder of the land remains vacant and is used for light grazing.
- A single line of trees is located in approximately the middle of the land, which are planted along the existing fence line.

The main site/locality characteristics are:

- The land to the north and west forms part of the Tatura Township and is zoned Low Density Residential, with the densities similar to that of the proposed land.
- The land to the south and east is zoned Farming and used accordingly, with the use appearing to be grazing.

The Photos below show the existing site:







Permit/Site History

The history of the site includes:

- Planning permit application 2014-86 was lapsed as further information was not received

Further Information

Was further information requested for this application? No

Public Notification

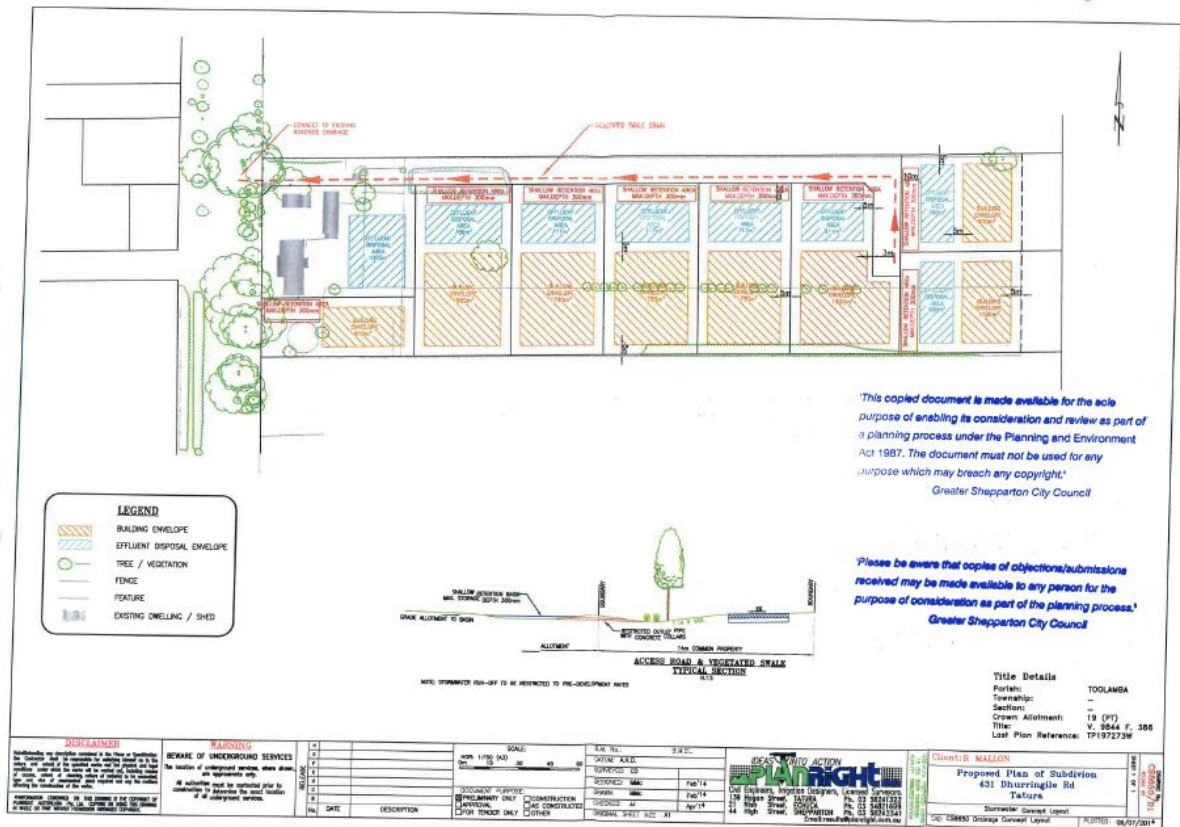
The first public notice

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* on 16 July 2014 with the following description a nine lot subdivision in the Low Density Residential Zone, by:

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

Four objections were lodged in response to the first public notice.

The first public notice plan advertised is below.



The second public notice

The amended application was re-advertised pursuant to Section 52 of the *Planning and Environment Act 1987* with the following description an 8 lot staged subdivision in the Low Density Residential Zone, by:

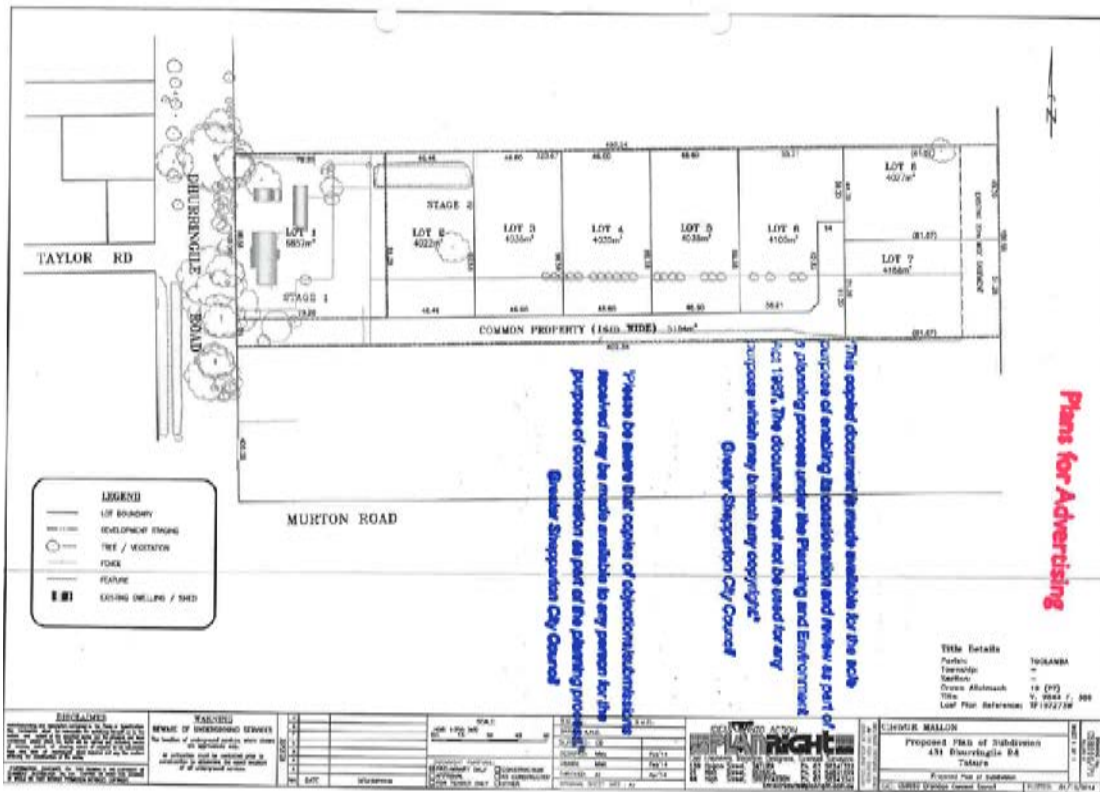
- Sending notices to the owners and occupiers of adjoining land as shown on the plan below.
- Placing a sign on site.

One additional objection was lodged bringing the total number of objections to five.

The second public notice included the following changes to the application:

- Reduction in number of lots from nine to eight
- Relocation of internal vehicle access from the northern boundary of the land to the southern boundary
- Staging of the subdivision. The first stage is a two lot subdivision to create a lot for the existing dwelling and a balance development lot.

The plan attached to the public notice is below.



Objections

The Council has received five objections to date, two which have been withdrawn.

Ground of objection	Officer's Response
Removal of native vegetation	The applicant in their response to the objection, has outlined that no native vegetation is to be removed
Fencing	A condition will be included on the permit requiring a level of fencing so as to prevent domestic pets exiting property boundaries.
Access Ways	The applicant amended their application so as to locate the main access way on the southern boundary. Furthermore a condition will be included on the permit requiring a colourbond fence along a section of the southern boundary.
Services	The applicant will be required to appropriately service the land including sewer to the satisfaction of the relevant

	authorities requirements.
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Title Details

The title contains a restrictive covenant. The application does not breach the restrictive covenant for the following reasons:

- The covenant prevents the undertaking of businesses or trades which are likely to cause adverse impacts, the covenant also prevents the slaughtering of animals.
- The proposed subdivision will not result in any detrimental trades operating from the land, with the zone restricting any lots created to primarily residential purposes.

Consultation

Consultation was undertaken. Relevant aspects of consultation, included:

- Discussions with the applicant and objector's in which a number of the concerns raised were addressed as identified in the officer's response to objections above.

Referrals

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Advice/Response/Conditions
Goulburn Valley Regional Water	66.01	Determining	The authority does not object to the issue of a permit subject to the following conditions: 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) 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; c) Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment; d) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.
Powercor	66.01	Determining	The authority does not object to the issue of a permit subject to the following conditions: 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 <ul style="list-style-type: none"> • Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the

			<p>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).</p> <ul style="list-style-type: none"> • Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity supply Industry. You shall arrange compliance through a Registered Electrical Contractor. • Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations. • Any construction works must comply with Energy Safe Victoria's "No Go Zone" rules. • Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendment which have been required.
APA	66.01	Determining	The authority does not object to the issue of a permit, nor does it wish for any conditions to be included should a permit grant.

Notice to Authorities

External Notice to Authorities:

Section 52 - Notice Authority	Advice/Response/Conditions
Goulburn Murray Water	<p>a) Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.</p> <p>b) Any plan of subdivision submitted for approval must show a 10 metre in width easement in favour of GMW along the length of the irrigation pipe 1/4/5 which traverses the property.</p> <p>c) No buildings or structures are to be constructed over the easement covering the irrigation supply pipe 1/4/5.</p> <p>d) Drainage from the subdivision must be directed to a legal point of discharge to the satisfaction of the Responsible Authority.</p>

Internal Notice:

Internal Council Notices	Advice/Response/Conditions
Development Engineers	<p>The application was referred to the Council's Development Engineers, who do not object to the issue of a permit, subject to the following conditions:</p> <p><u>Drainage Discharge Plan</u></p> <p>Before the certification of the Plan of Subdivision, a drainage plan with computations prepared by a suitably qualified person or organisation, to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and submitted in an electronic format. The plans must be in accordance with council's Infrastructure Design Manual and include:</p> <ul style="list-style-type: none"> a) how the land will be drained; b) underground pipe drains conveying stormwater to the legal point of discharge; c) measures to enhance stormwater discharge quality from the site and protect downstream waterways; d) maximum discharge rate shall not be more than (37) lit/sec/ha with (9) litres of

	<p>storage for every square meter of Lot area, in accordance with Infrastructure Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority).;</p> <p>e) Incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the Responsible Authority; and</p> <p>f) Provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal; to the satisfaction of the Responsible Authority.</p> <p>Before the statement of compliance is issued all drainage works required by the drainage plan must be completed to the satisfaction of the responsible authority.</p> <p><u>Urban Drainage - Works</u></p> <p>Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.</p> <p><u>Rural Vehicle Crossing Location</u></p> <p>Before the Statement of Compliance the vehicle crossings providing access to the land must be constructed at a location and of dimensions and standard to the satisfaction of the responsible authority. Vehicle crossing(s) must be constructed at the owner's expense.</p> <p>The vehicle crossing for (Lot 1) & (Lots 2-8 Common area) 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.</p> <p><u>Construction of Works</u></p> <p>Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must construct and complete road works, drainage and other civil works, in accordance with endorsed plans and specifications approved by the Responsible Authority and in accordance with the Infrastructure Design Manual. Road works, drainage and other civil works to be constructed must include:-</p> <p>a) drainage works shown on the endorsed Drainage Discharge Plan(s) have been constructed to the satisfaction of the responsible authority;</p> <p>b) stormwater treatment measures have been constructed or as otherwise agreed to in writing by the Responsible Authority; and</p> <p>c) vehicular access to all lots must have been constructed to Councils' IDM standard drawing SD255.</p> <p><u>Section 173 Agreement (if required)</u></p> <p><i>If the owner does not wish to construct the drainage retention as required in the endorsed Drainage Discharge Plan prior to the issue of a Statement of Compliance, the owner must then enter into an agreement with the responsible authority, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered on the title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide that:</i></p> <p>a) <i>Prior to the occupation of any development on lots (2-8), the drainage shall be constructed in accordance with the endorsed Drainage Discharge Plan forming part of Planning Permit 2014-183 to the satisfaction of the Responsible Authority.</i></p> <p><i>The said agreement is to be prepared by the Council. The Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.</i></p> <p><u>Works within Road Reserves Permit Required</u></p> <p>A Works within Road Reserves permit must be obtained from the Responsible Authority prior to carrying out of any vehicle crossing works.</p>
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Health Department	<p>The application was referred to the Council's Health Department, who provided the following response:</p> <p>Council's health department consent to the permit based on a condition on the planning permit that all allotments are provided with a connection to the reticulated sewerage system, in accordance with Goulburn Valley Water's specifications.</p> <p>If sewer connection is not provided, then Council's Health Department cannot consent to the permit until further information is provided. The applicant is to arrange for a suitably qualified person to carry out a Land Capability Assessment (LCA) in accordance with the Environment Protection Authority publication 746.1 of March 2003.</p> <p>Note:</p> <p>The investigation and report must be carried out and compiled by a suitably qualified person as described in point 1.8.3 – Land capability assessors – of the EPA publication No 891.3 February 2013.</p>
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Assessment

The zoning of the land

Low Density Residential Zone 32.03

The purpose of the 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 low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Subdivision 32.03-3

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each allotment where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

Decision Guidelines 32.03-6

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

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

Response

The purpose of the zone is for low density residential development. The proposed subdivision will allow for the creation of multiple allotments on the edge of the Tatura township where larger allotments are supported to allow for alternate residential opportunities. The proposed development is considered acceptable for the zone with all of the allotments meeting the minimum allotment size.

The State and Local Planning Policy are addressed under other sections of this report.

The applicant is not proposing to remove any native vegetation.

All proposed allotments exceed 4000sqm thus any future removal of native vegetation will require planning permission.

The applicant has agreed to provide the site with sewer as per the requirement of the Council's Health Department. All other services will be provided as per the requirement of the appropriate authorities.

Clause 56.07-1 to 56.07-4

	Standard	Officer's response
Drinking Water Supply Objective 56.07-1	<p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> • Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. 	Drinking water will be required to be provided as per the service authority's requirements (GV Water)
Reused and recycled water objective 56.07-2	<p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. • Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	Conditions to be included on permit, should one issue, requiring that the applicant comply with the service authority requirements.
Waste water management objective 56.07-3	<p>Waste water systems must be:</p> <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. • Consistent with any relevant approved domestic waste water management plan. 	Sewage facilities to be provided to each allotment as per the requirements of the Council's Health Department and consent from the applicant and GV Water.
Urban run-off management objectives 56.07-4	<p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> • Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. • Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. • Design to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. • Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows 	Drainage plans to submitted to Council as a requirement of the permit, which will need to show Water Sensitive Urban Design Measures.

	are approved by the relevant drainage authority and there are no detrimental downstream impacts.	
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Relevant overlay provisions

The subject land is not affected by any Planning Overlays.

The State Planning Policy Framework (SPPF)

Supply of Urban Land 11.02-1

Planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas and the neighbourhood character.

Housing 16

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure. New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.

Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Housing Diversity 16.01-4

To provide for a range of housing types to meet increasing diverse needs and to ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.

Encourage the development of well-designed medium-density housing which:

- Respects the neighbourhood character.
- Improves housing choice.
- Makes better use of existing infrastructure

Response

The proposed eight lot subdivision will provide for additional housing opportunities in Tatura on land zoned appropriately for the proposed allotment sizes. The existing character of the locality will be respected with the size of allotments ensuring that a semi-rural character is maintained for the locality.

Drainage requirements of the development are to be addressed through conditions.

Stormwater 19.03-3

To reduce the impact of stormwater on bays and catchments and support integrated planning of stormwater quality through a mix of on-site measures and developer contributions.

Response

Water Sensitive Urban Design Principles will be addressed through either on site treatment or an agreed contribution to be paid to Council should a permit grant to provide end of pipe treatment.

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

Urban Consolidation and growth 21.04-1

It is expected that the urban areas of Shepparton and Mooroopna along with the four Major growth areas will accommodate the majority of new residential development, with remaining growth distributed throughout Tatura, Murchison, Merrigum, Dookie, Congupna, Katandra West, Tallygaroopna, Toolamba and Undera.

Relevant Objectives include:

- To encourage a variety of housing types, particularly in terms of tenure and price, to contribute to housing diversity and affordability.
- To ensure that small township expansion occurs without impacting on the long-term growth potential or urban centres or productive agricultural land.
- To ensure any small township expansion.

Response

The proposed subdivision will create additional allotments within the Low Density Residential Zone from a large allotment. The lots to be created are all in accordance with the minimum lot sizes for the zone and are not considered at variance with the locality with it envisaged that lots would be further developed through the Low Density Zoning.

Relevant Particular Provisions

Public Open Space Contribution and Subdivision 52.01

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

The schedule sets the rate at 3% for Low Density Residential and a condition will be included on the permit to reflect this.

The decision guidelines of Clause 65

65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also

consider, as appropriate:

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

Response

The land flood free and is with the LDRZ that allows subdivision of land. Dhurringile Road is a well-made road that is capable of accommodating the additional traffic from the development.

The land is on the edge of Tatura and abuts land within the Farming Zone. Residential development does create potential conflict with agricultural uses; this conflict is being managed through the use of conditions particularly in relation to fencing.

The proposed development is being serviced by sewerage and conditions will require preparation of detailed drainage plans to ensure off site drainage impacts do not result as a consequence of the development.

Access to the proposed lots is by a common property road with a width of 14 metres. Conditions will require that the common property road within close proximity to Dhurringile Road be sealed with concrete to prevent gravel being pulled onto Dhurringile Road. Conditions will also set out that the common property over time not becomes a Council asset.

To provide for bin collection, conditions will require the construction of a bin pad collection area on Dhurringile Road which will remove the need for Council's garbage truck to enter the common property road.

The proposed development does not provide any public open space, however a permit condition will require a public open space contribution under 52.01.

The subdivision is over two stages, the first stage being a two lot subdivision to create a house lot and developable lot. The second stage includes the development of the new lots and common property access way.

Relevant incorporated or reference documents

Infrastructure Design Manual

Other relevant adopted State policies or strategies policies

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

Relevant Planning Scheme amendments

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

Are there any significant social & economic effects?

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

Discuss any other relevant Acts that relate to the application?

Subdivision Act 1988

Conclusion

The purpose of the zone is for low density residential development. The proposed subdivision will allow for the creation of multiple allotments on the edge of the Tatura township where larger allotments are supported to allow for alternate residential opportunities. The proposed development is considered acceptable for the zone with all of the allotments meeting the minimum allotment size. Given that the application achieves an acceptable planning outcome, it is recommended that the application for planning permit issue.

Draft Notice Of Decision

APPLICATION NO: 2014-183

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: 431 DHURRINGILE ROAD TATURA VIC 3616

WHAT THE PERMIT WILL ALLOW: A STAGED EIGHT (8) LOT SUBDIVISION IN THE
LOW DENSITY RESIDENTIAL ZONE

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. Layout Not Altered

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

2. Plans Required

Before certification of the plan of subdivision for stage 1, 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 to show:

- a) The provision of a 1.8 metre high colour bond fence on the southern boundary of the land for a distance of 66 metres or otherwise agreed to by the responsible authority;
- b) The provision of ring lock fencing on all other boundaries to the satisfaction of the responsible authority;
- c) The location of a bin pad to be constructed of concrete on Dhurringile Road for lots 1 – 8;
- d) The location of vehicle crossovers;
- e) Vehicle turning movements for a CFA truck in the common property area adjacent to lots 7 and 8;
- f) The removal of effluent disposal envelopes and building envelopes from the proposed plan of subdivision

3. Soil Assessment

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

development.

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

4. Section 173 Agreement

Before the issue of a Statement of Compliance of stage 2, the owner must enter into an agreement with the responsible authority, pursuant to Section 173 of the *Planning and Environment Act 1987*. This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide that:

- a) The owners and responsible authority acknowledge that the common property road is at all times to remain private and that:
 - They are not to be or become dedicated for public use; and
 - They are not to be or become vested in the Greater Shepparton City Council (the "council") or under the care and management of the Council.
- b) Garbage shall only be collected from Dhurringile road, and will not be collected from the common property servicing lots 2-8.

Goulburn Murray Water

- a) No buildings or structures are to be constructed over the easement covering the irrigation supply pipe 1/4/5.

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

5. Drainage Discharge Plan

Before the certification of the Plan of Subdivision for stage one, a drainage plan with computations prepared by a suitably qualified person or organisation, to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and submitted in an electronic format. The plans must be in accordance with Council's Infrastructure Design Manual and include:

- a) how the land will be drained;
- b) underground pipe drains conveying stormwater to the legal point of discharge;
- c) measures to enhance stormwater discharge quality from the site and protect downstream waterways;
- d) maximum discharge rate shall not be more than **(37)** lit/sec/ha with **(9)** litres of storage for every square meter of Lot area, in accordance with Infrastructure

Design Manual Clause 19 Table 13 (or as agreed in writing by the responsible authority).;

- e) Incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the Responsible Authority; and
- f) Provision of an electronic copy of the MUSIC model (or equivalent) demonstrating the achievement of the required reduction of pollutant removal; to the satisfaction of the Responsible Authority.

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

6. Detailed Construction Plans

Before the commencement of road /drainage works associated with the subdivision, 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 be drawn to scale with dimensions and three copies must be provided. The plans must detail:

- a) The internal access way (common property);
- b) The sealing of vehicle crossings providing access to the land;
- c) The sealing of the common property access way servicing lot 2-8 with concrete for a length of 20 metres in an eastward direction from the edge of Dhurringile Road.

Before Statement of Compliance is issued all road and drainage works must be constructed in accordance with the endorsed plans.

7. Rural Vehicle Crossing Location

Before the Statement of Compliance the vehicle crossings providing access to the land must be constructed at a location and of dimensions and standard to the satisfaction of the responsible authority. Vehicle crossing(s) must be constructed at the owner's expense.

The vehicle crossing for (Lot 1) & (Lots 2-8 Common area) must be no less than 4.9 metres in width 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.

8. General Provision of Services

Before the issue of Statement of Compliance for each stage, reticulated sewerage must be connected to each lot to the satisfaction of the responsible authority.

Before the issue of Statement of Compliance for each stage, all reticulated services including telecommunications infrastructure shall be undergrounded. Where possible

all services are to be provided within common trenches.

9. Payment in Lieu of Open Space

Before the statement of compliance is issued for stage 1 under the *Subdivision Act 1988*, the owner must pay to the responsible authority a sum equivalent to three 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.

10. Construction of Works

Before the Statement of Compliance is issued under the *Subdivision Act 1988* for Stage 1, the owner must construct and complete road works including:

- a) vehicular access to all lots must have been constructed to Councils' IDM standard drawing SD255.

Before the Statement of Compliance is issued under the *Subdivision Act 1988* for Stage 2, the owner must construct and complete road works including:

- a) the construction of the colourbond fence on the southern boundary in accordance with the endorsed plans;
- b) the ring lock fencing on the boundary fences in accordance with the endorsed plans;
- c) the construction of the bin pad on Dhurringile Road in accordance with the endorsed plans;
- d) drainage works shown on the endorsed Drainage Discharge Plan(s) have been constructed to the satisfaction of the responsible authority;
- e) stormwater treatment measures have been constructed or as otherwise agreed to in writing by the Responsible Authority;
- f) Construction of common property road as shown on the endorsed plans
- g) Connection of all lots to sewerage to the satisfaction of Goulburn Valley Water

11. Form 13

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

12. Goulburn Murray Water Requirements

- a) Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.
- b) Any plan of subdivision submitted for approval must show a 10 metre wide easement in favour of GMW along the length of the irrigation pipe 1/4/5 which traverses the property.
- c) No buildings or structures are to be constructed over the easement covering the irrigation supply pipe 1/4/5.
- d) Drainage from the subdivision must be directed to a legal point of discharge to the satisfaction of the Responsible Authority.

13. 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) 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;
- c) Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment;
- d) 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*.

14. 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
 - 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).
 - Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
 - Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
 - Any construction works must comply with Energy Safe Victoria's "No Go Zone" rules.
 - Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendment which have been required.

15. Standard Referral Authority Requirements

- a) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- b) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- c) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of

that Act.

16. 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.

17. Time for Starting and Completing a Subdivision

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

- a) the subdivision is not started (certification of stage 1) within **two (2)** years of the date of this permit;
- b) the subdivision is not completed (statement of compliance of stage 2) within **five (5)** years of the date of certification.

Meeting closed at 10.19 AM